Here Mr. DUPRÉ took the chair.

Mr. WATKINS. Mr. Speaker, my conception of the scope that eulogies should take is that they should set forth with accuracy the characteristics of the person who is being eulogized.

It had been my intention this morning, on account of my long personal friendship and association in this House with Gen. ESTOPINAL, to make a few remarks.

I have listened with close attention and with great interest to these eloquent eulogies which have been pronounced in his memory, and just at this time I can not recall any incident in his private life or in his public career, of which I have knowledge, but has already been referred to. Therefore, I do not see that there is anything which I can add to the eulogies which have been pronounced. It is possible that later on I may think of something that I would like to insert in the RECORD. There are some, Mr. Speaker, who are absent to-day, who would like the same privilege. Therefore, I ask unanimous consent that all the Members who desire to do so may extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent to extend his remarks in the RECORD, and asks like permission for other Members. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore (Mr. WATKINS). The resolution which has already been adopted provides an adjournment at the end of the pronouncement of the eulogies for to-day. If there is no other Member to ask recognition, in conformity with the resolution the House will stand adjourned.

ADJOURNMENT.

Thereupon, in conformity with the resolution previously agreed to, the House (at 1 o'clock and 35 minutes p. m.) adjourned until Monday, March 1, 1920, at 12 o'clock noon.

SENATE.

MONDAY, *March 1, 1920.*

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

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.:

Almighty God, our sense of need moves us to prayer. It is not danger or want of power, but a fear that we may come short of Thy law. Through all the vain conflict of human interests there runs the golden thread of a divine purpose. Victory through love is the only achievement worthy of the sons of God. Teach us to overcome evil with good. May we not fear to trust ourselves and our Nation to the divine program. Greater is he that ruleth his own spirit than he that taketh a city. So may we be the true heroes in the world's strife through the glorious victory of self-mastery. For Jesus' sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Friday, February 27, 1920, was dispensed with and the Journal was approved.

THE FIUME QUESTION.

Mr. BRANDEGEE. I ask unanimous consent that there may be printed in the RECORD an article by Frank H. Simonds, published in yesterday's New York Tribune, on the Fiume question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York Tribune, Feb. 29, 1920.]

ARGUMENTS FOR AND AGAINST ITALY'S CLAIMS TO FIUME—JUGO-SLAVS, UNDER THE DOCTRINE OF SELF-DETERMINATION, HAVE RIGHT TO THE PORT—THE TREATY OF 1915 WITH FRANCE AND GREAT BRITAIN CONTAINED THIS CONCESSION.

(By Frank H. Simonds.)

"The peculiar value of the Fiume episode at the present hour lies in the extent to which it serves to shed light upon the character of the great American adventure in Europe. Examining this incident in all of its various phases, one may see how difficult and how complicated is the task which President Wilson undertook at Paris, the task of imposing American ideas upon Europe.

"To begin at the beginning, Fiume is a purely Italian town, situated in a wholly Slavonic region, surrounded on three sides by Slav populations, which, in fact, constitute a considerable minority within its limits. On the fourth side is the sea. Historically, Fiume has only the remotest association with Italy, having been for centuries connected with Austria or with Hungary, and in recent times a Crown possession of the Hungarian Kingdom.

NATURAL SLAV PORT.

"Commercially and economically it is the natural port of the vast Slav and Magyar regions which constitute its immediate and remoter hinterland, and it is one of the two ports by which all the districts which were included within the Hapsburg empire must communicate with the outside world. The other port, Trieste, is already in Italian hands. Even in the case of Trieste, however, the Slavonic claim is worthy of note, because all the populations surrounding the town are Slav, and Trieste has a large and growing Slovenian minority.

"The Italian claim to Fiume rests upon the fact that within the narrow limits of the town a majority of the people are Italian. Under a strict interpretation of the 14 points self-determination might establish Italian rights. But, on the other hand, the real desire of the Italians is founded upon the wish to dominate the Adriatic coast, to control the two ports of the Slav hinterland, and thus to establish economic and political control of this portion of the world.

"If Fiume were to pass out of Italian hands it would at once become the formidable rival of Trieste, and it is by no means certain that this would not spell the ruin of Trieste, because the Slavs naturally would use Fiume and Trieste would be deprived of its commerce. It would lie within Slav power, since the Jugo-Slavs control the whole hinterland, with its railways, to divert all traffic to Fiume, and Trieste would perish.

"By contrast, if Italy gained control of both of the available ports of Jugo-Slavia, that country would be economically at the mercy of Italy. Nor is the Italian insistence upon the availability of other ports worth discussing. The character of the country, which is mountainous, forbids the construction, save at prohibitive costs, of any alternative railway line. Actually, if the Italians acquire both Fiume and Trieste, they have Jugo-Slav commerce at their mercy.

MR. WILSON'S STAND.

"In this situation President Wilson's opposition to the original proposal that Italy have Fiume is understandable; is, in fact, unassailable, as a question of right and wrong. A country of 11,000,000 people, as large as Italy in area and destined to have a population nearly as large in a future not too distant, can not safely be deprived of a sea gate or placed in economic subjection to the Italians. Moreover, if the population of Fiume, less than 30,000, contains a majority of Italians, very large areas with a purely Slav population have been assigned to Italy on grounds which could be cited to warrant Jugo-Slav claims to Fiume.

"Unfortunately the naked question of right or wrong has little to do with the larger aspects of the question. In 1915, when Great Britain and France needed Italian aid, they made a secret treaty with the Italian Government by which they promised Italy the Austrian territory in the Trentine and Tyrolese districts, as far north as the Brenner Pass, Trieste, and the Istrian Peninsula, the northern half of Dalmatia, and certain other things in Albania and Asia Minor.

"All this was done long before the 14 points were even born. Italy accepted the promise, entered the war, and performed her part of the bargain. She therefore feels entitled to claim her reward, and, looked at purely as a contractual obligation, neither France nor Britain has the smallest warrant to decline to carry out the agreement of 1915.

OTHER ITALIAN DEMANDS.

"But when the matter was raised at Paris, President Wilson firmly opposed the performance by Britain and France of their contract. His opposition was based upon the solid foundation that this meant placing many hundreds of thousands of Slavs under Latin rule, depriving them of their own nationality, and also depriving the Slavs of the hinterland of access to the sea. A more flagrant break with the 14 points was not conceivable.

"Meantime the Italians on their side had formulated other demands. In their agreement with the British and the French they had left Jugo-Slav claims to Fiume unquestioned. But this concession had aroused protest in certain Italian quarters, and for reasons of domestic politics it became necessary for the ministry of the hour to advance claims to Fiume also. These claims were based upon the 14 points upon the right of self-determination. In Paris, therefore, the Italians claimed Istria and Dalmatia, on the Slav hinterland of Trieste, on the basis of the Anglo-French bargain, the treaty of London of 1915. But they claimed Fiume on the basis of self-determination.

ITALIAN CLAIMS.

"This opened a way for compromise. France and Great Britain had no wish to oppose President Wilson; they had no private or selfish interest in advancing Italian claims. They were merely bound by a bargain; if they could be released from

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the bargain they would welcome the escape. But if they could not refuse to stand by the treaty of London they could honorably insist that the whole treaty be enforced, and that, while Dalmatia was assigned to Italy, Fiume should be turned over to the Jugo-Slavs.

"To this the Italians at Paris could not consent, because it merely convicted them at home of weakness and insured the fall of the ministry. While this debate was still in progress Mr. Wilson appealed to the Italian people over the head of Orlando, expecting they would see the injustice of their position and compel the ministry to abandon its stand. Instead, the country rallied to these claims and the ministry fell, precisely because it had not made good the demands.

"Italy then withdrew from the peace conference, but presently resumed participation, while the Adriatic solution was postponed. Before it could be settled d'Annunzio, scenting weakness in certain official quarters and receiving encouragement in others, made his descent upon Fiume, seized it, and continues to hold it. He is thus, in theory, a rebel against Italian authority, but the Government does not dare interfere, because the army and navy sympathize with him.

PEACE IN DANGER.

"This Fiume adventure, however, brought the peace of Europe into immediate danger. The Serbs, the Croats, the Slovenes, with strong military forces, were only deterred from actually opposing Italian aggression by military operation by the promise of the great powers that they should have justice, accompanied by warnings that if they resorted to arms they would get nothing.

"Meanwhile the Italians had recourse to many devices. They sought to break up the soldiarity of the Serbs, the Croats, and the Slovenes by intrigue; they endeavored to prevent the union of Montenegro with Serbia, using old King Nicholas as a tool. When the plebiscite in Montenegro on the union was taking place they endeavored to send a regiment to the Montenegrin capital, and were prevented only by the daring intervention of an American naval officer.

"At the same time they made common cause with the Roumanians, who opposed the cession of part of the Banat to the Serbs, a cession ordered by the Paris conference. Italian influence was also exerted to stir up both Bulgar and Hungarian hostility to the Jugo-Slavs—an easy thing, because the Paris conference had assigned both Bulgar and Hungarian lands to the Jugo-Slavs. Thus a situation was created and survives in which a clash between the Jugo-Slavs and the Italians may have as a consequence attacks upon Jugo-Slavia by both the Roumanians and the Bulgarians and a campaign which will set all of the south of Europe in flames again.

CAMPAIGN OF BITTERNESS.

"At the same time Italy pursued a campaign against her old allies, the French and the British, and particularly against the French, because these two nations accepted President Wilson's policy instead of assenting to the Italian claims. Many French soldiers, occupying portions of the Adriatic coast under orders from the Paris conference, were actually murdered, and a press campaign of unparalleled bitterness was carried on against France.

"For Britain, as for America, this Italian bitterness had no real threat, but for France it was quite different. In case of another war with Germany, France would be menaced by an Italian attack along the Alps, and it was only Italian neutrality which saved France in 1914 by enabling the French to concentrate all their troops in the north. It was this detail which totally wrecked German combinations and led directly to the defeat of the first Marne.

"France could afford to stand with Britain and the United States against Italian claims if it were clear that Britain and the United States would stand with France in case of a new German attack. But when the President returned to Washington it became clear that there was no real chance that America would undertake to defend France against German attack, while Britain declined to undertake the task without American cooperation.

"France thus found herself estranged from two Latin States—Italy and Roumania—because of her acceptance of Wilson leadership, but without any commensurate reward in the way of security. Consequently there developed a strong French sentiment in favor of changing sides and standing with the Italians, while both in Britain and in France there was a general demand that there be some settlement of a situation which threatened to be the occasion of a new war and, while unsettled, prevented actual peace in all of southern Europe.

PROPOSAL REJECTED.

"At first a solution satisfactory to President Wilson and to Italy was sought, but the proposal accepted by Mr. Polk for the President was rejected by Italy. Thereafter Mr. Polk left Europe, and the President became ill. In this situation Britain and France, acting without the United States, proposed a settlement which Italy accepted. Then both States served notice upon the Jugo-Slavs that they must accept this or submit to seeing the old treaty of London imposed, which meant the loss of all of Dalmatia.

"The compromise was far more favorable to the Jugo-Slavs than any previous proposal. It gave them all of Dalmatia and most of the islands, with certain restrictions as to Zara, but it placed Fiume under the League of Nations and in addition gave the Italians a strip of Slav coast land, thus enabling them to have access over their own territory to the Fiume district. As a compromise it was not unreasonable, but the main criticism was that Great Britain and France ordered the Jugo-Slavs to accept it or accept the treaty of London as the alternative. But President Wilson had expressly refused to recognize the treaty of London, he had not been consulted as to the compromise, and he was free, if he chose, to follow exactly the course he took, namely, to warn Europe against a compromise in the manufacture of which America was ignored, but in the future results of which Mr. Wilson conceived America would be concerned under its League of Nations duties.

"The result was an international crisis. The British from the outset had no intention of sacrificing American association for Italian demands. The French preferred American to Italian assurance, but had to have one or the other, and were beginning to conclude that only the Italian was obtainable. The Italians were naturally furious and angrily defiant, while the Slavs, reenforced by this powerful American support, naturally ignored the ultimatum.

CHAOTIC SITUATION.

"Thus the situation reverted to chaos. Jugo-Slavia renews demands which can be ignored only in defiance of President Wilson and with the obvious probability that such defiance will lead to the recall by the President of both the treaty of Versailles and the Anglo-French-American treaty. But Britain and France promised Italy certain things under the treaty of London, and recently pledged themselves to abide by the terms of the latest compromise and compel the Jugo-Slavs to accept it. Italy now stands violently insisting that her recent allies make good their solemn promises to her, promises which she has been compelled already to reduce to an almost unrecognizable shape.

"But if Britain and France concede all that the President demands, if they agree to use their force to compel Italy to yield an impossible concession, they have still not the smallest assurance that the United States will accept the treaty of Versailles or the treaty of insurance. Mr. Wilson has the power of the executive branch of the American Government to use against them if he chooses, but he has not power over the legislative. Meantime the Jugo-Slavs are so encouraged by the President that they may resist any new Italian aggression, and such aggression becomes daily more likely.

"Moreover, for the British the situation becomes more acute, for it is clear that the popular sentiment in France is growing more and more favorable to a recognition of the probability that America will not accept European responsibilities and more and more insistent that, as a consequence, Europe must proceed to settle her own questions. This means that the British, French, and Italians must form an out-and-out alliance and thus united enforce their several demands, the French at the Rhine, the Italians along the Adriatic, and all three in Asia Minor. The British have not the smallest desire for a new European alliance. They desire the closest sort of Anglo-American association, an alliance if possible. They will not follow France or Italy in resisting the President, yet they have made promises to both, and their situation will be extremely awkward if, under American pressure, they break their engagements to the Continent, only to find that this sacrifice has not contributed in the least to increasing American willingness to enter European affairs or to make an Anglo-American alliance.

SOLUTION BASED ON FORCE.

"Of course, if Europe were satisfied that America was done with its affairs Europe would seek its own solution for pending questions. The solution would necessarily be based upon force. France, having renounced the occupation of the Rhine barrier in deference to President Wilson's objection and in return for his promised guaranty, would reassert her claims to the barrier security, basing these claims upon the nonfulfillment by America

of the President's pledge. Nor could the British effectively oppose this.

"But in the same order of ideas Italy would retain Fiume and there would be a swift elimination of those portions of the several peace treaties which owe their existence to the President's Paris adventure. The several League of Nations areas would disappear. Danzig would go to the Poles, Fiume to the Italians, the Sarre to France. The lot of the Germans would necessarily become harder and the chances of any economic recovery even more slender.

"British policy still clings to the notion that America and Britain, in association, can not merely preserve the chief elements in the existing settlement, but also bring about a modification of certain of the treaty provisions which seem to insure permanent German ruin. But this policy, which demands great apparent sacrifices from the French and none from the British, can not prevail unless it is supported by America and enforced by American financial power.

CANCELLATION OF LOANS.

"The British conceive that if America is allowed to redraft the terms of the treaty of Versailles in such fashion as to save Germany economically, and the balance of Europe as well, it will agree to vast new loans and not impossibly to the cancellation of $10,000,000,000 of existing loans. They believe this because it falls in with what the President and those associated with him in Paris declared was the real character of American idealism. But they know all such amendments will encounter strenuous continental opposition and recognize that only American power and prestige can put them through.

"Nevertheless, as long as there is the remotest chance of an American return to Europe, Great Britain will not run the smallest risk either of offending the President or of raising an impassable barrier between Britain and the President's opponents in America. The course of Lord Grey demonstrated the latter. The course of Lloyd-George in his reply to President Wilson demonstrated the former. Great Britain wants American association, but is indifferent as to whether it comes through the President or through his political antagonists.

"Inevitably a policy based upon the pursuit of American cooperation involves ever-increasing British estrangement with the French, with the Italians, with the Continent. What is not clear is whether it can in the end lead to any compensatingly closer Anglo-American relations. The difficulty here lies in the paralysis of American machinery. The President can not do anything affirmatively; his opponents will do nothing through the existing medium, namely, the League of Nations, while the protraction of the dispute over this is having for an unmistakable effect an expansion of American sentiment in favor of avoiding all European entanglements, continental and British.

COLONIES DISSATISFIED.

"Nor is it less worthy of note that the British desire to make every concession to America has once more involved the United Kingdom in a dispute with a colony. All through the Paris conference the deference shown by the British delegation to the President aroused the protest of Australia through its prime minister, Hughes, an outspoken critic of the President. Now, Viscount Grey's suggestion to increase the United States voting power in the League of Nations to counterbalance the votes conceded to British colonies has stirred Canadian dissatisfaction.

"Indeed, it is almost impossible to make a census of the number of mix-ups which have followed our first European adventure. Britain and her colonies have disagreed; Britain and France are at loggerheads; so are Britain and Italy. France and Italy have almost come to blows; France and Roumania are mutually resentful. Our insistence upon Serb claims in the Banat has compelled Britain and France to break their word to Roumania; it has led to a Serbo-Roumanian feud. With no real power to resist and without any assurance of aid from us, the Jugo-Slavs are holding out against the demands of Italy, which have been supported until recently by France and Britain. We have refused Greece her aspirations in Thrace and about Koritza; our ultimate decision in Asia Minor, where settlements have also been outlined without regard to us, may precipitate another Fiume crisis. Or the President may reject the proposal to leave the Turk in Constantinople.

"Obviously, if Europe could determine what American policy was to be for the future the situation would be different. But ever since the Paris conference, ever since the President came home, Europe has had to operate on two mutually exclusive assumptions—the assumption that the President's ideas would be adopted by the United States and the assumption that they would be rejected. If President Wilson's ideas were destined to prevail, Europe would reluctantly make the necessary concessions, but they would have to be paid for by American loans and American pledges of military and naval support. But if the President's ideas were destined to fail, then Europe would have to settle its own problems in its own way.

UNITED STATES MONEY NECESSARY?

"To-day, yesterday, to-morrow, as far as it is possible to see, neither course can be followed and chaos persists as a result. In the case of Fiume, it seems to me that the President is dead right on the merits of the case. The Italian demands are preposterous; they quarrel with every consideration of moral right. But the Jugo-Slav case, just as it is, fortified as it is by all regard for principle, is still untenable if there be not force behind it, and that force can come only from the use of American money and perhaps arms.

"The moment the Italians are satisfied that we shall do nothing they will declare their purpose to stay where they are, and then who can put them out? Certainly the French will not even think of it; rather they will feel compelled to assent, because American decision to stay out of Europe reopens for them the old danger of an attack on the Alps and the Rhine. As for the British, they may protest, but they certainly will not go beyond this. What, then, will be the position of the Slavs, resentful but helpless, and threatened henceforth on all sides? Threatened because of American policy in the Banat as well as along the Adriatic.

"But if the situation continues unsettled Italy may be faced with a domestic political crisis. She can not demobilize. Her army is costing her terribly. Her own Government may sink as a result of the two pressures—that coming from the nationalists and that coming from the socialists. The Jugo-Slavs are no better off, while the repercussions are felt all through Europe.

"It will be perceived, then, how little of the real Fiume question is actually comprehended in a discussion of the case of the city itself and how symptomatic it is of the whole European network of problems.

THE PROMISED REWARDS.

"Fundamentally the situation turns upon a fact which has only now begun to be appreciated in the United States. President Wilson believed, when he went to Europe, that he had only to insist upon the 14 points and he would be supported by the mass of the people of all nations. Having thus established peace on this basis, he assumed that it would automatically endure as a 'peace of justice.'

"In Europe he discovered that during the war nations involved had been compelled to make agreements, to promise Japan, Italy, and Roumania certain rewards for participation. Promised these rewards, Japan, Italy, and Roumania had entered the war to the very great profit of France and Britain, who otherwise would have been defeated. These agreements, the famous 'secret treaties,' manifestly conflicted with the 14 points, but neither France nor Britain could safely go back on these agreements if the nations that held their pledges insisted upon performance. In the case of Japan President Wilson agreed in the end to yield, and with informal promises of Shantung evacuation Japan acquired what had been promised her.

"In the case of Italy the President refused to yield, and the Italians insisted upon performance. Britain and France were thus called upon to decide whether their pledge to Italy was a 'scrap of paper' or their decision to follow Mr. Wilson necessarily abolished. For many months, for a whole year, British and French statesmen have been temporizing, seeking to 'keep in' with Wilson while not actually breaking with Italy. Meantime the French have more and more inclined to stand with the Italians and the British with Wilson.

ISSUE UNCHANGED.

"To-day the issue remains unchanged. Italy demands the performance of solemn pledges embodied in the treaty of London, and points to the fact that one of the great issues of the war was the maintenance of the sanctity of international obligations. Britain and France, having tried to arrive at a compromise and having merely aroused the President's indignation, are still faced with the dilemma. The gravity of the problem lies in the fact that even complete acceptance of the President's leadership and the consequent alienation of Italy may not insure American support for the future, while yielding to Italy and estranging the President may lead to the loss of all chance of American assistance or American participation. All of which is another way of saying that Europe, in the hope of enlisting American aid in European reconstruction and peace maintenance, has placed in the President's hands absolute veto power, so far as its own policies are concerned, only to discover that it has not acquired any assurance of American participation. Now, the French and the Italians, like the Roumanians and the Greeks, desire to regain freedom of action and take away the President's power of veto, while Great

Britain still insists upon placating the President, because British statesmen still cling to the idea that America, if not disgusted, will presently come back into European affairs.

"This means, if it means anything, that the Continent, France, Italy, and the smaller States will at no distant time repudiate the President's control of European affairs, while British opposition to such a repudiation will lead to a complete break between Britain and the Continent. Then the question will arise whether the United States will reward the British course by participation in an Anglo-American alliance. If it does, British policy at Paris and since will be vindicated; if it does not, that policy will prove a very costly blunder. But every recent indication from London serves to confirm the Paris impression that the British mean to run every risk in the hope of realizing the Anglo-American alliance."

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. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; insists upon its disagreement to the amendments of the Senate Nos. 17 and 34 to the bill; recedes from its disagreement to the amendment of the Senate No. 22, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the further conference on the part of the House.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. ALBERT ESTOPINAL, late a Representative from the State of Louisiana.

CALLING OF THE ROLL.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Frelinghuysen	Lodge	Ransdell
Ball	Gay	McKellar	Sheppard
Brandegee	Glass	Nelson	Smoot
Capper	Hale	New	Spencer
Chamberlain	Hitchcock	Norris	Sterling
Cummins	Johnson, S. Dak.	Nugent	Sutherland
Curtis	Jones, N. Mex.	Overman	Thomas
Dillingham	Jones, Wash.	Page	Trammell
Edge	Kellogg	Phelan	Wadsworth
Elkins	King	Phipps	Warren
Fernald	Knox	Poindexter	Watson

Mr. CAPPER. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Oregon [Mr. MCNARY], the Senator from New Hampshire [Mr. KEYES], the Senator from Iowa [Mr. KENYON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Mississippi [Mr. HARRISON], the Senator from Maryland [Mr. FRANCE], and the Senator from Oklahoma [Mr. GORE], who are attending a meeting of the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Members.

The Reading Clerk called the names of the absent Senators, and Mr. HARRIS and Mr. PITTMAN answered to their names when called.

Mr. KIRBY, Mr. LENROOT, Mr. SMITH of Georgia, Mr. STANLEY, Mr. HENDERSON, Mr. POMERENE, Mr. BECKHAM, Mr. WALSH of Montana, Mr. SHIELDS, Mr. CULBERSON, Mr. COLT, Mr. BORAH, Mr. FLETCHER, Mr. CALDER, Mr. SHERMAN, Mr. MCLEAN, and Mr. MCCORMICK entered the Chamber and answered to their names.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Arizona [Mr. ASHURST] is absent on account of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from Delaware [Mr. WOLCOTT] are detained on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

SALE OF SHIPS (S. DOC. NO. 242).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d ultimo, a list of the vessels sold, to be sold, and those on which action is pending, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

THE FIUME INCIDENT.

Mr. KNOX. I ask unanimous consent to have printed in the RECORD an editorial published in this morning's Philadelphia North American on the Fiume incident. It shows how sweet it is for brethren to dwell together in peace and harmony.

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

[From the Philadelphia North American, Mar. 1, 1920.]

A COSTLY VICTORY.

"Publication of the correspondence on the Adriatic question shows conclusively that illness has not impaired in any degree President Wilson's powers as a writer and a controversialist. His countrymen should, however, make the most of whatever comfort this circumstance affords, since it is the only aspect of the international situation which gives grounds for such a feeling. As was foreseen, the President has won another diplomatic victory; but, as in many like cases, it has been achieved at the expense of Europe and the United States. Settlement of one of the most dangerous problems arising from the war has been indefinitely deferred; strife-breeding suspicions and rivalries have been intensified without providing a means of allaying them; and, finally, increased hostility toward America has been bred among the allied nations, which are incensed and utterly bewildered to find that a Government which will not cooperate with them asserts a right of veto and dictation.

"The outstanding feature of the correspondence, indeed, is a tone of bitterness such as is seldom discernible in diplomatic communications between friendly nations, not to speak of associates in a common cause. It is a depressing commentary upon the 'new world order,' to which such ostentatious deference is paid, to find that there is more acerbity, a keener spirit of discontent and accusation, in the messages that passed between President Wilson and the allied premiers than ever marked the notes he exchanged with the government of the Kaiser five years ago. There is left hardly a pretense of harmony, and such desire for cooperation as remains is plainly inspired by considerations of expediency or of need rather than of genuine sympathy and confidence. On one side is manifested the anger of offended arrogance; on the other, a disdain for methods regarded as uncouth, with its expression restrained, however, by fear of vengeful reprisals.

"The record to be examined really begins with the joint Anglo-French American memorandum of December 9 proposing an inclusive settlement of the controversies between Italy and Jugo-Slavia, and the plan of January 14, wherein Great Britain, France, and Italy agreed upon modified terms, the compromise not being submitted in advance to the United States. Most Americans are familiar with the outlines of these two documents, which we discussed in detail last week.

"Sharp inquiry as to the procedure having been made from Washington, the British and French premiers explained on January 23 that the second proposal was 'the best available reconciliation of the Italian and Jugo-Slav points of view'; reminding the President that 'he had not heard the arguments and could not interview the principals concerned,' they intimated that he might concede to them a desire to reach the fairest possible decision. To one of Mr. Wilson's temperament such suggestions were intolerable, and he turned immediately from small-arm fire to heavy artillery, laying down a devastating barrage of reproaches, accusations, and ultimatums.

"His note of Februry 10 was unusually effective, not because of any innovations in the attack but because his opponents had supplied him with his most destructive ammunition. In the proposal of December Great Britain and France had joined the United States in explicitly rejecting and reprobating Italian demands which the two former indorsed in the modified plan of January. President Wilson did not fail to turn their own words against them. 'The President,' he wrote, 'can not believe that a settlement containing provisions which have already received the well-merited condemnation of the French and British Governments can be regarded as right,' and thereupon he cited the reversals of judgment.

"While the Allies had protested that only two features of the original plan had been changed, and these to the advantage of Jugo-Slavia, he retorted that it had been 'profoundly altered to the advantage of improper Italian objectives.' Against the granting to Italy of a narrow strip of coast near Fiume he quoted the December memorandum to the effect that this 'appears to run counter to every consideration of geography, economics, and territorial convenience,' and he recalled that 'unjust and inexpedient annexation' forbidden in December was approved in January. He also complained of the discarding of his idea of a 'free State of Fiume,' comprising the city and surrounding territory, and the creation of Fiume as an independent city under the League of Nations, 'with the right

to choose its own diplomatic representatives.' Fiume being Italian, such representatives would be of that race, and Mr. Wilson held that the plan 'paves the way for future annexation.'

"It was not upon facts or arguments, however, that he relied to give force to his demand for cancellation of the January proposal, but upon undisguised coercion. When this feature of his note was made known in Paris 'emphatic denial was made at the White House,' according to an inspired dispatch, and officials characterized this interpretation as 'an absolute falsehood.' Yet the text when published showed that the President had made these deliberate threats:

"The Adriatic issue raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in maintaining the peace of the world. If substantial agreement on what is just and reasonable is not to determine international issues * * * then the time is not yet come when this Government can enter a concert of powers. * * * If it does not appear feasible to secure acceptance of the memorandum of December 9, he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France.

"Stripped of diplomatic cant, President Wilson's decree was that unless his view prevailed he would kill both the peace treaty, with the league covenant, and the special treaty guaranteeing support to France in case of attack. Threatened with such dire consequences, the Allies were compelled to seek conciliation, but they could not wholly conceal their resentment nor deal gently with Mr. Wilson's errors of statement and deduction. They did not find it 'altogether easy to understand' his position and declared that there was 'no foundation for the assumption' that they had adopted the Italian view. The 'free State of Fiume,' his great contribution to the settlement, was an idea rejected by both Italy and Jugo-Slavia. Furthermore, the Allies' plan, while transferring 50,000 Jugo-Slavs to Italian sovereignty, restored 200,000 of them to their own fatherland, while Mr. Wilson's map drawing had allotted 400,000 to Italy. Reminding the President that he had withdrawn his representative from the conference and 'could not therefore be in close touch with the changes of opinion and circumstances,' the premiers asked, politely but firmly, 'How does the United States Government propose that this dispute should ever be closed?'

"In studied rebuke they inquired whether Mr. Wilson actually considered that this country 'should withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement'? And they expressed the hope that the United States 'will not wreck the whole machinery for dealing with international disputes because its view is not adopted in this particular case.' They 'could not believe' the American people would 'take a step so far-reaching and terrible on a ground which has the appearance of being so inadequate.'

"They were to be instructed again, of course, that such decisions are made not by the American people but by President Wilson. His second note told them he had 'no choice but to maintain the position he has all along taken.' Otherwise, it was but an extension of his former arguments. He offered, however, one definite concession:

"The President would, of course, make no objection to a settlement mutually agreeable to Italy and Jugo-Slavia regarding their common frontier in the Fiume region, providing that such agreement is not made on the basis of compensations elsewhere at the expense of nationals of a third power.

"In their reply the allied premiers have seized upon this suggestion and have proposed a withdrawal of both the December and January plans, so that the contending nations may try to reach an agreement by negotiation.

"Few Americans will feel competent to adopt offhand judgment upon this complicated problem, but thoughtful students of the correspondence will find in it the most disquieting implications. They will reject, for example, President Wilson's repeated assertion that his Adriatic settlement alone harmonizes with 'the principles for which America entered the war.' By the decision of her people and the explicit terms of her declaration, America entered the war to defeat Germany, to preserve human liberty against the designs of an imperialistic autocracy, to protect American lives from attack and American property from spoliation; she never had the remotest idea of entering the war in order to vitiate a treaty made among the Allies, or to prevent the development of Italy, or to draw boundaries for the Balkan races.

"Despite this fact, the President undertakes to make America responsible for those aims, and to enforce their fulfillment upon Europe by uttering threats in the name of the American people. Reckless of the country's refusal to accept the obligations to which he audaciously pledged it, he still assumes the voice of one whose decrees are law, and menaces friendly nations with a withdrawal of that which he had no power to guarantee. Hardly less provocative is his hardy insistence that he alone strives for 'equity and right,' while all who question his mandates are selfish intriguers. His intellectual arrogance is not even relieved by a saving grace of humor, for he proclaims that 'no Government or group of Governments has the right to dispose of the territory or to determine the political allegiance of any free people,' and then, having delivered a whole Province of China to Japan, he forbids Italy to possess the Italian city of Fiume and decrees its annexation to a Slav State.

"The one serious plea offered by and for President Wilson is that his course is designed to prevent future strife. He can not, he says, 'sacrifice principles to purchase a temporary appearance of calm in the Adriatic at the price of a future world conflagration.' This would be more convincing if there were any evidence that Mr. Wilson's judgment upon matters of peace and war is sound. It took him two years and a half to discover what the struggle in Europe was about, and his ideas of the proper procedure in peacemaking have brought the world to the verge of a new catastrophe. Does this record argue that he has knowledge superior to the statesmen of Europe respecting a problem so complex as that of the Adriatic? Is it perfectly clear that it were better to obstruct every settlement short of absolute justice—which is utterly unattainable—than to seek a reasonable compromise which would satisfy at least the urgent demand for peace?

"But the most serious aspect of the affair is that, even if the President's course were miraculously designed to solve the Adriatic difficulty, its larger effects would disastrously outweigh that assumed achievement. For he has not only immeasurably strengthened the enmity between Italy and Jugo-Slavia, whatever the ultimate settlement may be, but he has embittered the Italian people against the United States and has destroyed the sense of confidence and cooperation between the Allies and America which was the one hope of making an enduring peace in the world."

WHEAT POOL.

Mr. FERNALD. I ask to have read an article in the Washington Post this morning, on page 11, entitled "Find big wheat pool."

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. FERNALD. As soon as the article has been read I wish to make a few comments upon it.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Reading Clerk read as follows:

FIND BIG WHEAT POOL—UNITED STATES JURY CHARGES GRAIN OFFICIALS PROFITED BY MANIPULATION—OWN 85 PER CENT, IT IS SAID—REPORT SAYS GOVERNMENT CONTROLLERS CAUSED RISE IN PRICE FROM $2.22 TO $3.30 FOR HARD WHEAT—A. M. HOUSER "REAL PARTY IN INTEREST," IT IS SAID.

"SPOKANE, WASH., *February 29.*

"The Federal grand jury has made a report, in which it expresses belief that the credit of the United States Government has been used by wheat speculators to carry the great bulk of the 1919 wheat crop. It states that it is within the power of the Government to reduce the price of flour whenever it chooses and begs such relief.

"The names of high officials of the United States Grain Corporation, organized by the Government to protect its citizens, are mentioned in the report. It follows:

"'When the Government appropriated $1,000,000,000 to buy the 1919 wheat crop, wheat receipts became as good as Government bonds. Banks were glad to loan money in any quantity to purchase wheat, for the money paid the farmers was immediately redeposited in the banks.

'HELD 85 PER CENT, IT IS CHARGED.

"'The minimum price of wheat was fixed in the Northwest at $2.20 for soft wheat and $2.22 for hard wheat, coast points, and the prices paid the farmers were these sums less freight to coast points, averaging about 13 cents per bushel, and certain other charges which amounted to from 4 to 6 cents per bushel. In some cases a small premium was paid for hard wheat.

"'The majority of the mills in the Northwest are owned by a half dozen concerns, and each in turn has a grain company, which is officered and operated by the men who own the milling concerns.

"'From a great mass of testimony presented before the grand jury we believe that 85 per cent of the 1919 wheat crop of this State, estimated at 42,000,000 bushels, went into the hands of these half dozen grain companies and was purchased prior to October 15, before any material advance in price.

'BANKS HONEYCOMBED WITH RECEIPTS.

"'The banks of this State are honeycombed with warehouse receipts; Spokane banks at one time were carrying $9,000,000 worth of warehouse receipts, and it is not unusual to find that a small country bank has loaned $1,000,000 on wheat receipts.

"'Having bought practically all of the wheat in the States of Oregon and Washington, these grain companies have been able to advance the price by sales to each other and through manipulations of the grain market centered at Indianapolis and by other methods.

"'Although the greater part of the wheat was purchased around $2.07, the grain companies are selling the wheat to their own milling concerns at the prevailing market price, which at present is from $3 to $3.30 per bushel for hard wheat. Their own mills are asserting the rights to manufacture flour on the basis of the price paid for the wheat—a price which is the result of their own acts of manipulation.

"'The by-products of flour, bran and shorts, are a necessary food for dairy cattle, and the prices now demanded by these by-products mean destruction of the dairy industry.

"'Under regulations existing in 1918 millers were prohibited from making more than 50 cents a ton on mill feeds, and a "fair" price on carload lots was fixed by the United States Food Administrator at $28.75 per ton, while to-day mill feeds are selling on the Spokane Exchange at $43 per ton, carload lots, and $50 at coast points.

"'The Pacific Grain Co., the successor of the M. H. Houser Grain Co., the Pacific Coast Elevator Co., and the Puget Sound Warehouse & Elevator Co. are owned and operated in connection with the Portland flour mills concern, with headquarters at Portland, Oreg.

"'These corporations were owned by M. H. Houser, vice president of the United States Grain Corporation for the northwestern district. At the time he became vice president he made some kind of a transfer of his interests in these concerns and does not at this time appear as the owner.

'SAY HOUSER IS "REAL PARTY."

"'The officers of the United States Grain Corporation for the northwestern district and the offices of the above named being quartered in a building owned by M. H. Houser, in Portland, Oreg., it is, by reason thereof, the belief of the grand jurors that Houser is the real party in interest in the milling and grain concerns above named, and that by reason of his connection with the United States Grain Corporation he has been able to manipulate and operate them to an immense profit to himself and associates.

"'The Pacific Grain Co. admits having bought 11,000,000 bushels of the 1919 wheat crop.

"'It is impossible for this district to obtain relief, for the grain companies threaten in case action is taken to force them to sell the grain to the mills at the price paid by them plus a reasonable carrying charge to close the mills and ship the grain to eastern points.

"'To frustrate any concerted plan of evasion we would urge that the Department of Justice take simultaneous action in all wheat and flour centers of the United States.

'GLASS URGED BIG APPROPRIATION.

"'According to press reports, former Secretary of the Treasury GLASS recommended to Congress the appropriation of $150,000,000 to purchase flour and wheat. It is our belief that this wheat is now owned largely by speculators, and in some cases by interests directly and indirectly connected with some of the officers of the United States Grain Corporation. Sales to Europe will benefit only the purse of individuals and the consumer will pay the bills.

"'We would recommend that a proclamation be issued fixing a selling price of all wheat now held in the United States at the price paid the farmers, plus a reasonable carrying charge, said fixed price not to apply to the producer, and that similar price be fixed on flour and mill feeds.

"'We further recommend that no appropriation be made by Congress to finance the sales of wheat, flour, or mill products to foreign countries until such time in which the American people are relieved from paying the extortionate prices now required of them by reason of the grain manipulation as herein stated.'

"The report is signed by L. Roy Slater, foreman, and George W. Fuller, secretary."

Mr. FERNALD. I also ask to have printed an article on the same subject from the New York American of this date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York American, Mar. 1, 1920.]

ONE HUNDRED AND FIFTY MILLION DOLLAR WHEAT CONSPIRACY CHARGED—BREAD BOOSTED 50 PER CENT—UNITED STATES OFFICIALS NAMED—GRAND JURY'S FINDINGS ARE PIGEONHOLED IN WASHINGTON—M. H. HOUSER, MILL OWNER AND A FORMER FOOD OFFICIAL, ACCUSED OF MAKING HUGE WHEAT CORNER—HOOVER FOOD PLAN INVOLVED—SPECULATORS FACING RUIN UNLESS GOVERNMENT APPROPRIATES HUGE SUM TO TAKE THEIR GRAIN.

"WASHINGTON, *February 29.*

"The report formulated by the Federal grand jury at Spokane, Wash., involving the United States Grain Corporation in an alleged 'billion-dollar manipulation' by wheat speculators, and affecting directly every bread consumer in the Nation, was received by the Department of Justice about the middle of February.

"The report, amazing in detail and striking to the heart of an alleged system of secret 'jockeying' of the bread market, was made February 7. It was pigeonholed by the Department of Justice.

"Responding to the urgings of M. H. Houser, one of the vice presidents of the United States Grain Corporation, and who is accused virtually of having profiteered in the sale of wheat while holding a Government office, and the strong recommendation by Julius H. Barnes, head of the Grain Corporation, the Department of Justice later 'got busy.'

"Although the department had shelved the recommendations of the Spokane grand jury for a blanket investigation, it now appears ready to conduct an inquiry on the pleas of Houser and Barnes. This inquiry, being conducted at Portland, Oreg., appears to be an investigation of the grand jury which had urged an investigation of the alleged manipulations in wheat.

HOOVER'S PLAN INVOLVED.

"Involved in the case, as pointed out in the presentment, is the propaganda of Barnes and Herbert Hoover as appearing in their newly acquired newspaper in Washington to 'boost' the plan to finance wheat and flour to foreign countries on a large scale.

"The Hoover-Barnes propaganda and the 'rush' with which Barnes and Houser stirred up the 'investigation' of the grand jury is interpreted by men of high office to mean that the 'handwriting on the wall' has been seen and feared.

"It is maintained that the Nation-wide scheme alleged will not be realized unless the speculators are successful in inducing Congress to use $150,000,000 of the appropriation to take the wheat which they have cornered off their hands.

"It is the above appropriation that Hoover and Barnes are urging in their newspaper.

"Faced by the coming expiration of the Government's minimum price guaranty and the probable subsequent recall by the banks of the millions which they have loaned on warehouse receipts, it is claimed these speculators now see ruin impending unless they can get rid of their holdings prior to the harvesting of the 1920 crop.

OFFICIALS ARE ACCUSED.

"It is in this speculation, deep down, that some of the officials of the United States Grain Corporation are involved, according to the Federal grand jury's charges.

"The grand jury intimated strongly that the motive which prompted the grand jury to investigate the conditions prevailing in the wheat market was to make public the machinations of the grain ring and to prevent them from using the United States Treasury or its credit, and further as a shield from the unexpected results of their alleged manipulations.

"In the opinion of the grand jury, the situation which they discovered in Spokane and its vicinity exists on a similar scale throughout the wheat-growing districts of the United States. Instead of launching the systematic investigation urged by the grand jury to protect the rights of consumers, the only action even contemplated by the Department of Justice appears to be the investigation of the grand jury which had made the report.

"It is regarded as significant that when the substance of the presentment was first made known in official channels that Houser wired Attorney General Palmer for a 'complete investigation.' It is also understood from an excellent source that Julius H. Barnes also requested an investigation.

"Mr. Barnes's contention, it was said, was that a grave charge had been made against a man connected with the Grain Corporation and that another inquiry was necessary to determine whether the charge were true. If it were true, Mr. Barnes is reported to have told the Attorney General, Mr. Houser should be indicted.

"The Attorney General ordered the Portland investigation, but not on the strength of the presentment which had urged

immediate action, and which was pigeonholed, but after Houser and Barnes had acted.

JURY IS IGNORED.

"Not only did the Department of Justice fail to act on the grand jury's request, but officials of that bureau refuse to explain the 'why' of the pigeonholing episode.

"While denying the charges made by the Federal grand jury as being 'a damnable attempt to besmirch my integrity, prompted by political motives and motives of jealousy,' at Portland last night, M. H. Houser admitted his connection with the Pacific Grain Co. as stated in the presentment.

"Mr. Houser stated that he retained complete control of the grain organization he had built up before the war and that two years ago he had bought the entire chain of Theodore E. Wilcox properties, which include the Portland Flouring Mills and the Tacoma Warehouse Co. He controls in all 9 mills and 148 warehouses and elevators.

"United States Attorney Francis Garrecht, who conducted the investigation of the grand jury, said to-day, according to advices from Spokane:

"Houser's statement, to say the least, is neither clear nor convincing. People who know Mr. Houser best will be inclined to doubt his assertion that he was losing hundreds of dollars a day on the flour that he was milling. His insinuation that there was any ulterior motive or purpose on the part of the grand jury or the Department of Justice is absolutely without any foundation in fact.

"The farmer organizations to which he alludes as being opposed to Hoover and consequently inimical to himself were not known to exist by this grand jury.

"Probing deep into the affairs of the Houser concern, the grand jury found that Houser had bought up 11,000,000 bushels of the wheat crop.

"From an excellent source it became known to-day in a dispatch from Spokane that the abnormally high price of mill feed, rather than the sudden rise in wheat, was the original incentive to the grand-jury investigation.

DAIRYMEN FORCED OUT.

"Until the armistice in November, 1918, the United States Food Administration, controlling the mill-feed situation, kept the price of feed at $28.75 per ton. But when this control was withdrawn the mills at once raised the price to more than $40 a ton.

"As a result, many of the dairymen in the Spokane district were compelled to sell their cows and abandon business. The situation was growing acute when, in the fall of 1919, Julius H. Barnes, president of the Grain Corporation, was asked by numerous dairymen for relief. Barnes is reported as having stated that the Grain Corporation could do nothing to control the price of mill feed.

"District Attorney Humphreys, at Portland, who is in charge of the 'new investigation,' said:

"These charges against Houser are of a most serious nature, amounting to an allegation that he has profiteered in the sale of wheat while holding a Government office

"Senator GRONNA, of North Dakota, was one of the Members of the Senate to express wonder as to why the Attorney General had not taken action on the report of the first grand jury, as was Senator CAPPER, Republican, of Kansas."

Mr. FERNALD. Mr. President, for several months the Senate and the House of Representatives have been undertaking to lower the price of foodstuffs. We have investigated very many private concerns all over the country. I do not know a thing about this matter other than is stated in the article in the morning Post, except that I know in banking circles all over the country for the past six months it has been generally known that the banks in the Northwest were filled with wheat receipts and that many of the small banks have loaned out as much as a million dollars, country banks which naturally would not lend any one line of business more than three or four hundred thousand dollars. If this be true—and I am going to suggest that the matter be taken up by the Agricultural Committee—there ought to be an investigation of the subject.

We do know that for months the Federal Trade Commission have investigated all kinds of private business and have attempted to bring business men before the bar of public justice for the very small amounts which they have shown that those men have made in connection with the sale of different food products, and while the newspapers of the country have been filled with reports concerning the investigation of the five great meat packers, this Government organization has been making more than a dollar a bushel on every bushel of wheat that has been raised in some of the Western States.

The price which was fixed by the Government of $2.20 per bushel for wheat has gone to $3.20 per bushel. We have known that somebody was making money in the transaction. If this be true, every one of the men who have been associated in this matter ought to be indicted for grand and petit larceny. It is the most deplorable condition that has ever been brought to the attention of the people of the country, and the Senate of the United States ought to begin an investigation of the matter to-day.

Mr. President, I have been so opposed to all Government control of activities and to the different agencies which have been instituted to bring about such control that when I read an article of that kind I have hardly the patience to give it fair consideration or discussion. Every effort the Government has made to operate private business has resulted in failure. We have learned from the reports of the Railroad Administration and from the investigations of the Interstate Commerce Committee running over a period of several months that the Government has been operating the railroads at a loss of hundreds of millions of dollars; but, Mr. President, that does not begin to compare with the loss to the railroads of the country. The railroads are in a deplorable condition. In my State one great system that has been in the habit of laying more than 40,000 ties each year has not laid a new tie in the last three years.

We know of the great shortage of cars which are required for the transportation of fuel and food products all over the country. There have been none of these cars repaired, and it will be found that every siding from here to the State of Maine and from here to the Northwest is filled with cars that need some little repairs.

We have before us another committee proposition relative to operating the ships of the country, and an appropriation of $75,000,000 has been asked for the repair of a few ships in order that the Government may operate them; and yet every report as to every ship which has sailed out of our ports under Government control indicates that the operation has been conducted at a loss, although ocean freight rates have been advanced to an amount which is almost beyond the conception of the mind of man, at the expense, as my friend from Kansas [Mr. CAPPER] demonstrated last week, of the American farmer. The situation has become such that food products can hardly be sold and shipped across the water by American farmers and merchants. Rates have been advanced from 200 to 400 per cent on such products, and yet we have the proposition to consider as to whether or not we shall continue the operation of ships.

The same condition exists as to the Fuel Administration; and I might go through other Government activities and demonstrate that a similar situation prevails. Only last Saturday I took up a newspaper, and I read that there are 39 different bureaus and 9 departments doing precisely the same thing, making 48 bureaus and departments that were operating and asking the same questions of the business men of the country.

All I wish to do is to submit this matter to the Agricultural Committee and ask that it be investigated. From now on let us see to it that every one of the Government agencies that are so active in interference and in the embarrassment of business shall be abolished and that business men have an opportunity to carry on their business in their own and a businesslike way so long as it is legitimate.

Mr. JONES of New Mexico and Mr. PHELAN addressed the Chair.

Mr. FERNALD. I will yield in just a few moments. I shall soon be through. If it be true that the officials in the United States Grain Corporation have been speculating, as this article suggests, I repeat that they ought to be indicted for grand larceny and sent to State prison.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Mexico?

Mr. FERNALD. I yield to the Senator.

Mr. JONES of New Mexico. The article presented by the Senator from Maine carries with it a very strong imputation of personal and official misconduct. It purports to be the finding of a grand jury, if I have been able to understand the language of the article as read. I should like to inquire of the Senator from Maine if the grand jury was charged with the investigation of such subjects?

Mr. FERNALD. That is precisely what I want to know. I have only the information from the Washington Post. If it is true that the grand jury is making an investigation, that would be sufficient; but I thought the Agricultural Committee could make such inquiries as might be necessary.

Mr. JONES of New Mexico. I also observed from the reading of the article that it recommended that the Attorney General take some steps regarding the matter. That was an indication to my mind that the grand jury itself had no jurisdiction, and, therefore, that it was acting wholly outside of any duty imposed by law. Does the Senator from Maine so understand?

Mr. FERNALD. I think so, I will say to the Senator from New Mexico.

Mr. JONES of New Mexico. Then, if that be true, we have here an article which purports to come from a grand jury which went outside of its jurisdiction to take up a subject about which it had made no examination; and it would seem from the reading of the article that the grand jury made this report, in whatever form it may be, upon mere rumor. Does not the Senator from Maine so understand?

Mr. FERNALD. I understand that the facts of the article are correct. Just what the legal status of the case is, I do not know, not being a lawyer; but I know that the price of wheat is very much higher than it ought to be, and that it costs every man who purchases a barrel of flour to-day at least $4.50 more than it should.

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

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. I think I can, perhaps, throw a little light upon the matter. My information is—and I derived it not only from the article which has been read but from a number of other articles which I have read—that an investigation was made by the State grand jury of a number of matters which came before its attention. It also made an investigation respecting the high price of commodities within the State, and reached the conclusion that no State law was infracted by the action of the individuals and corporations and organizations referred to; but it also reached the conclusion—that is the information I have received—that this matter came within the denouncement of the Federal statute—the Sherman antitrust law—and recommended proceedings under the Federal statute.

Mr. JONES of New Mexico. Mr. President——

Mr. WADSWORTH and Mr. LODGE rose.

The PRESIDENT pro tempore. Does the Senator from Maine yield; and if so, to whom, as there are three Senators on the floor?

Mr. WADSWORTH. There is a unanimous-consent agreement printed upon the calendar this morning under which we are exceedingly anxious to bring up the Military Academy appropriation bill. I am therefore constrained to ask for the regular order.

Mr. JONES of New Mexico. I merely desire to say, if the Senator will allow me just a word——

Mr. WADSWORTH. I have raised the question of the regular order.

Mr. JONES of New Mexico. If the Senator from New York calls for the regular order, he has a right to do so, but I should like to state——

The PRESIDENT pro tempore. The Senator from New York demands the regular order.

Mr. WADSWORTH. If the discussion does not go to any great length I shall not object, but I simply have the interest of legislation at heart; that is all.

Mr. JONES of New Mexico. I will wait until the regular order is laid before the Senate.

Mr. FERNALD. I wish to say——

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. FERNALD. Just a moment, Mr. President——

Mr. LODGE. Let us have the regular order, Mr. President. The understanding was that the Military Academy appropriation bill should be taken up at the earliest possible moment. I ask for the regular order.

The PRESIDENT pro tempore. If there be no reports of committees, bills and joint resolutions are in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. WADSWORTH:

A bill (S. 3996) to authorize the sale or lease of real estate or any interest therein, acquired for the use of the Army since April 6, 1917, and no longer needed therefor; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A bill (S. 3997) for the relief of D. Beatrice Arline; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 166) to permit the payment of certain money for the acquisition of land for the United States Army General Hospital No. 19, Azalea, N. C; to the Committee on Military Affairs.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to increase the appropriation for investigations in operation of seed and plant introduction, etc., from $82,700 to $114,200, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to grant authority to the Secretary of Agriculture to accept lands for field stations, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMNESTY TO PRISONERS (S. DOC. NO. 241).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to lie on the table and to be printed:

To the Senate:

I transmit herewith a communication from the Acting Secretary of State replying to the resolution of the Senate dated January 13, 1920, requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
27 February, 1920.

SHIP AND RAIL TERMINAL ON SAN DIEGO BAY.

Mr. PHELAN. I ask unanimous consent to have printed in the RECORD a resolution of the common council of the city of San Diego, Calif., making a proposition to the Federal Government for terminal shipping and rail facilities on San Diego Bay.

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

Resolution of the common council of the city of San Diego, Calif. (Res. No. 25266), approving the proposed establishment of a Federal ship and rail terminal on San Diego Bay, at such point and under such policy as Congress may prescribe, as a means of furthering overseas commerce.

"Whereas the city of National City, located on San Diego Bay, has by resolution of the city trustees, the legislative body of said city, of the date of December 18, 1917, tendered to the Federal Government without cost tidelands bordering upon the channel waters of San Diego Bay for the establishment of a Federal ship and rail terminal in the interests of commerce and navigation; and

"Whereas the city of San Francisco, the 'premier port' of the Pacific, has by resolution of the board of supervisors, the legislative body of said city, of the date of December 30, 1917, ceded to the Federal Government all tidelands standing in the name of the city, together with all streets and street ends, without cost of any kind, for the purpose of establishing a Federal ship and rail terminal as a means of promoting the interests of commerce and navigation, in accordance with the existing and contemplated policy of furthering overseas trade; and

"Whereas at a public hearing before the United States Senate Committee on Commerce held in Washington on February 4, 1920, Gen. William B. Black, former Chief of Engineers of the United States Army, now serving as engineer adviser for the National Shipping Board, controlling and operating Government merchant ships of the value of $2,000,000,000, recommended the construction and operation of a modern Federal ship and rail terminal at Bayonne, N. J., in order to relieve the congestion and escape the extortionate rates charged for berth space in the port of New York, an increase from the prewar price of from $60 to $80 per day, as stated by Gen. William Black, to $250 and $666, thereby imposing undue burdens upon the sea commerce of the Nation at a time when overseas trade is in the balance, demanding the highest efficiency in ship and seaboard rail movement; and

"Whereas the city of San Diego, State of California, was the first municipality in the United States to anticipate naval needs of the Nation by the cession of 500 acres of tidelands without cost for the establishment of a naval base, upon which the Secretary of the Navy has recommended the expenditure of $30,000,000 in the form of sea walls, channel dredging, ship-repair yards, marine ways, and other aids to navigation in keeping with the national policy of naval expansion; and

"Whereas the physical conditions of San Diego Bay are such that provision for the channel and general port needs of the Navy in the form of increased channel area will furnish the basic needs of the nationally owned merchant ships by a single outlay, with the exception of modern docks and rail terminals: Now, therefore, be it

"*Resolved by the common council, the legislative body of the city of San Diego, State of California, as trustee of all the tidelands bordering upon San Diego Bay within its corporate limits,* That it views with favor the establishment and operation of Federal ship and rail terminals, as advocated by Gen. William M. Black, engineer adviser of the National Shipping Board, and hereby pledges its support and assistance in every way possible to the accomplishment of that object as an aid to overseas commerce and national trade expansion; and be it further

"*Resolved,* That a copy of this resolution be transmitted to the National Shipping Board, the United States Railroad Administration, and to the Federal Representatives of the State of California at Washington.

"Presented by Councilman Virgilio Bruschi.

"I hereby certify the above to be a full, true, and correct copy of resolution No. 25266 of the common council of the city of San Diego as adopted by said council February 11, 1920.

[SEAL.] "ALLEN H. WRIGHT, *City Clerk.*"

THE ADRIATIC SITUATION.

Mr. FRELINGHUYSEN. I ask to have inserted in the RECORD an article from the Sun and New York Herald of Saturday last on the Adriatic situation.

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

[From the Sun and New York Herald, Feb. 28, 1920.]

MR. WILSON'S ADRIATIC DISPUTE EXPOSES OUR DANGER FROM THE LEAGUE OF NATIONS.

"Into his challenge of the decision of the Governments concerned in the Adriatic crisis Mr. Wilson has put all the brilliance and power of intellect which he gives to any cause that he makes peculiarly his own. His indictment of their methods and purposes is as shrewd a piece of mingled idealism and casuistry as his keen mind has ever contrived.

"The President, indeed, was never in truer Wilson form than when he threatened to kick the League of Nations into kingdom come because the proposed settlement of the Adriatic question was not to his liking. His disregard of the practicable, his pursuit of the unattainable, were never more complete. His insistence that a mutual understanding among several nations must always mean acceptance of his views was never more unqualified; his intolerance of a majority dissent from those views never more absolute.

"In the Adriatic matter, as Mr. Wilson sees it, as he expresses it, and as he decrees it, it is not a question of what is now possible. It is not a question of what Great Britain and France, bound by a treaty compact with Italy, now want and can agree upon. It is not a question of what Italy and Jugo-Slavia now want and can agree upon. It is not a question of what the different elements of the population of Fiume now want and can agree upon. It is a question of what Mr. Wilson wants them all to want, and what he is willing to permit them to agree upon.

"It unquestionably is a fact, as Mr. Wilson declares, that there is not perfect justice in the compromise settlement. The Allies themselves say so. Both Jugo-Slavia and Italy concur. But anybody except Mr. Wilson must concede that no settlement that could be worked out by mortal man would give perfect justice to everybody. Short of Heaven itself, there is no such thing as perfection of anything. When different interests are in conflict there can be no such thing as full satisfaction to all.

"Furthermore, what might be justice to all those nations concerned, in the opinion of Mr. Wilson, might, in their own opinion, be justice to none. The Allies, in truth, point out to the President that the proposed terms of settlement take away from Italy things and rights which Italy has believed and still believes are hers. In the same way Jugo-Slavia, while getting such surrendered things and rights, does not get and could not get others which her nationals claim as naturally belonging to them. But each is benefited. Both are more content:

"The origin of the proposal of January 20 lies in the fact that when the Prime Ministers of Great Britain and France came to deal directly both with the representatives of Italy and Jugo-Slavia in Paris they found that nobody desired the consummation of the free State of Fiume, which had always been an essential part of the American proposals for settlement. They discovered that Jugo-Slavia would prefer a settlement which did away with the free State, including, as it does, a population of 200,000 Slavs, and included as much as possible of its territory and population within its own borders. Accordingly the Governments of France and Great Britain, continuing the negotiations from the point at which they had been left on December 9, made the proposal under discussion, including the rectification of the Wilson line and the cessation to Italy of a strip of territory running along the shore so as to connect it with the free city of Fiume. The net upshot of which was that Jugo-Slavia was to gain, as compared with the American proposal, an additional 150,000 Jugo-Slavs, while agreeing to the inclusion within the Italian frontier of a further 50,000 Jugo-Slavs in addition to the 400,000 which President Wilson had already agreed to allot to that country.

"If Mr. Wilson himself were the sole arbiter of the points in dispute, if he were determining the questions in accordance with his principles of justice, he could not satisfy all the claimants, he might not satisfy a single one of the claimants. He might not satisfy a soul on earth but himself. Groping after the shadow of exaggerated idealism but rejecting the substance of practical compromise, he might wrong and inflame all. The only practical thing, as the joint notes of the Allies well say and as they quote Mr. Wilson himself as having once said, is to come as near as possible to giving general satisfaction:

"The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavoring to enforce preconceived ideas on refractory material has been recognized by the one more clearly than the other, and in his address at the opening session of the peace conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the peace conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war.

"But perfect or imperfect justice in this Adriatic crisis, wise solution or unwise solution of this delicate, difficult, and dangerous problem, nothing could more strongly emphasize the pitfalls for everybody of this League of Nations, conceived out of the imagination of Mr. Wilson, than the President's action. Nothing could more vividly reveal its perils to the United States than the very argument, protest, and wrath of Mr. Wilson against this compromise decision.

"Here is the League of Nations—Mr. Wilson's own league, as he willed to impose it on our country—in existence and in operation. Here it is functioning in one of the crucial situations of the Old World. Here is the first great decision of members of Mr. Wilson's league in a question which affects the peace and safety of Europe. It is a decision acceptable to Europe in general and to those most directly concerned in particular. But straightway Mr. Wilson, creator of and sponsor for that very league, sets all Europe by the ears with his refusal to abide by the decision, although the United States is not even a member of the league.

"Suppose the United States were already in the league. Suppose Mr. Wilson, then acting for this Government instead of merely for himself as now, threatened to snatch our country out of the league because he did not like a decision reached by its members, except for him, unanimously. Suppose he threatened to cancel on the spot all the contracts we had made with the league, all the obligations we had assumed directly and indirectly with its members. Suppose he threatened to ride roughshod over the League of Nations to compel it to do his bidding. What an uproar this country and the world would be in because of our membership in his League of Nations! To what a danger of war he would have exposed us! Into what a welter of war he might actually have plunged us; and, as we say, through this very League of Nations—Mr. Wilson's own League of Nations—which he has been determined to jam down the throats of the American people."

RAILROAD WAGE CONTROVERSIES.

Mr. POMERENE. I have sent for a copy of the letter which was addressed by the President to the railroad organization representatives relative to the wage controversy. I do not have it before me, but it appeared in the Sunday morning papers, and is of such universal interest that I ask that it be incorporated in the RECORD without reading.

The PRESIDENT pro tempore. Is there any objection to the request of the Senator from Ohio?

Mr. GORE. I did not understand the request.

Mr. POMERENE. The request was that the letter written by the President to the different railroad organizations, bearing upon the subject of wage controversies, may be incorporated in the RECORD.

Mr. GORE. I have no objection. I should like to ask that there also be printed in the RECORD the manifesto issued by the brotherhoods, I believe, or by organized labor, a few days ago, just before the passage of the bill. Whether Senators entirely approve of its arguments and conclusions, it seems to me that it ought to be in the RECORD. They have a right to state their side of the case in their own way, and those who wish to consider the whole case ought to have access to it.

Mr. POMERENE. I have no objection.

Mr. GORE. I was sure the Senator would not object.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

WILSON'S LETTER TO HEADS OF RAIL UNIONS ON WAGE ISSUE.

President Wilson yesterday sent the following letter to the chiefs of the railroad labor unions who are negotiating for wage advances:

"THE WHITE HOUSE,
"*Washington, 28 February, 1920.*

"GENTLEMEN: Your letter of the 14th instant and the subsequent arguments presented on your behalf with reference to the subject of pending claims for wage increases have had my careful consideration. The passage of the railroad bill by the House of Representatives on the 21st instant and by the Senate on the 23d instant has made it evident that I could not act upon your suggestions until it should be determined whether the bill would become a law or not. It was manifest that if the bill should become a law the negotiation and consideration of the wage matter ought to proceed in harmony therewith.

"The bill having now become a law, the way is open for immediate action on the wage matter in accordance with the terms of the bill. Section 301 of the bill evidently contemplates that the carriers and employees should, as suggested by you, select representatives who will thus constitute a bipartisan board for the purpose of attempting by conference to agree upon a solution of this wage problem. In accordance with the assurance I gave last August and repeated in substance in my letter of the 13th instant, I shall at once request the carriers and the employees to join in this action. I believe such a step will go far toward clarifying and maturing the subject for final disposition. In fact, the sort of board thus contemplated by section 301 appears to be an appropriate substitute for the committee of experts which I have heretofore suggested, and indeed such a board will be authorized to go further than such a committee could have gone.

DIFFERS AS TO LABOR BOARD.

"While it is true that the provisions of section 307 of the railroad bill relating to the labor board will probably also come into operation as to this wage matter, nevertheless the bipartisan board can make a great deal of progress which will materially diminish the time to be consumed by the labor board; and while the bipartisan board is functioning, the appointment and organization of the labor board can be expedited.

"I can not share the apprehension of yourselves and your constituents as to the provisions of the law concerning the labor board. I believe those provisions are not only appropriate in the interest of the public, which, after all, is principally composed of workers and their families, but will be found to be particularly in the interest of railroad employees as a class.

"The argument that the public representatives on the labor board will be prejudiced against labor because drawn from classes of society antagonistic to labor can and ought to be overcome by selecting such public representatives as can not be charged with any such prejudices. Nor do I anticipate that the public representatives will be against wage increases because they involve rate increases. Not only must public representatives be selected who can be relied upon to do justice, but the bill itself provides that the labor board shall establish rates and wages and salaries which in the opinion of the board are 'just and reasonable'; and it is further provided that the entire labor board shall be guided by the very important standards which are provided in the law, those standards including the wages paid for similar kinds of work in other industries, the relation between wages and the cost of living, the hazards of the employment, the training and skill required, the degree of responsibility, the character and irregularity of the employment, and the correction of inequalities as the result of previous adjustments. Coupled with the direction to the labor board to take into consideration these important standards is the highly important direction to the commission to prescribe rates sufficient to admit of the payment of the reasonable operating expenses, including, of course, fair rates of wages.

EXPECTS NEW WAGE ERA.

"My hopes are that the putting into effect of these provisions with a carefully selected labor board whose public representatives can be relied upon to be fair to labor and to appreciate the point of view of labor that it is not longer to be considered as a mere commodity will mark the beginning of a new era of better understanding between the railroad managements and their employees, and will furnish additional safeguards to the just interests of railroad labor.

"I am sure that every agency which will be involved in the creation of the labor board and in the conduct of negotiations fully appreciates that the wage demands are entitled to the earliest possible consideration and disposition, and therefore I do not anticipate delay in the appointment and organization of the labor board or in the other necessary steps.

"Sincerely, yours,

"WOODROW WILSON.

"Messrs. B. M. Jewell, W. S. Stone, Timothy Shea, L. E. Sheppard, W. G. Lee, S. E. Heberling, E. J. Manion, James W. Kline, William H. Johnston, M. F. Ryan, Louis Weyand, John J. Hines, James Noonan, James J. Forrester, and D. W. Helt."

WASHINGTON, D. C., *February 17, 1920.*

To the Members of the Congress of the United States.

GENTLEMEN: The organizations whose names are attached respectfully urge the defeat of the conference report for the return of the railroads to their owners.

These organizations are fairly representative of the mass of the people of the United States. They represent directly 2,000,000 organized workers.

We believe that we may claim to reflect the wishes, opinions, and interests of a great majority of the people of the country. Certainly we have no sinister interest in the railway question.

Speaking in our official capacity, we earnestly urge that Federal operation of the railroads be continued for at least two years more, in order that a reasonable test may be made of Federal operation under normal conditions, so as to ascertain whether the Government can not operate the railroads more cheaply, more efficiently, and more satisfactorily to the country than is possible by private operators interested only in the making of profits.

The railroad question is exclusively a public question. Railroads should be agencies of service, not profit. America is the only nation in the world of any importance that even contemplates the private operation of its transportation agencies.

We urge the continuation of Federal control for the following reasons:

1. The reports of the Director General of Railroads indicate that the railroads are on a paying basis, or are in a fair way to earn all charges against them and possibly accumulate a surplus.

2. A return of the railroads means an increase in the rates of from 25 to 50 per cent. This means an addition of freight rates of at least $1,000,000,000 a year. It may be much more. According to the estimates of the Director General and Interstate Commerce Commissioner Woolley, this will involve a cumulative increase in added costs to the public of from three billion to five billion dollars a year.

3. Such an increase in railway costs will be shifted to the consumer, already struggling under an unbearable living cost. It will be shifted to food, to fuel, to building materials, to everything the people use. It can not be otherwise. Much of the railway rate increases must be borne by the producing classes, and especially by the workers and the farmers.

4. The railroad owners and executives are urging the validation of watered securities of many billions of dollars. This is one of the main objects desired by the railroads. They desire, first, a guaranteed subsidy, and, second, the underwriting of 50 years of railway exploitation.

5. We protest against the subsidizing of any industry or the guaranteeing of a return to stockholders. There is no more reason for the subsidizing of the railroads than there is for thousands of other corporations that have suffered as a result of the war. The demand of the railroads can, with perfect propriety, be urged by street railways, by electric-lighting corporations, by other corporations, and even by individuals.

The subsidization of any industry is contrary to American traditions.

6. The Cummins-Esch bill, with its guaranty of earnings, is an invitation to waste and extravagance. If guaranteed a return, railway operators will be under no impulsion to keep down their own salaries, to buy cheaply, or to operate the railroads efficiently. Waste is inevitable under any kind of a guaranty of earnings. This is especially true with railway officers and stockholders, interested as they are in every kind of supply bought by the railroads.

7. Bankruptcy, we believe, is inevitable if the railroads are returned. For two years traffic has been short-routed. It has been sent over selected lines. A great part of the mileage of the country is not earning operating expenses and fixed charges. Receiverships are inevitable if the railroads are unscrambled and each one left to shift for itself.

8. Railway bankruptcy in the United States may bring on a panic. Railway securities and Government bonds are almost the only solvent securities in America. They form the basis of a great part of our credit. If they tumble, industry may tumble with them.

9. World-wide bankruptcy may result from such a collapse. The credit of the world rests in America. If the financial structure of America collapses, there may be a world collapse.

10. Return of the railroads to their owners means their return to Wall Street. It means a return to J. P. Morgan & Co., the National City Bank, the First National Bank, and Kuhn, Loeb & Co. For proof of this fact we refer you to the report of the Pujo investigating committee made to Congress in 1913.

Congress should at least return the railroads to their owners, rather than to incompetent banking managers. It should return them to clean hands, not to the men who bankrupt the New Haven, the Rock Island, the Pere Marquette, the Frisco, the Cincinnati, Hamilton & Dayton, and a score of other profitable corporations.

11. Our foreign trade is dependent upon a highly mobilized and unified transportation system. Germany, France, and England own and operate their railroads and are using them to build up their foreign trade.

12. An increase in freight rates must be borne largely by the farmers. The price of farm produce is fixed in the markets of the world. If freight rates are increased, the amount the farmer receives will be diminished to that extent.

13. Industrial unrest is universal. It is born of the labor shortage on the one hand and the high cost of living on the other. The return of the railroads at this time is an invitation to still further industrial disturbances.

14. The banking groups which control the railroads also control all of the major trusts. They control anthracite and bituminous coal; they control iron and steel; they control all kinds of food supplies; they control the five packing plants; they are interlaced with all of the major trusts.

Under these conditions the banking-railway managers will inevitably use their power to aid the monopolies which they control. In some way or other they can grant preferential rates. The Standard Oil Co., the Anthracite Coal Trust, the Packers' Trust, the Steel Trust, the great trusts of America were built up by discriminating freight rates. Neither the law nor the Interstate Commerce Commission can prevent such discriminations.

No single thing will be a graver menace to the productive resources of America than to place the railroads in the hands of men to whose interest it is to strangle competition.

15. Under Federal operation the Southern States of America have had a square deal. Ports, harbors, terminals, and shipping lines have been stimulated from the Rio Grande to Baltimore. Railway executives of the lines leading into New York have announced that they will resume the preferential treatment of New York. This will kill southern ports, southern shipping, southern industry.

16. Federal administration has made colossal savings, economies, efficiencies. It has consolidated terminals. It has merged car, motive, and other equipment. It has increased the car equipment of the country alone by 300,000 cars. A freight car is at home to-day any place in the United States. This is equivalent to adding $900,000,000 to the assets of the railroads. Needless passenger trains have been taken off, many officials have been released, high salaries have been cut down.

The economies so introduced, as reported by the regional directors of the railroads, amount to at least $200,000,000 a year.

17. The railroads of the country have destroyed water competition on which the Government has expended hundreds of millions of dollars. Water competition is cheap. It menaces railroad earnings. We can never use the Great Lakes, our rivers, or develop coastal trade so long as the railroads are in private hands and find it in their interest to smother and destroy water competition by denying it terminal facilities, proper connections, and other opportunities to live.

18. Director General McAdoo, as well as Interstate Commerce Commissioner Woolley, have urged the electrification of the railroads or the building of central power stations at the mines. They have indicated colossal savings from the elimination of the haulage and consumption of coal. Coal alone costs the railroads $400,000,000 a year. The railroads will not electrify the lines. It will destroy the best market for coal which railroad operators themselves own. It will cut into their profits as coal operators. The United States will only electrify the lines by Government action.

19. Transportation is the most vital agency in the economic and industrial life of a nation. It vitally affects every man, woman, and child in the country. It determines the amount of wealth produced. It decides for us what section of the country shall grow and what section shall not. It determines the prosperity or failure of industry. It controls the life of the farmer. It affects 2,000,000 employees. It is far and away the most important industry in the country. On it every other industry and every other worker depend.

20. Before the railroads are returned we believe a thorough study should be made of the transportation needs and possibilities of the country. It should be such an inquiry as was made of banking and credit prior to the passage of the Federal reserve banking act. It should be broad enough to include the economies and efficiencies from the merger of rail and water transportation, from unification of terminals, of shops, of rolling stock, and motive power. A study should be made of water transportation and electrification. A similar inquiry should be made as to decentralization of administration.

A matter of most vital interest is the enlisting of the employees so that they will work harmoniously, willingly, and efficiently. It is a colossal waste to exclude from railway operation the contributions of 2,000,000 men with lifelong experience in the railway industry.

The development of southern and Pacific ports should be studied so as to promote South American, Asiatic, and foreign trade.

The railroad question is an industrial question. It is a social question. It is far more than a question involving the dividends to stockholders or the wages of employees. It is a question that involves every industrial activity of the country.

Believing that the return of the railroads under the terms proposed in the pending bills neglects all these questions and makes their solution impossible; believing, further, that the provisions for a subsidy and for the utilization of public funds by private individuals is a betrayal of the public interest and is subversive of the traditions of the country; believing that the pending bills are an invitation to waste; believing that the worker and the farmer will be made to pay tribute to financial exploitation and that the people will be called upon to bear an unnecessary load, measured by billions of dollars, that will be saved by Government control; believing that the return of the railroads at this time is as calamitous a proposal as could be conceived—believing in all these things, we feel justified in protesting with all the emphasis at our command against the passage of the pending railroad bill.

We beg to remain,

Very respectfully, yours,

W. S. Stone, grand chief engineer Brotherhood of Locomotive Engineers; Timothy Shea, acting president Brotherhood of Locomotive Firemen and Enginemen; L. E. Sheppard, president Order of Railway Conductors; Wm. H. Johnston, international president International Association of Machinists; J. J. Hynes, international president Amalgamated Sheet Metal Workers' International Alliance; Martin F. Ryan, general president Brotherhood of Railway Carmen of America; E. J. Manion, president Order of Railroad Telegraphers; A. E. Barker, grand president United Brotherhoods of Maintenance of Way Employees and Railway Shop Laborers; B. M. Jewell, acting president Railroad Employees' Department, American Federation of Labor; J. W. Kline, general president International Brotherhood of Blacksmiths, Drop Forgers, and Helpers; Lewis Weyand, acting international president International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; James P. Noonan, international president International Brotherhood of Electrical Workers; S. E. Heberling, president Switchmen's Union of North America; James J. Forrester, grand president Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; D. W. Helt, president Brotherhood of Railway Signalmen of America.

MILITARY ACADEMY APPROPRIATIONS.

The PRESIDENT pro tempore (at 11 o'clock and 33 minutes a. m.). Morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of House bill 12467, known as the Military Academy appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12467) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, at the top of page 2, to strike out the subhead "Permanent establishment" and insert the heading "Permanent establishment."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "sword," to strike out "$3,000" and insert "$3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency," so as to make the clause read:

For pay of master of sword, $3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 2, line 5, before the word "sword," I move to insert the article "the," so as to read "For pay of master of the sword," which is the correct title.

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

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 9, before the word "pay," to strike out "*Provided*, That the" and insert "The," and in line 13, after the word "Army," to insert "*Provided*, That the sum of $250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him," so as to make the clause read:

The pay of cadets for the fiscal year ending June 30, 1921, shall be fixed at $780 per annum and one ration per day or commutation thereof at the rate of $1.08 per ration, to be paid from the appropriation for the subsistence of the Army: *Provided*, That the sum of $250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert as a subhead the following:

Officers on detached service at the academy.

The amendment was agreed to.

Mr. WADSWORTH. I ask unanimous consent that the vote by which the amendment commencing in line 13 was agreed to be reconsidered in order that I may make a small correction.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. WADSWORTH. In line 17 I move that the word "such," before the word "initial," be eliminated.

Mr. POMERENE. Mr. President, before the question is put to a vote, may I ask is the $250 provided for in the amendment of the committee in addition to the allowances which have heretofore been made to the cadets?

Mr. FRELINGHUYSEN. In reply to the question of the Senator from Ohio, I wish to state that at the present time the pay of a cadet is $780 a year. On his entrance to the academy he is compelled to purchase articles which he needs during his term amounting to $416, and he is compelled to advance in cash $160 to the academy. At the present estimated prices these articles cost $416. The pay of $780 is absolutely absorbed during the year, and at the end of the four years the cadet goes out of the academy $250 in debt for necessary articles purchased during his term, including initial equipment.

Mr. POMERENE. I did not ask the question because I was objecting to the amendment. The subject has been called to my attention heretofore, and I was interested in knowing that the committee have provided additional pay or compensation. I wanted that made perfectly clear. I think the committee is to be commended for making this recommendation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 21, after the words "Military Academy," to insert "as follows," so as to make the clause read:

For extra pay of officers of the Army on detached service at the Military Academy, as follows:

The amendment was agreed to.

The next amendment was, on page 2, line 22, to strike out:

For pay of one commandant of cadets (colonel) in addition to his regular pay, $1,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For pay of one commandant of cadets, in addition to his regular Army pay, $1,000, or so much thereof as may be necessary to enable him to receive the pay and allowances of a lieutenant colonel.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "gunnery," to strike out "(lieutenant colonel)"; in line 6, after the words "in addition," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of ordnance and science of gunnery in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "of law," to strike out "(lieutenant colonel)"; in line 9, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of law in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "engineering," to strike out "(lieutenant colonel)"; in line 11, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of practical military engineering in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to insert:

For pay of three battalion commanders in addition to pay as captain, $1,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to strike out:

For pay of the Military Academy band, field musicians, service, Cavalry, Artillery, and Engineer detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I may say, in explanation of a large number of these amendments, that they are purely corrections of form in printing the bill. There are no further amendments of importance for some time, and the Secretary will rapidly recognize that these are merely corrections in the method of printing the captions.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 4, after line 19, to insert as a subhead the following:

"Military Academy band."

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the word "Military," to insert "the," and in the same line, after the word "band," to insert "as follows," so as to make the clause read:

For pay of the Military Academy band, as follows:

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert as a subhead the following:

Field musicians.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "musicians," to insert "as follows," so as to make the clause read:

For pay of field musicians, as follows.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

For pay of Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert as a subhead the following:

Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

For pay of Service detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "detachment," to strike out "service" and insert "Service," so as to make the clause read:

Extra pay of the enlisted men in the Service detachment, on extra duty at West Point, $37,536.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert as a subhead the following:

Cavalry detachment.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Cavalry detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 7, line 1, to insert as a subhead the following:

Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Artillery detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, line 1, to insert as a subhead the following:

Engineer detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Engineer detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert as a subhead the following:

Signal Corps detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the words "Signal Corps," to insert "as follows," so as to make the clause read:

For pay of detachment of Signal Corps, as follows:

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert as a subhead the following:

Coast Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 9, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Coast Artillery detachment, as follows:

The amendment was agreed to.

The next amendment was, on page 10, line 1, to insert as a subhead the following:

Extra pay for enlisted men.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to strike out "Extra pay of enlisted men" and insert "For extra pay of enlisted men, as follows," so as to make the clause read:

For extra pay of enlisted men, as follows:

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

For pay of one regimental sergeant major, Infantry, $660.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike out:

Provided, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

For pay of one regimental sergeant major, Infantry, $660: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

Pay of civilians:

The amendment was agreed to.

The next amendment was, on page 13, line 1, to insert as a subhead the following:

Pay of civilians.

The amendment was agreed to.

The next amendment was, on page 13, after line 1, to insert:

For pay of civilians, as follows:

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to strike out:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, $4,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to strike out:

Provided, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, $4,000: *Provided*, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 17, line 23, after the words "Military Academy," to strike out "under the act of Congress" and insert "authorized by the Military Academy appropriation act for 1914"; and on page 18, line 1, after "1913," to insert "(Thirty-seventh Statutes at Large, page 860)," so as to make the clause read:

For pay of one stenographer, typewriter, and clerk in the medical department and department of military hygiene, to be appointed by the Superintendent of the United States Military Academy authorized by the Military Academy appropriation act for 1914, approved March 4, 1913 (Thirty-seventh Statutes at Large, page 860), $840.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "accounted for by," to strike out "officers of the Quartermaster Corps" and insert "the disbursing officer of the United States Military Academy," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by the disbursing officer of the United States Military Academy as pay of the Military Academy, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, under the subhead "current and ordinary expenses," on page 18, line 16, before the word "superintendent," to strike out "Contingencies for" and insert "For contingencies for the," so as to make the clause read:

For contingencies for the superintendent of the academy, $3,000.

The amendment was agreed to.

The next amendment was, on page 18, line 18, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements, namely: Timber, plank, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, screws, nails, locks, hinges, glass, paints, turpentine, oils, etc., $55,000.

The amendment was agreed to.

The next amendment was, on page 18, line 23, after "$70,000," to insert "of which $5,000 shall be immediately available," so as to make the clause read:

For fuel and apparatus, namely: Coal, wood, etc., $70,000, of which $5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

Provided, That $5,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the words "and binding," to strike out "Printing" and insert "For printing," so as to make the clause read:

For printing and binding, etc., $3,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, before the word "maintenance," to insert "the," so as to make the clause read:

For the maintenance of one automobile, $300.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of carbons and for repairs and maintenance of searchlight, etc., $250.

The amendment was agreed to.

The next amendment was, on page 20, line 1, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of stationery and office supplies for the office of senior instructor of Coast Artillery tactics, $75.

The amendment was agreed to.

The next amendment was, on page 20, line 16, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of tools, machines, etc., Artillery gun shed, $2,500.

The amendment was agreed to.

The next amendment was, on page 21, line 21, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of machines, tools, etc., for practical instruction of cadets in wood and metal working, $500.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to strike out:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to insert as a subhead the following:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after "$8,000," to insert "of which $1,000 shall be immediately available," so as to make the clause read:

For water pipe, plumbing, and repairs, $8,000, of which $1,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 15, to strike out:

Provided, That $1,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, $500.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to strike out:

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, $500: *Provided*, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the words "of instruments," to strike out "Purchase" and insert "For the purchase"; and, in the same line, before the word "band," to insert "the," so as to make the clause read:

For the purchase of instruments for the band and repairs to same, $1,500.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word "machinery," to insert "the purchase of," so as to make the clause read:

For the purchase of machinery and equipment for new dry cleaning, sterilizing, and disinfecting plant, and for the installation of same, to be expended without advertising, $12,000.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements to the laundry machinery, etc., which may be expended without advertising, and to be immediately available, $35,000.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "and purchase," to strike out "Repair" and insert "For the repair," so as to make the clause read:

For the repair and purchase of cooking utensils, chairs, etc., cadet mess, to be expended without advertising, to be immediately available, $3,000.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase and repair of fire-extinguishing apparatus, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 26, line 1, before the word "cadet," to insert "the," and in the same line, after the word "building," to insert "to be immediately available," so as to make the clause read:

For repairs to the cadet mess building, to be immediately available, $4,265.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

Provided, That the appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, line 15, before the word "repair," to insert "the," so as to make the clause read:

For the repair and upkeep of quarters of the sergeant, first class, Hospital Corps, at the cadet hospital, $50.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to strike out:

Repairs to cadet barracks, $15,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 19, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to insert:

For repairs to the cadet barracks, to be immediately available, $15,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "advertising," to insert "to be immediately available," so as to make the clause read:

For repairs of boilers, engines, dynamos, motors, etc., cadet mess, to be expended without advertising, to be immediately available, $6,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 6, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 28, line 1, after the words "officers' quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 4, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of eight sets married officers' quarters authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 9, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of 20 sets of bachelor officers' quarters, authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, before the word "old," to insert "the"; in line 13, before the word "new," to insert "the," and in line 14, after the word "expenses," to insert "to be immediately available," so as to make the clause read:

For remodeling the old cadet hospital, extension steam tunnels, water, sewer, and electric systems, excavation, grading, roads, quarrying stone for the new cadet hospital, and miscellaneous expenses, to be immediately available, $75,000.

The amendment was agreed to.

The next amendment was, on page 28, line 16, before the words "The Secretary," to insert "(a)," so as to make the clause read:

(a) The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of temporary buildings; also, surplus tools and matériel for use in the instruction of cadets at the academy.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the word "amount," to strike out "*Provided*, That the" and insert "(b) The," and in line 26, after the words "appropriated in," to strike out "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1920, and for other purposes," and insert "the Military Academy appropriation act for 1920," so as to make the clause read:

The amount, $10,000, for enlarging elevator shaft and instaling elevator from basement to second floor (cadet hospital); appropriated in the Military Academy appropriation act for 1920, approved March 4, 1919, shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the words "the purpose," to strike out "*Provided*, That for" and insert

"(c) For"; and, in line 11, before the word "purpose," to strike out "the" and insert "that,' so as to make the clause read:

(c) For the purpose of accounting only, all funds hereinbefore appropriated under the titles "Current and ordinary expenses," "Miscellaneous items and incidental expenses," and "Buildings and grounds," shall be disbursed and accounted for by the disbursing officer, United States Military Academy, as "Maintenance, United States Military Academy," and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 29, line 13, before the word "course," to strike out "*Provided*, That the" and insert "(d) The"; in line 14, after the word "*Provided*," to strike out "*further*"; in line 17, before the word "during," to strike out "class" and insert "cadet"; in line 19, after the word "such," to strike out "class" and insert "cadet"; and, in the same line, after the word "academy," to insert "*Provided further*, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920 who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year," so as to make the clause read:

(d) The course at the United States Military Academy shall be four years: *Provided*, That any person heretofore nominated in accordance with regulations for appointment to fill a vacancy which would have resulted from the graduation of a cadet during the present year, may be so appointed notwithstanding the retention of such cadet at the academy: *Provided further*, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920, who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 29, line 13, after the word "course," I move to insert the words "of instruction."

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. After the word "course," in the House text, on page 29, line 13, it is proposed to insert the words "of instruction," so that, if amended, it will read:

The course of instruction at the United States Military Academy, etc.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 29, line 25, before "1318," to strike out "*Provided further*, That section" and insert "(e) Section," so as to make the clause read:

(e) Section 1318, Revised Statutes, be, and the same is hereby, amended to read as follows: "Appointees shall be admitted to the academy only between the ages of 17 and 22 years, except in the following case: That during the calendar years 1919, 1920, and 1921 any appointee who has served honorably and faithfully not less than one year in the armed forces of the United States or allied armies in the late war with Germany, and who possesses the other qualifications required by law, may be admitted between the ages of 17 and 24 years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to insert:

(f) The Secretary of War is hereby authorized to allow any corporation, company, or individual to erect on the United States Military Academy reservation at West Point, N. Y., a hotel, in accordance with plans and specifications to be approved by the Superintendent of the United States Military Academy, and to enjoy the revenue therefrom for a period of 50 years; after which time said hotel shall become the property of the United States: *Provided*, That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time. That said hotel shall be conducted under such regulations as may be promulgated by the Superintendent of the United States Military Academy under the direction of the Secretary of War.

Mr. FRELINGHUYSEN. At the end of line 17 I move to insert a hyphen. It is merely a question of punctuation.

The amendment to the amendment was agreed to.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Senator in charge of the bill with respect to this amendment. I can understand the amendment thoroughly down to a certain point. It is an amendment which authorizes the Secretary of War to allow any corporation, company, or individual to build a hotel at West Point, and, after enjoying the revenue from it for 50 years, to turn it over to the United States; but I do not understand the proviso. The proviso says:

That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time.

I do not know whether that means that the Secretary can buy it at any time, or that he can accept it as a gift at any time, or what it does mean.

Mr. FRELINGHUYSEN. The Senator from Wisconsin [Mr. LENROOT] conducted the hearing when this matter was under consideration. Perhaps he can answer the question.

Mr. LENROOT. Mr. President, in reply to the Senator from Pennsylvania, I will say that this is a provision of existing law. That proviso is in the law now.

Mr. KNOX. Can the Senator tell me what it means?

Mr. LENROOT. I do not know that I can, except that if the owner of the hotel should be so foolish as to convey it to the United States Government without cost, the Secretary of War is authorized to accept it.

Mr. KNOX. That, of course, would not be an objection to it; but I can not imagine anybody being so foolish as to give away a hotel.

Mr. LENROOT. I can not, either; but the objection to the existing law was that under existing law the Secretary of War is given the right to control the rates and charges of the hotel, and it was represented to the committee that because of that provision they could get no offers whatever for the construction of a hotel; so in this amendment the committee merely eliminates from existing law the right to regulate the charges of the hotel.

Mr. KNOX. And the committee left the provision of the existing law that the Secretary could graciously accept the donation of a hotel at any time?

Mr. LENROOT. Yes.

The amendment as amended was agreed to.

The next amendment was, on page 30, after line 25, to insert:

(g) The Secretary of War be, and he hereby is, in his discretion, authorized to select and permit one Panaman student, without expense to the United States, to receive instruction at the United States Military Academy at West Point, and such student, while undergoing instruction as herein authorized, shall be accorded the same privileges as are authorized by law for cadets at the Military Academy appointed from the United States.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

(h) Hereafter, whenever all vacancies at the Military Academy shall not have been filled as the result of the regular annual entrance examination, the remaining vacancies shall be filled by admission from the whole list of alternates selected in their order of merit established at such entrance examinations: *Provided*, That in filling vacancies to the credit of a State the list of alternates nominated from that State shall first be exhausted before selections are made from any other State to fill such vacancies. The admissions thus made, except as herein otherwise provided, shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law; and whenever by the operation of this or any other law the Corps of Cadets exceeds the authorized maximum strength as provided by law, the admission of alternates as prescribed in this act shall cease until such time as said corps may be reduced to its authorized strength.

Mr. WADSWORTH. As a perfecting amendment to the committee amendment, I move to strike out of line 22 the word "to" before "its" and to insert the word "below," so that it will read "until such time as said corps may be reduced below its authorized strength."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRANDEGEE. If there are no further committee amendments, I offer the amendment which I send to the desk. After it is read I desire to make a brief statement with reference to it.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Connecticut.

The ASSISTANT SECRETARY. Add at the end of the bill the following:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States thereafter, and any payment made to him covering a period subsequent to the date of his commission as a retired officer shall be deducted from the amount due him on the first payment under this act: *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of Cavalry, shall accrue as a result of the passage of this act.

Mr. BRANDEGEE. Mr. President, a bill for this purpose has been passed several times by the Senate at different sessions, and it was passed September 22, 1919, according to the indorsement of the Secretary of the Senate on the bill which the Secretary has just read as an amendment. I should like to have it placed as an amendment upon this bill, so that it may stand a better chance of receiving consideration in the House, where, as we know, the legislative machinery is so blocked that it is very difficult to get a bill up from the calendar.

The record of this gentleman, who is now 77 years old, and who was a Union soldier at the age of 19, is most distinguished and is to be found in the CONGRESSIONAL RECORD of April 24, 1916, printed upon pages 6709 and following of the RECORD. I ask that it and the report of the then chairman of the Committee on Mili-

tary Affairs [Mr. CHAMBERLAIN] upon a similar bill, being Report No. 281 of the Sixty-fifth Congress, second session; also the report of the Senator from Florida [Mr. FLETCHER] upon Senate bill 861, being Report No. 150 of the Sixty-sixth Congress, first session; the report of former Senator Catron, being Report No. 308, Sixty-fourth Congress, first session; and also the findings of fact and conclusion of the Court of Claims in the case may be printed in the RECORD as explanatory of the provisions of the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

"Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 6608, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

"Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

"Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven Conn., as a corporal.

"The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

"On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

"On February 10, 1863, Whitaker received a leave of absence and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

"On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

"It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

"The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

"In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991-996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"'* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did

their duty in this engagement, as they have in all others, like brave and gallant gentlemen.'

"On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

"[General Order No. 7.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*Hartwood Church, Va., August 16, 1863.*

"The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and respected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

"By command of Brig. Gen. J. Kilpatrick.

"L. G. ESTES, *A. A. A. G.*

"On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

"In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part I, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328–329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

"On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

"[General Orders, No. 24.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*October 29, 1863.*

"* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

"By command of Brig. Gen. Kilpatrick.

"L. G. ESTES, *A. A. Genl.*

"In a report of Brig. Gen. H. E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"'Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnoissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"'The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment.'

"The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army as follows:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"*Stevensburg, Va., December 1, 1863.*

"ADJUTANT GENERAL UNITED STATES ARMY.

"GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7, these headquarters, August 16, 1863, and am at present performing the duties of the office in the field. I am, General,

"Very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant, Second New York Volunteer Cavalry,*
"*Aaid-de-Camp.*"

"On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"*Stevensburg, Va., December 27, 1863.*

"Capt. E. B. PARSONS,
"*Assistant Adjutant General.*

"CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

"Very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant Company C,*
"*Second New York Cavalry, Aid-de-Camp.*

"The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

"On February 23, 1864, an order was issued as follows:

"[Special Orders, No. 12.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*February 23, 1864.*

"1. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

"By command of Brig. Gen. Kilpatrick:

"L. G. ESTES,
"*Captain and A. A. G.*

"From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, 'By command of Brig. Gen. Kilpatrick.'

"In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division, Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190–194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"'* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *'

"In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

"HEADQUARTERS CAVALRY EXPEDITION,
"*March 11, 1864.*

"BRIG. GEN. WISTAR,
"*Commanding Expedition.*

"GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Fraziers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

* * * * * * *

"Very respectfully,
"J. KILPATRICK, *Brigadier General.*

"Whitaker reported under date of April 10, 1864, as follows:

"BEALETON, *April 10, 1864.*

"Brig. Gen. KILPATRICK,
"*Commanding Third Division Cavalry:*

"Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

"E. W. WHITAKER,
"*Lieutenant, Aid-de-Camp.*

"Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

"On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

"GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
"ADJUTANT GENERAL'S OFFICE,
"*Hartford, April 25, 1864.*

"Brig. Gen. L. THOMAS,
"*Adjutant General, Washington, D. C.*

"GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commission as captain in the First Connecticut Cavalry.

"Very respectfully, your obedient servant,
"H. J. MORSE, *Adjutant General.*

"Thereupon an order was issued as follows:

"[Special Orders, No. 162.]
"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, April 29, 1864.*
"[Extract.]

* * * * * * *

"3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

* * * * * * *

"By order of the Secretary of War.
"W. A. NICHOLS,
"*Assistant Adjutant General.*

"Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*May 1, 1864.*

"Lieut. Col. C. KINGSBURY, Jr.,
"*Assistant Adjutant General.*

"COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

"I am, Colonel, very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant Company C, Second New York Cavalry.*

"The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

"[Special Orders, No. 123.]
"HEADQUARTERS CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"*May 2, 1684.*
[Extract.]

* * * * * * *

"7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

* * * * * * *

"By command of Maj. Gen. Sheridan.
"C. KINGSBURY, Jr.,
"*Assistant Adjutant General.*

"After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

[Special Orders, No. 198.]
"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, August 19, 1868.*
[Extract.]

* * * * * * *

"9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read 'First Lieut. E. W. Whitaker.'

"10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut. E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

* * * * * * *

"By command of Gen. Grant.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"In the meantime the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 29, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"'* * * The above-named commissioned and noncommissioned officers are all well deserving their promotions, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed.'

"Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

"It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

"The said Whitaker was duly appointed by the governor of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"OFFICE AID-DE-CAMP OF MUSTERS,
"*May 2, 1864.*

"I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.
"JACOB BRISTOL,
"*First Lieutenant, Fifth Michigan Cavalry,*
"*Aid-de-Camp of Musters, Third Division Cavalry Corps,*
"*Army of the Potomac.*

"Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, 'Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance.'

"In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625–630, Series I, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

"'* * * The First Brigade was held on the road to Hungarytown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

* * * * * * *

"'The advance reached Wylliesburg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greensville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of Infantry at Stony Creek Depot, on the Weldon Road, and two small detachments of Cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave no information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes 2 miles to the westward of Stony Creek Depot, induced me to take that route, and, accordingly, the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the Infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army headquarters about 10 a. m. On his way he gallantly rode through the enemy's Cavalry and Infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers, * * * did their duty with great intelligence and unceasing industry.'

"With regard to military operations on June 24–29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620–625, same volume), referred to Whitaker as follows:

"'* * * Just before daylight of the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungarytown struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House. The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

"'At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at once, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *.'

"Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—10.40 a. m.*

"Maj. Gen. MEAD,
"*Commanding Army of the Potomac,*
at Gen. Burnside's Headquarters:

"Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—(Sent 11.30 a. m.).*

"Maj. Gen. MEADE,
"*Commanding Army of the Potomac,*
"*at Gen. Burnside's Headquarters:*

"I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams Station he forced his way through it, losing half his escort, 40 in number.

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. 40, pt. 2, p. 493.)"

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"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—1.40 p. m.*

"Maj. Gen. WRIGHT,
"*Commanding Sixth Corps:*

"Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the Cavalry that followed Wilson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command, another was concentrated at the crossing of Stony Creek (10 miles north of Ream's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"(Report printed, p. 507, same volume.)"

—

"CITY POINT, *July 1, 1864—2 p. m.*
"(Received 8.20 a. m.—2d.)

"I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Wilson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams Station, or near there. After he crossed the Sappony, on what is called the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aids, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's, but succor could not be got up in season. * * *

"C. A. DANA.

"Hon. E. M. STANTON, *Washington.*

"(Report printed, Part I, same volume, p. 29.)"

—

"HEADQUARTERS SIXTH ARMY CORPS,
"*June 30, 1864—11.30 a. m.*

"Maj. Gen. HUMPHREYS:

* * * * * * *

"Capt. Whitaker, who is out with the cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W. can find no guns, but has discovered three or four limbers, which I have sent for. * * *

"H. G. WRIGHT,
"*Major General, Commanding.*

"(Report printed, Part II, same volume, p. 526.)

—

"HEADQUARTERS CAVALRY DIVISION,
"*Camp near Jones Neck, Va., July 4, 1864.*

"CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen. Wilson's staff,

volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines. * * *

"Very respectfully, your obedient servant,

"AUGUST V. KAUTZ,

"*Bridgadier General of Volunteers, Chief of Cavalry.*

"Capt. L. SIEBERT,

"*Assistant Adjutant General, Third Division,*

"*Cavalry Corps.*

"(Report printed, Part I, same volume, pp. 730–733.)

"Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

"REAMS' PUMP, PETERSBURG & WELDON RAILROAD,

"*June 29, 1864—8.25 p. m.*

"[Gen. A. A. HUMPHREYS,

"*Chief of Staff.*]

"GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. W[ilson]. Gen. Wright has a few cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

"I beg pardon for this irregularity, and am,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

Captain and Aide-de-Camp.

"(Printed, Part II, same volume, pp. 508–509.)

"REAMS STATION, *June 30, 1864—12.30 p. m.*

"Maj. Gen. HUMPHREYS,

"*Chief of Staff, Army of the Potomac.*

"GENERAL: In a reconnoissance toward Dinwiddie Courthouse I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, 'guarded by North Carolina Infantry, eight men to a wagon, with front and rear guard.' The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

"Very respectfully,

"Your most humble and obedient servant,

"E. W. WHITAKER,

"*Captain and Acting Aid-de-Camp.*

"(Printed, same volume, p. 526.)

"On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to The Adjutant General of the Army, a pertinent extract of which is as follows:

"HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,

"*July 4, 1864.*

"Brig. Gen. L. THOMAS,

"*Adjutant General, United States Army,*

"*Washington, D. C.*

"GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

"I have the honor to be, General,

"Very respectfully, your obedient servant,

"J. H. WILSON,

"*Brigadier General Commanding Division.*

"On July 9, 1864, an order was issued as follows:

"[Special Orders, No. 53.]

"HEADQUARTERS ARMIES OF THE UNITED STATES,

"*City Point, Va., July 9, 1864.*

"1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C., and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * * * *

"By command of Lieut. Gen. Grant.

"E. S. PARKER,

"*Assistant Adjutant General.*

"On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

"FROM GRANT'S HEADQUARTERS, *July 9, 1864.*

"Col. J. A. HARDIE:

"Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

"C. A. DANA.

"It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"*Twenty-second Army Corps, July 11, 1864.*

* * * * * * *

"Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * * * *

"To the above sir:

"The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

"Very respectfully, your most obedient servant,

"C. H. RAYMOND,

"*Assistant Adjutant General.*

"Copies of communications relating to duties performed by Whitaker on July 13–16, 1864, are as follows:

"HEADQUARTERS CAVALRY DIVISION,

"DEPARTMENT OF WASHINGTON,

"*Camp Stoneman, July 13, 1864.*

"Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

"In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

"This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

"W. GAMBLE,

"*Colonel, Commanding Cavalry Division.*

—

"HEADQUARTERS CAVALRY DIVISION,

"DEPARTMENT OF WASHINGTON, D. C.,

"*Camp Stoneman, July 14, 1864.*

"Lieut. Col. B. B. G. STONE,

"*Acting Aid-de-Camp and Chief of Staff,*

"COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here, and I will supply him forage and rations.

"I remain, very respectfully,

"W. GAMBLE,

"*Colonel, Commanding Cavalry Division.*

—

"HEADQUARTERS CAVALRY DIVISION,

"*Camp Stoneman, 11 a. m.—July 14, 1864.*

"Respectfully forwarded.

"I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from was in front of Forts Mahon and Meigs.

"W. GAMBLE,

"*Colonel, Commanding Cavalry Division.*

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON, D. C.,
"*Camp Stoneman, July 15, 1864.*

"Lieut. Col. J. H. TAYLOR,
"*Chief of Staff, Assistant Adjutant General.*

"COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

"The above are all the mounted men in this camp able to do mounted duty, except orderlies.

"Very respectfully, your obedient servant,
"W. GAMBLE,
"*Colonel, Commanding Cavalry Division.*

"On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

"HEADQUARTERS CAVALRY DIVISION,
"DEFENSES OF WASHINGTON, D. C.,
"*Camp Stoneman, July 16, 1864.*

"Hon. CHARLES H. DANA,
"*Assistant Secretary of War:*

"Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

"I am, with great respect,
"Your most humble and obedient servant,
"E. W. WHITAKER,
"*Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,*
"*Third Division, Cavalry Corps, Army of the Potomac.*

"The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

"WAR DEPARTMENT, *July 16, 1864.*

"Respectfully referred to The Adjutant General.

"The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

"By order.
"JAS. A. HARDIE,
"*Colonel, Inspector General.*

"On July 18, 1864. an order was issued in the case of this officer as follows:

"[Special Orders, No. 175.]
"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON,
"*Camp Stoneman, D. C., July 18, 1864.*

* * * * * * *

"3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry.

"The Quartermaster Department will furnish the necessary transportation.

* * * * * * *

"By order of Col. William Gamble.
"L. L. RAMEY,
"*Captain and Acting Assistant Adjutant General.*

"But on July 19, 1864, an order was issued from the War Department, as follows:

"[Special Orders, No. 242.]
"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, July 19, 1864.*
"[Extract.]

* * * * * * *

"13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

* * * * * * *

"By order of the Secretary of War.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

"WAR DEPARTMENT,
"*Washington City, July 19, 1864.*

"Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

"About the same time permission was granted as follows:

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, D. C., ——, 186—.*

"SIR: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

"The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

"Very respectfully, your obedient servant,
"C. W. FOSTER,
"*Assistant Adjutant General.*

"To Capt. EDWARD W. WHITAKER,
"*First Connecticut Cavalry.*

"Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

"BOARD OF EXAMINERS,
"*No. 212 F Street, Washington, July 20, 1864.*

"I recommend that Capt. E. W. Whitaker, Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.

"SILAS CASEY,
"*Major General, President Board.*

"The recommendation was approved by order of the Secretary of War and an order issued on July 20, 1864, as follows:

"[Special Orders, No. 243.]
"WAR DEPARTMENT.
"ADJUTANT GENERAL'S OFFICE.
"*Washington, July 20, 1864.*
"[Extract.]

* * * * * * *

"56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

* * * * * * *

"By order of the Secretary of War.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"The next record found relating to the officer is an order of which the following is a copy:

"[General Orders, No. 36.]
"HEADQUARTERS THIRD DIVISION CAVALRY CORPS.
"*July 21, 1864.*

"1. The following-named officers are announced as composing the staff of the brigadier general commanding:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

* * * * * * *

"They will be obeyed and respected accordingly.

"By command of Brig. Gen. Wilson.
"L. SIEBERT,
"*Assistant Adjutant General.*

"In a report dated February 18, 1865, and printed on pages 516–520, Volume XLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

* * * * * * *

"'In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *.'

"From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

"On August 20, 1864, an order was issued as follows:

"[Special Orders, No. 78.]

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"*August 20, 1864.*

* * * * * * *

"II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

"By command of Brig. Gen. Wilson.

"L. SIEBERT,
"*Acting Adjutant General.*

"On August 21, 1864, another order was issued, as follows:

"[Special Orders, No. 11.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"*Charlestown, Va., August 21, 1864.*

* * * * * * *

"2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

* * * * * * *

"By command of Maj. Gen. Sheridan.

"E. B. PARSONS,
"*Assistant Adjutant General.*

"Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"'Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments.'

"With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"*August 27, 1864.*

"Brig. Gen. MCINTOSH,
"*Commanding First Brigade.*

"GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"'WASHINGTON, *August 24, 1864.*

"'Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left.'

"The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge to examine papers of commissioned officer, and to order back all those without authority.

"I am, General, very respectfully, your obedient servant.

"L. SIEBERT.
"*Assistant Adjutant General.*

"A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as 'absent on duty at Camp Stoneman.'

"On October 1, 1864, an order was issued as follows:

"[Special Orders, No. 45.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"*Harrisonburg, Va., October 1, 1864.*

"1. The following-named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

* * * * * * *

"By command of Maj. Gen. Sheridan.

"C. KINGSBURY, Jr.,
"*Assistant Adjutant General.*

"In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

"In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

"[Special Orders, No. 7.]

"HEADQUARTERS CAVALRY CORPS,
"MILITARY DIVISION OF THE MISSISSIPPI,
"*Nashville, Tenn., November 6, 1864.*

"[Extract.]

* * * * * * *

"X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major, is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

"The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

* * * * * * *

"By command of Bvt. Maj. Gen. Wilson.

"E. B. BEAUMONT,
"*Captain and Acting Assistant Adjutant General.*

"On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"*November 7, 1864.*

"Capt. L. SIEBERT,
"*Assistant Adjutant General.*

"CAPTAIN: I have the honor to make application for muster out as captain Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division, dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

"E. W. WHITAKER,
"*Captain Company E, First Connecticut*
"*Volunteer Cavalry,*
"*Acting Assistant Division Commander.*

"An indorsement appears upon the foregoing communication, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"*Nashville, November 7, 1864.*

"The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

"J. H. WILSON,
"*Brevet Major General.*

"On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

"WAR DEPARTMENT,
"*Washington, D. C., November 17, 1864—2.30 p. m.*

"Hon. CHARLES A. DANA,
"*Assistant Secretary of War.*

"DEAR SIR: I am en route to rejoin and assume command of my regiment in 'Valley.' Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

"Hoping you will pardon me for this intrusion on your valuable time,

"I shall ever remain your most humble and obedient servant,

"E. W. WHITAKER,
"*Major, First Connecticut Cavalry.*

"An indorsement appears upon the foregoing communication, as follows:

"'Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"'By order of the Secretary of War.

"'C. A. DANA,
"'*Assistant Secretary of War.*

"'WAR DEPARTMENT, *November 18, 1864.*'

"Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535-6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

"CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

* * * * * * *

"On the 13th the regiment went with the division on a reconnoissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Morehouse was ordered to make a reconnoissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

* * * * * * *

"Very truly, your obedient servant,

"BRAYTON IVES,
"*Lieutenant Colonel, Commanding Regiment.*

"On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
"PLEASANT VALLEY, MD.,
"*November 25, 1864.*

"Hon. C. A. DANA,
Assistant Secretary:

"Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

"E. W. WHITAKER,
"*Major Commanding Regiment.*

"A letter was addressed to Whitaker on November 26, 1864, as follows:

"WAR DEPARTMENT,
"THE ADJUTANT GENERAL'S OFFICE,
"*Washington, D. C., November 26, 1864.*

"Capt. E. W. WHITAKER,
"*First Connecticut Cavalry.*

"SIR: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

"First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

"Second. You will furnish him with a copy of Special Orders, No. 45, headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

"Third. This muster must not in any way conflict with the provisions of General Orders, No. 182, series of 1863, from this office.

"If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

"I am, very respectfully, your obedient servant,

"THOMAS M. VINCENT,
"*Assistant Adjutant General.*

"In connection with the foregoing Whitaker wrote a letter on December 3, 1864, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
"FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
"*December 3, 1864.*

"Capt. BARNHARD,
"*Assistant Commissary of Musters.*

"CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from headquarters Mid. Mil. Div.

"Having completed the duties assigned me in Washington, I was en route to rejoin my command in the 'Valley,' October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

"I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front, which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

"I am, Captain, very respectfully, your obedient servant,

"E. W. WHITAKER,
"*Captain, First Connecticut Cavalry.*

"The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kernstown, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

"On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

"[General Orders, No. 43—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*December 8, 1864.*

"1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court.

* * * * * * *

"Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

"By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,
"*Assistant Adjutant General.*

"It appears that Whitaker continued on court-martial duty until relieved in an order, as follows:

"[General Orders, No. 6—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 17, 1865.*

"1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester, Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * * * *

"By command of Col. A. C. M. Pennington, commanding division.

"L. SIEBERT,
"*Assistant Adjutant General.*

"In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment, to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment at Winchester, Va.

"Copies of communications dated January 27, 1865, relating to this officer are as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 27, 1865.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"COLONEL: In compliance with orders from the acting chief of Cavalry you will detail from each of your regiments 50 good men, with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage, to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

"By command of Col. Pennington, commanding division.
"L. SIEBERT,
"*Assistant Adjutant General.*

—

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 27, 1865.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"COLONEL: Pursuant to instructions from the acting chief of Cavalry you will detail a major from your brigade to take command of the 200 men to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division, and will please send his name up to these headquarters.

"By command of Col. Pennington, commanding division.
"L. SIEBERT,
"*Assistant Adjutant General.*

"He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"COLONEL: In accordance with orders from the chief of Cavalry you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

"The horses selected will be well shod and in a good condition to travel.

"The men will take three days' rations and the usual amount of forage and will be armed with pistols and sabers only.

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of Cavalry for instructions.

"The place of rendezvous and the hour of march will be designated hereafter.

"By command of Col. W. Wells, commanding division.
"L. SIEBERT,
"*Assistant Adjutant General.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"HEADQUARTERS FIRST BRIGADE,
"THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"COMMANDING OFFICER,
"*First Connecticut Cavalry:*

"The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

"You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

"Surg. G. A. Hurlbut will accompany the expedition.

"By command of Col. A. M. Randol, commanding brigade.
"JOHN J. PIKE,
"*Lieutenant and Acting Assistant*
"*Adjutant General.*

—

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"Col. JOHN J. COPPINGER,
"*Commanding Second Brigade.*

"COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

* * * * * * *

"Very respectfully, etc.,
"L. SIEBERT,
"*Assistant Adjutant General.*

"In his report of the Shenandoah Valley campaign, dated February 3, 1866, and printed on pages 40–57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

* * * * * * *

"'On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc.'

* * * * * * *

"Again, Whitaker was mentioned in connection with the same incident, as follows:

"WINCHESTER, VA., *February 6, 1865.*
"(Received 1.50 p. m.)

"Maj. Gen. H. W. HALLECK,
"*Chief of Staff:*

"A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

"P. H. SHERIDAN,
"*Major General, Commanding.*

"Whitaker made a report of the affair as follows:

"CAMP OF FIRST CONNECTICUT CAVALRY,
"NEAR WINCHESTER, VA.,
"*February 8, 1865.*

"MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night, when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States, I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light, during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

"On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, 'What soldiers were in the houses?'

she at once replied, 'Maj. Gilmor is upstairs.' Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 38 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

"I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful 'bearding of the lion in his den.'

"To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

"Respectfully submitted.

"E. W. WHITAKER,
"*Lieutenant Colonel First Connecticut Cavalry,*
"*Commanding Expedition.*

"Maj. WILLIAM RUSSELL, Jr.,
"*Assistant Adjutant General.*

"Whitaker was recommended for special duty in a letter, as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 11, 1865.*

"Maj. WILLIAM RUSSELL, Jr.,
"*Assistant Adjutant General, Cavalry M. M. Division.*

"MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

"Very respectfully, etc.

"G. A. CUSTER,
"*Brevet Major General Commanding.*

"On the same day an order was issued as follows:

"[Orders.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 11, 1865.*

"Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

"By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,
"*Assistant Adjutant General.*

"The officer was detailed for special duty in an order as follows:

"[Special Orders, No. 145.]

"HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
"*February 12, 1865.*

"1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

"By command of Bvt. Maj. Gen. Merritt.

"WM. RUSSELL, Jr.,
"*Assistant Adjutant General.*

"On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

"In a communication dated February 21, 1865, Whitaker was mentioned as follows.

"HEADQUARTERS THIRD DIVISION CAVALRY,
"*February 21, 1865.*

"Col. PENNINGTON,
"*Commanding First Brigade:*

"Gen. Crook, Gen. Kelley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage. I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

"Very respectfully, etc.,

"G. A. CUSTER,
"*Brevet Major General, Commanding.*

"The result of the attempt to recapture the general officers is set forth in a report as follows:

"HEADQUARTERS THIRD DIVISION CAVALRY,
"MIDDLE MILITARY DIVISION,
"*February 23, 1865.*

"CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester Pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided to not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek Road.

"The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

"My loss was none, except in horses, a few. Four of enemy taken prisoners en route.

"I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in

efforts to accomplish the object of the expedition, which I much regret to report a failure.

"I am, Captain, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Lieutenant Colonel First Connecticut Cavalry,*

"*Acting Assistant Inspector General Third Division Cavalry.*

"Capt. L. SIEBERT,

"*Assistant Adjutant General.*

"A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

"In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication as the one referred to hereinbefore, Whitaker was referred to as follows:

* * * * * * *

"'March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricades and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men, under Col. Thompson, First New Hampshire Cavalry.

* * * * * * *

"Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"MIDDLE MILITARY DIVISION,

"*White House, Va., March 20, 1865.*

"I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition, I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismounted under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition are mentioned in this report.

"I am, very respectfully, yours, etc.,

"G. A. CUSTER,

"*Brevet Major General.*

"Capt. E. M. BAKER,

"*Acting Assistant Adjutant General,*

"*Cavalry, Middle Military Division.*

"In a report dated March 19, 1865, and printed on pages 504–508, same volume, the officer is referred to as follows:

"HEADQUARTERS FIRST BRIGADE,

"THIRD DIVISION, CAVALRY CORPS.

"*Near White House Landing, Va., March 19, 1865.*

"CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force and that they had both infantry and cavalry. * * *

"I am, sir, very respectfully, your obedient servant.

"A. C. M. PENNINGTON,

"*Colonel Commanding Brigade.*

"Capt. L. W. BARNHART,

"*Acting Assistant Adjutant General,*

"*Third Division, Cavalry Corps.*

"Whitaker applied for leave of absence in a letter as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"*White House, Va., March 23, 1865.*

"Lieut. Col. F. H. NEWHALL,

"*Assistant Adjutant General.*

"COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

"I am, Colonel,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Lieutenant Colonel First Connecticut Infantry,*

"*Acting Assistant Inspector General.*

"The application was returned with indorsement: 'Not granted for the present.'

"A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

"On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

"[Special Orders, No. 20.]

"HEADQUARTERS THIRD CAVALRY DIVISION,

"*April 19, 1865.*

"[Extract.]

* * * * * * *

"2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

* * * * * * *

"By command of Bvt. Maj. Gen. Custer, acting adjutant general.

"Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111–1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

* * * * * * *

"'Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, [acting] assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesboro March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign.'

* * * * * * *

"An order was issued on April 21, 1865, as follows:

"[General Orders, No. 22.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*April 21, 1865.*

"The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

"By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

"On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

"STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
"*Norwich, April 28, 1865.*

"SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

"I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

"I am, with high consideration.

"Your obedient servant,

"WM. A. BUCKINGHAM,
"*Governor of Connecticut.*

"Hon. E. M. STANTON,
"*Secretary of War.*

"(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

"Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

"NORWICH, CONN., *April 29, 1865.*

"SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, reenlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly correct in his habits, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier.

"Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

"Your obedient servant,

"L. F. S. FOSTER.

"Mr. Secretary STANTON.

"On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

"WAR DEPARTMENT,
"*Washington, May 19, 1865.*

"SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States, to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"EDWIN M. STANTON,
"*Secretary of War.*

"Bvt. Brig. Gen. E. W. WHITAKER,
"*United States Volunteers (through Maj. Gen. Sheridan).*

"Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"ARMY OF THE POTOMAC,
"*May 22, 1865.*

"Brig. Gen. E. D. TOWNSEND, *Adjutant General.*

"GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith the oath of office subscribed and attested, together with report giving age, birthplace, etc.

"I have the honor, General, to be,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,
"*Lieutenant Colonel First Connecticut Cavalry,*
"*Brevet Brigadier General Volunteers.*

"It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

"[General Orders, No. 2.]

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"*May 25, published May 30, 1865.*

"The major general commanding announces the following-named officers as composing his staff:

"Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * * * *

"By command of Bvt. Maj. Gen. Davies.

"THOS. C. LEBO,
"*Acting Assistant Adjutant General.*

"On May 25, 1865, an order was issued as follows:

"[Special Orders, No. 33.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*May 25, 1865.*

"Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

"By command of Brig. Gen. Capehart.

"H. M. BURLEIGH,
"*Assistant Adjutant General.*

"In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer 'whom you spoke of to me as one who would make a good staff officer.'

"A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

"On June 11, 1865, the officer received leave of absence in an order as follows:

"[Special Orders, No. 18.]

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"*June 11, 1865.*

* * * * * * *

"3. Leave of absence is granted to the following-named officers:

"Bvt. Brig. Gen. E. W. Whitaker, assistant inspector general and chief of staff, Cavalry Corps, for five days.

* * * * * * *

"(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

"A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as assistant inspector general and chief of staff of the general commanding.

"On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
July 11, 1865.

"Col. T. S. BOWERS,
"*Assistant Adjutant General, United States Army.*

"COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

"Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the Regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking

up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Brevet Brigadier General, United States Volunteers,*

"*Acting Inspector General and Chief of Staff,*

"*Lieutenant Colonel First Connecticut Cavalry.*

"The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

"On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

"[Special Orders, No. 173.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"*Washington, D. C., July 18, 1865.*

* * * * * * *

"7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once join their proper regiments.

"Under the provisions of General Orders, No. 106, of June 2, 1865,. War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

"The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

"By command of Maj. Gen. C. C. Augur.

"R. CHANDLER,

"*Assistant Adjutant General.*

"Following is a copy of an order relative to this officer issued on July 20, 1865:

"[Special Orders, No. 175.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"TWENTY-SECOND ARMY CORPS,

"*Washington, D. C., July 20, 1865.*

"Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

"At the expiration of this time he will report to the chief mustering officer of his State.

"By command of Maj. Gen. Augur.

"R. CHANDLER,

"*Assistant Adjutant General.*

"Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

"ALLYN HOUSE,

"*Hartford, Conn., July 28, 1865.*

"Lieut. Col. C. C. GILBERT,

"*Chief Mustering Officer, State of Connecticut.*

"COLONEL: I have the honor to report to you, in compliance with a paragraph from a Special Order No. 175, dated July 20, 1865, from headquarters, Quartermasters Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

"I would respectfully request orders or instructions at your earliest convenience.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Brevet Brigadier General,*

"*Lieutenant Colonel First Connecticut Cavalry.*

"The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

"In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

"The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

"On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

"[General Orders, No. 133.]

"WAR DEPARTMENT,

"ADJUTANT GENERAL'S OFFICE,

"*Washington, August 22, 1865.*

"Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865:

* * * * * * *

"Volunteer force.

* * * * * * *

"To be brigadier generals by brevet.

* * * * * * *

"Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

* * * * * * *

"By order of the Secretary of War:

"E. D. TOWNSEND,

"*Assistant Adjutant General.*

"The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing therein showing that the appointment was to date from March 13, 1865, and was granted 'for gallantry and uniform good conduct.' The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

"Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

"Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

"First Bull Run, July 21, 1861. (B.)

"Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)

"First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)

"Action near Carmel Church, July 22, 1862. (B.)

"Second raid on Virginia Central Railroad, July 24, 1862. (D.)
"Third raid on Virginia Central Railroad, August 6-7, 1862. (B.)
"Cedar Mountain, August 9, 1862. (B.)
"Fords of Rapidan, August 18-19, 1862. (B.)
"Brandy Station, August 20, 1862. (B.)
"Rappahannock Station, August 20 to 23, 1862. (B.)
"Thoroughfare Gap, August 27 and 28, 1862. (B.)
"Groveton, August 29, 1862. (B.)
"Bull Run, August 30, 1862. (B.)
"Sudley Church, November 3, 1862. (C.)
"White Plains, November 8, 1862. (D.)
"Fredericksburg, December 13, 1862. (B.)
"Chancellorsville campaign, April 26 to May 6, 1863. (B.)
"Stoneman's raid, April 29 to May 7, 1863. (B.)
"Louisa Court House, May 2, 1863. (B.)
"Fortifications of Richmond, May 4, 1863. (B.)
"Ayletts Ferry, May 5, 1863. (B.)
"Brandy Station, June 9, 1863. (B.)
"Aldie, June 17, 1863. (B.)
"Hanover, Pa., June 30, 1863. (B.)
"Gettysburg, Pa., July 1 to 3, 1863. (A.)
"Monterey, Md., July 4, 1863. (A.)
"Williamsport, July 6, 1863. (A.)
"Funktown, July 9, 1863. (A.)
"Jones Cross Roads, July 10, 1863. (B.)
"Falling Waters, July 14, 1863. (B.)
"Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)
"Rappahannock River, September 15 and 16, 1863. (B.)
"Robertsons River, September 17-24, 1863. (B.)
"Whites Ford, at Liberty Mills, September 22, 1863. (B.)
"Hazell River, October 7, 1863. (C.)
"James City, October 9 and 10, 1863. (A.)
"Rappahannock River, October 11 to 15, 1863. (B.)
"Buckland Mills, October 19, 1863. (B.)
"Mortons Ford, November 15, 1863. (D.)
"Raccoon Ford, December 5, 1863. (B.)
"Ellis Ford, January 18, 1864. (B.)
"Stephenburg, January 19, 1864. (D.)
"Raid on Richmond, February 28 to March 4, 1864. (B.)
"South Anna River, February 29, 1864. (B.)
"Fortifications of Richmond and Ashland, March 1, 1864. (B.)
"Old Church at Walkerstown, March 2, 1864. (B.)
"Craig's Meeting House, May 5, 1864. (B.)
"Todd's Tavern, May 6, 1864. (B.)
"Spotsylvania Court House and Wilderness, May 8, 1864. (B.)
"Sheridan's Raid on Haxhalls Landing, May 9 to 20, including Beaver Dam Station, May 9 and 10, 1864. (B.)
"Yellow Tavern, May 11, 1864. (B.)
"Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)
"Mechums Creek, Hanover Court House, May 31, 1864. (B.)
"Ashland, June 1, 1864. (B.)
"Hawes Shop, June 2, 1864. (B.)
"Old Church, June 10 and 11, 1864. (B.)
"Long Bridge, June 12, 1864. (B.)
"White Oak Swamp, June 13, 1864. (B.)
"St. Mary's Church, June 15, 1864. (B.)
"Raid on Danville and Welden Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)
"Roanoke Station, June 25, 1864. (B.)
"Stony Creek, June 28, 1864. (A.)
"Reams Station, June 29, 1864. (A.)
"Defense at Washington, July 11 to 13, 1864. (A.)
"Summit Point, August 21, 1864. (A.)
"Charlestown, August 24 and 25, 1864. (A.)
"Kearneyville, August 25 and 26, 1864. (A.)
"Lacys Springs, December 21, 1864. (B.)
"Capture of Harry Gilmor, February 6, 1865. (A.)
"Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)
"Dinwiddie Court House, March 31, 1865. (B.)
"Five Forks, April 1, 1865. (A.)
"Deep Creek, April 3, 1865. (B.)
"Sailors Creek, April 6, 1865. (B.)
"Appomattox Station, April 8, 1865. (A.)
"Appomattox Court House, April 9. At head of charge receiving surrender of Lee's army, 1865. (A.)

"On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

"HEADQUARTERS, MILITARY DIVISION OF THE GULF,
"*New Orleans, La., April 4, 1866.*

"To the Hon. E. M. STANTON,
"*Secretary of War, Washington, D. C.*

"DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army, upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

"I am, sir, very respectfully, your obedient servant,
"P. H. SHERIDAN,
"*Major General, United States Army.*

"Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*Washington, October 13, 1866.*

"Hon. E. M. STANTON,
"*Secretary of War.*

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

"Very respectfully, your obedient servant,
"U. S. GRANT, *General.*

"Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*Washington, October 17, 1866.*

"Hon. E. M. STANTON,
"*Secretary of War.*

"SIR: In view of the fact that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

"Very respectfully, your obedient servant,
"U. S. GRANT, *General.*

"In the list accompanying the letter Whitaker was once more recommended for appointment as captain of Cavalry.

"The letter of October 17, 1866, was referred to the President by the Secretary of War on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

"Thereupon a notification of appointment was prepared, as follows:

"WAR DEPARTMENT,
"*Washington, October 18, 1866.*

"SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley, Kans.

"EDWIN M. STANTON,
"*Secretary of War.*

"Capt. E. W. WHITAKER,
"*Seventh Regiment United States Cavalry,*
"*Hartford, Conn.*

"The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response

having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

"The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

* * * * * * *

"'List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"'Name: 7. Whitaker, E. W.

"'Appointment: Captain, Seventh Cavalry.

"'Recommended by: Gen. Grant on Army record; no residence stated.

* * * * * * *

"'Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled.

"'J. C. KELTON,
"'*Assistant Adjutant General.*'

"The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"'The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"'EDWIN M. STANTON,
"'*Secretary of War.*

"'Approved:
"'ANDREW JOHNSON.'

"On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

"With regard to the statement in the accompanying bill to the effect that Gen. Whitaker 'declined to accept an appointment issued to him as captain in the Seventh Regiment, United States Cavalry,' because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

"In a letter addressed to President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

"On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

"In the year 1895 application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

"STOCKFORD, WILMINGTON, DEL.,
"*February 27, 1895.*

"JAS. R. DURHAM, Esq.,
"*Washington, D. C.*

"DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

"I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished service in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

"I now beg to replace it by what follows:

"E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

"As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

"Yours, very respectfully, "JAMES H. WILSON,
"*Late Major General, Volunteers.*

"[Special Orders, No. 135.]

"GENERAL HEADQUARTERS STATE OF CONNECTICUT,
"ADJUTANT GENERAL'S OFFICE,
"*Hartford, September 15, 1864.*

"1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

"By order of the Commander in Chief.

"HORACE J. MORSE,
"*Adjutant General.*

"The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

"WAR DEPARTMENT, OFFICE OF THE SECRETARY,
"*March 22, 1898.*

"By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

"At Reams Station, Va., June 29, 1864, this officer, then captain, First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

"R. A. ALGER,
"*Secretary of War.*

"Respectfully submitted.

"GEO. ANDREWS,
"*The Adjutant General.*

"WAR DEPARTMENT,
"THE ADJUTANT GENERAL'S OFFICE,
"*March 10, 1914.*

"The honorable the SECRETARY OF WAR."

[Senate Report No. 281, Sixty-fifth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2646) for the relief of Edward W. Whitaker, have considered the same and report it back to the Senate with the recommendation that it do pass.

"The records of the War Department show that Gen. Whitaker enlisted as a private April 19, 1861, in Company A, First Connecticut Infantry Volunteers, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers, and then was specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled.

"Gen. Whitaker was given a hearing on March 3, 1916, before a subcommittee of the Committee on Military Affairs in connection with a similar bill (S. 2517) which passed the Senate in the Sixty-fourth Congress. An extract from the report of that hearing is printed herewith:

"'The CHAIRMAN. Now, Gen. Whitaker, please state, so the stenographer can get it down, the history of your service, making it as condensed as possible and giving the reasons why you ask to have this bill passed.

"'Gen. WHITAKER. Thank you, Mr. Chairman. I wish to say that the outline of my services and the claims that I present are briefly recited in Senator BRANDEGEE's bill, S. 2517. My military history is briefly recited there, and the grounds on which I feel that special legislation would be justified in this case. You have right there, supporting it, a full detailed military history from the War Department of about 50 pages. That recites my record all the way from the Battle of Bull Run to Appomattox. It also recites the fact that at the close of the war I was appointed a captain in the Seventh United States Cavalry, an appointment I declined on account of the fact that my disabilities, incurred in the last battles of the war, would have immediately resulted in my being ordered before a medical examining board and my being retired on account of my disabilities.

"'I was unfitted for the service. Had I been retired under the law at that time I would have been retired as a lieutenant colonel, but I was somehow too proud to accept that. I said, "I have my hands and I can get my living, and therefore I will not be a pensioner on the rolls of the Government when the Treasury is so depleted on account of the terrible cost of the great war we have just passed through." Out of my foolish pride, I concede now, I declined that appointment. I would have been all these long years on the retired list, competing with men that could not beat me every time. Besides, I did not feel that I was so seriously disabled; if I had had an arm off I probably should have accepted the appointment.

"'I have been induced, however, during the last 12 years by my friends, on account of my growing disabilities, to ask to be put on the retired list. My Congressman, Charles A. Russell, 12 or 15 years ago introduced a bill to retire me as captain, in view of the fact I had been once appointed captain. He thought at first he had only to go to the White House, to the President, and he would at once reappoint me, but he soon learned he could not do so. For 12 years I have been hoping to be retired. During those years the volunteer officers have organized an association to secure a general legislative retirement bill. They organized that after I had tried. I had only tried after a few of my Confederate friends were put on the list. Men who had fought for four years against me in the field were retired, and many volunteer Union officers. My old captain, Joseph R. Hawley, who became a general, was put on the retired list, and Gen. Osterhaus, both volunteers. They were civilians who were put on the retired list in their old age.

"'I have been rather negligent about pressing my bill, for the reason I did not have the means to employ a lawyer, and I had hoped that during these long years perhaps those volunteer officers would secure the passage of the general bill and I would be taken care of there. But recently I have been assured that there is no prospect whatever of a general retirement bill being passed, by reason of the fact that it would involve a large sum of money, and that it might provide for men who are amply able to subsist without a pension or retired pay from the Government.

"'My friends have urged me to press my individual bill, and I have plenty of friends in the Senate; and, having their assurance that there would be no opposition to a meritorious individual bill, I have had the audacity to ask for a special hearing. Last year I was denied even a five-minute hearing by a Senator who is not now on the committee. He said, "Drop it. Support the general bill; we will put the general bill through." It failed. I do not want to say anything further to go into the report, and I will therefore state that I leave the whole matter in your hands, gentlemen.

"'I ought to add, however, that I am in that condition of health and forced in my occupation to expose myself so that I will probably not survive another year. I have serious bronchial trouble. I am occupying a position which is menial and degrading. I am watching the violations of the smoke law in the District of Columbia here, so as to get pure air to breathe. That necessitates my exposure in blizzards like this—and I only got leave of absence for to-day so as to come here—on the tops of high buildings, where I can not protect myself with the most heavy clothing in the world. I have to stand still and get no exercise. Each year I get worse and worse with my bronchial trouble, and unless I get some relief I shall have to go to some soldiers' home or be "planted" in Arlington. That is the way it looks now. I leave the matter with you.

"'Senator MYERS. What would be your pay if you were retired as lieutenant colonel?

"'Gen. WHITAKER. I have been asked that repeatedly, and I have told everybody that I have never thought of asking the question or looking it up. I do not know what the retired pay of a lieutenant colonel is. It is cut down considerably from what the Regulars get in the service; they have a lot of perquisites. I can not tell you the retired pay of a lieutenant colonel to save my life.

"'The CHAIRMAN. Do you get a pension now?

"'Gen. WHITAKER. Yes. I have $30 a month, the rating for total disability incurred when holding the rank of lieutenant colonel. I should have told you that when I was examined in the Pension Bureau the examiners found me three times totally disabled. If I could have received the aggregate pension for all my disabilities it would have amounted to $104 a month. The ratings added together would have amounted to that much, but no rate could legally be put above $30. I am rated at only $30.

"'The CHAIRMAN. Do you know of any other instances where volunteers who served in the Army when the war was over and their services were ended were retired on officers' pay?

"'Gen. WHITAKER. Plenty of them everywhere.

"'The CHAIRMAN. Without being reappointed, or something of that sort?

"'Gen. WHITAKER. No; not without being reappointed. They were appointed—many of my own friends were appointed the same as I was. I recollect Capt. Tyler, who was competing in business with me in Washington. He had his arm off. I did not even ask for a pension until in the eighties, when I broke down in business. I was too proud to ask for a pension prior to that.

"'The CHAIRMAN. When did your service terminate?

"'Gen. WHITAKER. I was mustered out August 16, 1865, and enlisted April 15, 1861. I was four years and four months in the service, and there is not a scratch of a pen against me. I was never reprimanded and never absent without leave. I have as perfect a military record as can be produced.

"'The CHAIRMAN. If you had accepted the appointment as captain you could have retired later while in the service as captain, and then you would have been retired on that basis——

"'Gen. WHITAKER. I would have been retired as a lieutenant colonel promptly, on medical examination, under the law at that time, by reason of the fact that I was disabled while ranking as lieutenant colonel.

"'The CHAIRMAN. I thought you were ranking as captain?

"'Gen. WHITAKER. No; the law will tell you that a retired Army officer, retired for disabilities incurred in the service, would be retired at the rank he held when disabled. I was disabled as a lieutenant colonel. Many have said to me, "You should be retired as a general." But no; I was not appointed as a general (brigadier by brevet) until after Appomattox. Then I was mustered out, August 16, 1865, as a brevet brigadier general. I could not have been retired as a general under the law; I could only have been retired as a lieutenant colonel, the rank I held at the time I was disabled at Five Forks.

"'Senator MYERS. What is your age?

"Gen. WHITAKER. I was 19 when I enlisted. I will be 75 in June next.

"'The CHAIRMAN. I believe that is all, General.

"'Gen. WHITAKER. I am very much obliged to you, gentlemen.'"

[Senate Report No. 150, Sixty-sixth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 861) for the relief of Edward W. Whitaker, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

"In line 15, page 1, strike out the words 'after the date of the passage of this act' after the word 'States' and insert 'thereafter.'

"In line 2, page 2, strike out 'passage of this act' and insert 'date of his commission as a retired officer.'

"At the end of the bill strike out the period, insert a colon, and the words '*Provided further*, That no back pay, allowances, or other emoluments except his pay as a retired lieutenant colonel of Cavalry shall accrue as a result of the passage of this act.'

"It appears that the beneficiary named in this act is now a pensioner, and the purpose of these amendments is to make clear the intent of Congress that there shall be no duplication in payments. This bill was favorably reported to the Senate in the Sixty-fourth Congress, and the CONGRESSIONAL RECORD for April 24, 1916, page 6709 et seq., in the proceedings of the Senate, contains a full explanation of its purpose. The report of the committee of that Congress follows:

"'The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"'On page 2, line 11, after the word "extent," insert: "*Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act."

"'A statement made by The Adjutant General, United States Army, regarding Mr. Whitaker, is hereby filed with this report. The pension certificate under which the said Edward W. Whitaker is receiving pension sets forth the reasons why he is paid said pension and is as follows:

"'UNITED STATES OF AMERICA,
"'DEPARTMENT OF THE INTERIOR,
"'BUREAU OF PENSIONS.

"'It is hereby certified that, in conformity wtih the laws of the United States, Edward W. Whitaker, who was a first lieutenant, Company C, Second Regiment New York Cavalry, and lieutenant colonel First Regiment Connecticut Volunteer Cavalry, is entitled to a pension at the rate of $30 per month, to commence on the 26th day of March, 1887, this pension being for slight deafness of both ears and resulting severe deafness of left ear and slight deafness of right ear, and injury of thighs and small of back and right inguinal hernia. Reissue in lieu of lost certificate dated June 18, 1889.

"'Given at the Department of the Interior this 5th day of February, 1915, and of the independence of the United States of America the one hundred and thirty-ninth.

"'(Signed) FRANKLIN K. LANE,
"'*Secretary of the Interior.*

"'Countersigned:

"'G. M. SALTZGABER,
"'*Commissioner of Pensions.*'"

[Senate Report No. 308, Sixty-fourth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"On page 2, line 11, after the word 'extent,' insert: '*Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.'

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(Signed) "FRANKLIN K. LANE,
"*Secretary of the Interior.*

"Countersigned:

"G. M. SALTZGABER,
"*Commissioner of Pensions.*"

[House Document No. 986, Sixty-third Congress, second session.]

"LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A CERTIFIED COPY OF THE FINDINGS OF FACT AND CONCLUSION FILED IN THE CASE OF EDWARD W. WHITAKER AGAINST THE UNITED STATES.

"COURT OF CLAIMS,
"*Washington, May 18, 1914.*

"Hon. CHAMP CLARK,
"*Speaker of the House of Representatives.*

"SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conculsions filed in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives June 22, 1912, under the act of March 3, 1911, known as the Judicial Code.

"I am, very respectfully, yours,

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*

[Court of Claims. Congressional, 15837-295. Edward W. Whitaker *v.* The United States.]

"STATEMENT OF CASE.

"This is a claim for bounty for military service during the Civil War, and in the petition filed June 21, 1913, petitioner alleges as follows:

"That he is a citizen of the United States resident in the city of Washington, in the District of Columbia, and that he has a claim against the United States which arises as follows:

"That he enlisted April 15, 1861, as private, Company A, First Connecticut Infantry, to serve three months, and was mustered out July 31, 1861; he again enlisted in Company B, Second New York Cavalry, August 21, 1861, for a term of three years; promoted second lieutenant, November 16, 1862; first lieutenant, March 17, 1863; captain, January 30, 1864; transferred to First Connecticut Cavalry and promoted major, September 14, 1864; promoted lieutenant colonel, January 17, 1865; and honorably discharged, August 2, 1865, by reason of end of the war.

"That the act of July 22, 1861, entitled 'An act to authorize the employment of volunteers to aid in enforcing laws and protecting public property,' provides (12 Stat., 268):

"'Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid * * * when honorably discharged * * * if he shall have served for a period of two years, or during the war, if sooner ended, the sum of $100."

"And the act of July 28, 1866 (14 Stat., 310), provides:

"'That each and every soldier who enlisted into the Army of the United States after the 19th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment, has been honorably discharged, and who has recieved or who is entitled to receive from the United States under existing laws a bounty of $100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of $100 hereby authorized.'

"That he presented his claim for bounty under these laws to proper accounting officers of the Treasury, and it was disallowed on the ground that he was discharged for promotion prior to a service of two years.

"That believing this decision to be unfair, he appealed to Congress for relief, and a bill, H. R. 23375, second session, Sixty-second Congress, was referred to this court on June 22, 1912, by a resolution of the House of Representatives, said bill, so far as it relates to his case, reading as follows:

"'SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to each of the following persons named in this section, or, if deceased, to the party entitled thereto, the sum of $400, or so much thereof as may be necessary, being for unpaid balance of bounty for military

service during the Civil War, namely: * * * Edward W. Whitaker, * * *.'

"The case was brought to a hearing on its merits on the 30th day of March, 1914. C. D. Pennebaker, Esq., appeared for the claimant and the Attorney General, by B. W. Andrews, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

"The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

"FINDINGS OF FACT.

"I. The claimant, Edward W. Whitaker, was enrolled in the military service of the United States on April 19, 1861, for three months, in Company A, First Connecticut Volunteer Infantry, and was mustered out with his company July 31, 1861.

"He was again enrolled in Company D, Second New York Cavalry, August 21, 1861, for three years; was promoted to be second lieutenant November 16, 1862, and resigned as captain April 29, 1864.

"II. Said claimant filed a claim for bounty with the accounting officers of the Treasury under the act of July 22, 1861 (12 Stat., 269), and July 28, 1866 (14 Stat., 322), and the same was disallowed April 14, 1909, for the following reasons:

"'For his first service as an enlisted man there is no law authorizing the payment of bounty. As of his second service, he was enrolled as an enlisted man after July 21, 1861, and discharged for promotion prior to two years' service, hence no bounty due.'

"CONCLUSION.

"Upon the foregoing findings of fact the court concludes that the claim is neither a legal nor an equitable one against the United States.

"BY THE COURT.

"Filed April 27, 1914.

"A true copy:

"Test this 16th day of May, 1914.

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. LENROOT. This matter was not even presented to the committee. It is bad policy to place matters of this kind upon an appropriation bill, especially when the committee has not had opportunity to consider it. I therefore feel constrained to make a point of order against the amendment.

Mr. BRANDEGEE. The matter was not strictly formally presented to the committee, I admit. I did, however, consult with the chairman of the committee and the Senator having the bill in charge and asked them if they would be willing to let it go to conference and see if the House conferees would not agree to it, but not to press it unduly if the House would not agree to it.

One of my predecessors in the Senate, Senator Hawley, once had the amendment placed upon a similar appropriation bill in order to get it through. This gentleman was an intimate friend of Gen. Hawley. He has only a year or so yet to live. I would not ask that it be considered as an amendment to the pending bill if there was any prospect of its getting attention in the House in the ordinary manner. I hope, inasmuch as the chairman of the committee and the Senator in charge of the bill have no objection to it, that the Senator from Wisconsin will not feel constrained to insist upon his point of order.

Mr. LENROOT. As a member of the subcommittee I will say that there was one other very similar matter brought to the attention of the committee and the committee declined to favor the amendment in that case. I do think it would be a discrimination against others to permit it in this case; and if it be permitted in this case there are no doubt a dozen equally meritorious propositions now pending before the Committee on Military Affairs that would have equal claim to go upon the bill. I shall, therefore, insist upon the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

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

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

Mr. FRELINGHUYSEN. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WADSWORTH, Mr. FRELINGHUYSEN, and Mr. McKELLAR conferees on the part of the Senate.

CON MURPHY.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 3119) for the relief of Con Murphy. It will lead to no debate; or if so, I shall not press it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Con Murphy, for personal injuries sustained by him while in the performance of his duty as janitor in the Custodian Service, Federal building, Cheyenne, Wyo.

The amendment was agreed to.

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

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

SUITS IN ADMIRALTY—CONFERENCE REPORT.

Mr. JONES of Washington. There is a conference report on the table which has been acted upon by the House, and I ask that it may be considered. I think it will take but a moment. It is the conference report on Senate bill 3076, authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, 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 disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this act shall not apply to the Panama Railroad Co.

"SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private par-

ties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this act.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however,* That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

And the House agree to the same.

W. L. JONES,
F. M. SIMMONS,
CHAS. L. MCNARY,
Managers on the part of the Senate.

A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

The report was agreed to.

PRINTING OF MATTER IN CONGRESSIONAL RECORD.

Mr. SMOOT. Mr. President, I wish to give notice at this time that, beginning to-morrow morning, I shall object to any outside matter being printed in the CONGRESSIONAL RECORD on request of Senators, with the exception of resolutions from State legislatures or city councils. I want Senators to know now that there will be no discrimination, but it will apply to every Senator. The only way Senators will be allowed to get any such matter in the RECORD from now on will be by a vote of the Senate. I felt that I should give the notice this morning.

Mr. HITCHCOCK. I should like to ask the Senator what his objection will cover? I did not hear it clearly.

Mr. SMOOT. My objection will cover everything with the exception of resolutions from the legislature of a State or the city council of a city, I will say to the Senator.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 4.

Mr. WALSH of Montana. Mr. President, the purpose of the reservation now under consideration by the Senate is to limit controversies which come under consideration or investigation by the league. It is quite evident that it was not the purpose of those framing the covenant that purely domestic questions should fall within the jurisdiction of either the council or the assembly, and a method was provided by which the question should be determined, when the objection was raised that a question was domestic in character, that the council should determine whether it was or was not.

Very serious objection was made on Thursday last by the Senator from Missouri [Mr. REED] to the all-embracing provisions of the covenant in relation to questions which might be submitted for investigation or inquiry by the council or the assembly. I thought it quite pertinent and appropriate to call the attention of the Senate—and of the country, for that matter—to the fact that we have already traveled a long way in the direction of submitting controversies either to arbitration or to investigation. The Senator from Missouri felt very much concerned for the future of our country by reason of these provisions, under which questions generally were thus to be submitted for investigation, apparently overlooking entirely the fact that we have already gone almost as far in that direction, and in some aspects and particulars even farther, by the so-called Bryan treaties, which were adopted by the practically unanimous vote of the Senate away back in the year 1914, nearly six years ago.

I regret that the Senator from Missouri [Mr. REED] is not here this morning. I should like to have his attention if he were here to article 1 of the so-called Bryan treaties. I read from the treaty between the United States and the Netherlands, ratified by the Senate on the 13th day of August, 1914. It reads as follows:

The high contracting parties agree that all disputes between them—

All disputes between them—

of any nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article.

Mr. KNOX. May I ask the Senator from Montana from what he is reading?

Mr. WALSH of Montana. I read from the treaty with the Netherlands, ratified by the Senate on the 13th of August, 1914, a characteristic so-called Bryan treaty.

I invite the attention of the Senate to the fact that this provides for the submission of every question. It would not even exclude those that are distinctively domestic in character, if, indeed, a dispute could arise over a purely domestic matter.

I wish to call attention to the fact that this international commission, to which all of these disputes of every character are relegated, exercises practically the same power as that reposed in the council or in the assembly of the league. It investigates, it inquires, and it makes a report. That is all the council is entitled to do under the provisions of article 15 of the covenant. Whenever there is a division, if any one voice should be raised against it, the council can do nothing more than the international commission can do under the Bryan treaties, namely, to investigate and report. But if the council shall be entirely unanimous or in case an appeal should be taken to the assembly and the assembly is unanimous and a majority of the other members of the league agree, still nothing can be done by the council. Its judgment, its report, is no more enforceable than is the report of the international commission provided for in the Bryan treaties, and the only difference in the effect is that under article 15 the nation against which the report goes agrees that it will not go to war to enforce its claim involved in the dispute.

Mr. PHELAN. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. PHELAN. The Senator has evidently made a study of this question. I should like to inquire what is the effect of the report and the purpose of the report? Is it merely to create a public sentiment among the nations in favor of one proposition or another?

Mr. WALSH of Montana. That is all. It is believed that the world will accept the judgment of the international commission as the proper solution of the dispute, and that a nation going to war contrary to the determination of the council would not have that support of world opinion that is so important in one of these great contests.

That is exactly the effect that goes with the determination of the council under the provisions of article 15. It is equally believed that the judgment of the council, whenever a matter is referred to it under the provisions of article 15, will be accepted by the world, and that it will thus act as a deterrent upon both of the parties interested, or upon as many parties as are interested, against an appeal to arms.

Mr. PHELAN. May I further interrupt the Senator?

Mr. WALSH of Montana. Yes.

Mr. PHELAN. I was not aware that the Bryan treaties were so general in their terms as to require the submission of all questions to negotiation, and in case of failure by negotiation to report. Does the Senator think a question so confessedly domestic as the question of immigration should be submitted at all, either to negotiation or to report, when there is no disposition on the part of this Government at any time to submit to a foreign or mixed tribunal the settlement of a question of that kind?

Mr. WALSH of Montana. I prefer not to be diverted from the line of argument I am now making to consider the advisability or the wisdom of the Bryan treaties.

Mr. PHELAN. I will not interrupt the Senator further.

Mr. WALSH of Montana. I am calling attention to the fact that we went further in the Bryan treaties, and we now have international engagements more extensive in their scope with respect to the submission of controversies to inquiry or investigation or to arbitration than the covenant which has been the subject of so much criticism.

Mr. President, not only that; not only do we by those treaties agree to submit to inquiry all controversies of every nature whatsoever, but when those treaties were under consideration the Senator from Washington [Mr. POINDEXTER] undertook to exclude from the operation of them any questions arising under the Monroe doctrine, and he was not able to muster a handful of Senators to the support of that contention. The proceedings of the Senate upon the so-called Bryan treaties appear never to have been printed in the CONGRESSIONAL RECORD, but I have before me the record of executive session for August 3, 1914, the treaty with Norway being under consideration. From that record I read as follows:

Mr. POINDEXTER proposed the following amendment:

In article 1, line 1, after the word "disputes," insert the following: "Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties."

That would make the article read:

The high contracting parties agree that all disputes not involving the Monroe doctrine or other question of settled national policy, or the vital interests, or the national honor of the high contracting parties between them, of every nature whatsoever, to the settlement of which—

And so forth.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH of Montana. I yield to the Senator.

Mr. WOLCOTT. Merely for the purpose of clarity, I desire to suggest that the Senator from Montana referred to the treaty from which he has quoted as "the Norway treaty." Of course, that is the one of the Bryan treaties applicable to Norway?

Mr. WALSH of Montana. It is the treaty between the United States and Norway, and is one of the Bryan treaties.

Mr. WOLCOTT. It is one of the so-called Bryan treaties?

Mr. WALSH of Montana. Yes. I continue to read from the executive Journal:

Pending the consideration of his amendment and in response to a suggestion by Mr. POINDEXTER of the absence of a quorum, the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

The call of the roll for the yeas and nays on Mr. POINDEXTER'S amendment was ordered, and, on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

Those who voted in the affirmative are,

Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

Mr. OVERMAN. Would it not be well to have the names of those who voted in the negative also read?

Mr. WALSH of Montana. I ask, Mr. President, that the entire record on the Bryan treaties in the Executive Journal from page 508 to page 516 be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Executive Journal, Thursday, August 13 (legislative day of August 11), 1914.]

"Pursuant to the agreement of yesterday, August 12, 1914, the Senate proceeded to consider executive business at 11 o'clock a. m. (the Vice President in the chair), and, as in Committee of the Whole, continued consideration of the treaty with Norway (Ex. J., 63d Cong., 2d sess.) looking to the advancement of the cause of general peace.

"Mr. Jones suggested the absence of a quorum, and the roll being called, 50 Senators responded to their names, showing a quorum to be present.

"The treaty was read a second time and proceeded with article by article.

"The Committee on Foreign Relations having no amendments, Mr. Cummins presented the following, which, by unanimous consent, was treated as one amendment:

"Article II. In line 2, after the word 'whatsoever,' insert the following: 'wherein the facts are in controversy.'

"In line 3, after the word 'investigation,' insert the words 'of the facts'; and, in the same line, after the word 'report,' insert the word 'thereon.'

"Article III. In line 1, after the word 'adjust,' insert the word 'such.'

"In line 4, after the word 'report,' insert the words 'as to the facts.'

"After debate on his amendment, Mr. Cummins suggested the absence of a quorum. The Chair directed the calling of the roll, and 55 Senators having responded to their names, a quorum was announced to be present.

"Mr. Cummins demanded a call for the yeas and nays on his amendment, and the demand being adequately seconded, the Secretary was directed to call the roll, which was done, with the result that 13 votes were cast in the affirmative and 36 votes in the negative.

"Those who voted in the affirmative are:

"Messrs. Bristow, Clark of Wyoming, Cummins, Fall, Gallinger, Gronna, Hitchcock, Jones, Martine of New Jersey, Page, Poindexter, Smoot, and Sterling—13.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Borah, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Culberson, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Stone, Swanson, Thompson, Thornton, Walsh, West, White, and Williams—36.

"Accordingly, the amendment was not agreed to.

"Mr. Thomas moved to amend by adding at the end of article 2 the following:

"'They further agree that pending such investigation and report such dispute shall remain in status quo.'

"After debate, the question being on the acceptance of Mr. Thomas's amendment, that Senator demanded the yeas and nays. The demand being seconded, the roll was called, with the result that 5 votes were cast in the affirmative and 45 in the negative.

"Those who voted in the affirmative are:

"Messrs. Clark of Wyoming, Fall, Jones, Martine of New Jersey, and Shafroth—5.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Brady, Bristow, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Cummins, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Page, Perkins, Poindexter, Pomerene, Ransdell, Saulsbury, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—45.

"So the amendment was not agreed to.

"Mr. Cummins moved to strike out the word 'five' and insert the word 'six' in line 1, Article II; to strike out all of the same article after the word 'follows' in line 2, and to insert in lieu thereof the following: 'Three nationals of each of the high contracting parties.'

"The amendment was not agreed to.

"Mr. Poindexter proposed the following amendment:

"In Article I, line 1, after the word 'disputes,' insert the following: 'Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties.'

"Pending the consideration of his amendment and in response to a suggestion by Mr. Poindexter of the absence of a quorum the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

"The call of the roll for the yeas and nays on Mr. Poindexter's amendment was ordered on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

"Those who voted in the affirmative are,

"Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

"Those who voted in the negative are,

"Messrs. Ashurst, Bankhead, Bryan, Burton, Camden, Culberson, Hitchcock, Hollis, Hughes, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Ransdell, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Sterling, Stone, Swanson, Thompson, Thornton, West, White, and Williams—35.

"(Messrs. Chamberlain, Johnson, Reed, and Thomas being present and paired, the Vice President declared a quorum in attendance.)

"So the amendment was not agreed to.

"No further amendments being offered and none having been agreed to, the proceedings in Committee of the Whole were reported to the Senate.

"Thereupon Mr. Swanson submitted the following resolution of ratification:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Norway (Ex. J, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington June 24, 1914.

"Mr. Jones submitted the following amendment:

"Add at the end of the resolution the following:

"'*Provided*, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to or investigation by said international commission of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.'

"The amendment was not agreed to.

"No further amendments being presented, and the question recurring on the resolution as submitted by Mr. Swanson,

"Mr. Poindexter demanded a call of the roll for the ayes and noes. The demand was seconded, and the call being ordered, resulted in a vote of 45 yeas and 5 nays.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Page, Perkins, Pittman, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—44.

"Those who voted in the negative are,

"Messrs. Borah, Bristow, Fall, Jones, and Poindexter—5.

"So the resolution of ratification was agreed to.

"The Senate proceeded then, as in the Committee of the Whole, to consider the treaty with the Netherlands (Ex. P), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson offered the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913.'

"Mr. Culberson demanded the yeas and nays and the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

"Those who voted in the negative are,

"Messrs. Clapp, Fall, Jones, and Poindexter—4.

"The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

"The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

"Those who voted in the affirmative are,

"Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

"(Mr. Jones having requested to be excused from voting, the Vice President declared a quorum present.)

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the treaty with Portugal (Ex. S), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson presented the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Portugal (Ex. S, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Lisbon February 4, 1914.'

"Mr. Gallinger raised a point as to the presence of a quorum.

"On the call which ensued, 49 Senators responded to their names, so a quorum was present.

"On demand of Mr. Gallinger, duly seconded, the yeas and nays were ordered on the adoption of the resolution, with the result that 47 votes were cast in the affirmative and 2 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, McCumber, Martine of New Jersey, Nelson, Newlands, O'Gorman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—47.

"Those who voted in the negative are,

"Messrs. Jones and Poindexter—2.

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the other general peace treaties.

"The treaty with Switzerland (Ex. U) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson proposed the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Switzerland (Ex. U, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914.'

"The resolution was put to a vote by unanimous consent and agreed to.

"The treaty with Denmark (Ex. X) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"The amendment was agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Denmark (Ex. X, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington April 17, 1914, with the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,'

"So that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"The treaty with Italy (Ex. Y) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Italy (Ex. Y, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, May 5, 1914.

"The treaty with Salvador (Ex. K) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to in the order given; and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Salvador (Ex. K, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, August 7, 1913, with the following amendments:

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Guatemala (Ex. L) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to; and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Guatemala (Ex. L., 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, September 20, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Honduras (Ex. N) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Honduras (Ex. N, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, November 3, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Nicaragua (Ex. O) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no furthr amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Nicaragua (Ex. O, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 17, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Bolivia (Ex. Q) was read the second time and proceeded with, article by article. There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Bolivia (Ex. Q, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, January 22, 1914.

"The treaty with Persia (Ex. R) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in the Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Persia (Ex. R, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Teheran, February 4, 1914, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Costa Rica (Ex. T) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Costa Rica (Ex. T, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914.

"The treaty with Venezuela (Ex. W) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Venezuela (Ex. W, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Caracas March 21, 1914.

"The treaty with Uruguay (Ex. Z) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Uruguay (Ex. Z, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 20, 1914.

"The treaty with Argentina (Ex. AA) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Argentina (Ex. AA, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914, with the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"The treaty with Brazil (Ex. BB) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Brazil (Ex. BB, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914.

"The treaty with Chile (Ex. CC) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendment:

"In line 3 in Article I, after the word 'them' and before the word 'shall' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact.'

"The amendments were agreed to, and

"There being no further amendment,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Chile (Ex. CC, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, July 24, 1914, with the following amendment:

"In line 3, in Article I, after the word 'them' and before the word 'shall,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact,' so that as amended the article will read:

"'The high contracting parties agree that all disputes that may arise in the future between them, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation nor before all resources stipulated in this treaty have proved unsuccessful.'

"*Ordered*, That said resolutions of ratification be transmitted forthwith to the President of the United States.

"On motion by Mr. Swanson, consideration of the treaty with Panama (Ex. M) and the treaty with the Dominican Republic (Ex. V) was postponed.

"On motion by Mr. Swanson, it was

"*Ordered*, That the injunction of secrecy be removed from the treaties for the advancement of the cause of general peace with Norway, the Netherlands, Portugal, Switzerland, Denmark, Italy, Salvador, Guatemala, Honduras, Nicaragua, Bolivia, Persia, Costa Rica, Venezuela, Uruguay, Argentina, Brazil, and Chile, together with the resolutions of ratification of and the report of the Committee on Foreign Relations on the same, and

"That the said treaties be printed, with amendments."

Mr. WALSH of Montana. In the discussion of this particular phase of the reservation under consideration the Senator from Missouri [Mr. REED] expressed very great concern lest, while a matter in which we were interested was under consideration by the council, our antagonist would be busily engaged in preparing for war, so that immediately the report of the council was submitted we might become the victim of our unpreparedness upon the one side and his extreme preparedness upon the other. Of course, Mr. President, that implies that the United States, among all the nations of the earth, would be blind to everything that was going on throughout the world, and particularly in the enemy country, and would be supinely awaiting a determination while the other party was feverishly engaged in a military program awaiting the judgment of the council.

Mr. REED rose.

Mr. WALSH of Montana. The Senator will pardon me for just a moment. But, Mr. President, aside from that, I call the attention of the Senate to the fact that that is one of the dangers of the Bryan treaties, which secured practically the unanimous consent of the Senate, as I have heretofore indicated. I conclude the reading of article 1 of the Bryan treaty with the Netherlands, as follows:

And they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Now I yield to the Senator from Missouri.

Mr. REED. I did not rise to make any complaint at all, but the Senator from Montana put a construction upon the words of the Senator from Missouri—I presume he was referring to me—and I wanted to know if he could not put in the RECORD what I said instead of his construction.

Mr. WALSH of Montana. I shall be very glad to submit as a part of my remarks that portion of the remarks of the Senator from Missouri to which I have adverted.

Mr. REED. I have not seen my remarks as they appear in the RECORD.

Mr. WALSH of Montana. I have undertaken to state what the Senator said without having his remarks before me. I understood them to be to the effect that while the council was thus deliberating upon a matter submitted to it under the provisions of article 15, we would be under the peril of the other party feverishly preparing for war.

Mr. REED. I think the Senator—my very good friend, and a very fair man, as fair as his sometimes strong opinions will permit him to be—hardly stated my position correctly. I have not seen my remarks in print since I made them, but I know what my position would have been and what it was on the Bryan treaties.

Mr. WALSH of Montana. I shall be very glad to have the Senator state what his position was in reference to the matter to which I have just, perhaps inaccurately, alluded.

Mr. REED. That is precisely what I should like to do, and I desire to say only a word. My position on the Bryan treaties——

Mr. WALSH of Montana. Mr. President, I made no question as to the Senator's position on the Bryan treaties. I was referring to some remarks which he made last Thursday in criticism of the covenant of the League of Nations, upon the ground that while the question in dispute between this country and another country was under consideration under the provisions of article 15 we were then in peril of having the other party arm against us.

Mr. REED. All that I desire to say is that the position I took on the Bryan treaties and the position I take with reference to this particular clause in the pending treaty is that, if the only effect is a delay of three months, it does not at all follow that it will mitigate the horrors of war, because one or both of the parties may during all of that time be busily engaged in preparing for war, and there is always the danger that one nation, the nation most inclined to follow policies of peace, will be relying upon the protection of a decision, whereas the other nation, probably a nation controlled by an autocracy of some kind, will know exactly what it is going to do and will be preparing all the time to strike. I do not offer that as a major objection, but I do offer it as one of the things that tend to show that three months' delay may not mean peace.

Mr. WALSH of Montana. And the only purpose of my rising this morning is to indicate to the Senator that exactly the same condition confronts us now under the Bryan treaties to which we are already bound.

Mr. REED. And against which I voted. So, I am consistent.

Mr. WALSH of Montana. The Senator is quite in error about that. He voted for the Bryan treaty with the Netherlands, and his vote ratified the treaty.

Mr. REED. If that is true the record is in error, for I voted against every one of the Bryan treaties.

Mr. WALSH of Montana. I read from the executive record.

Mr. REED. If the record shows differently, it shows a mistake.

Mr. WALSH of Montana. The executive record in connection with the treaty with the Netherlands reads as follows:

Mr. SWANSON offered the following resolution of ratification:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P, 63d Cong., 2d sess.) looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913."

Mr. CULBERSON demanded the yeas and nays, and, the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

Those who voted in the affirmative are:

Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland, Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

Those who voted in the negative are,

Messrs. Clapp, Fall, Jones, and Poindexter—4.

The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

Those who voted in the affirmative are,—

Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. I yield.

Mr. REED. Of course I have never seen the executive record from which the Senator has read. I consistently opposed the Bryan treaties; I spoke against them, and I have repeatedly stated on the floor of the Senate that I opposed the Bryan treaties. The record is, in my opinion, simply an error. I made speeches against the Bryan treaties when they were being considered here in executive session, as many Senators will remember. That was one of my acts of insubordination. I engaged then in a somewhat lengthy discussion of them. There is a naked possibility that, coming into the Senate on a second call of the roll, I may have voted on this particular matter without having understood the question, voting simply with the great majority present. But I ask the Senator has he examined the votes on the other Bryan treaties?

Mr. WALSH of Montana. I have.

Mr. REED. Does the Senator find me voting for them?

Mr. WALSH of Montana. I find no case where the Senator from Missouri voted against any of them.

Mr. REED. Does the Senator find that I voted for them?

Mr. WALSH of Montana. I do not find the Senator's name as voting at all except on the Netherlands treaty. The Senator was not sufficiently interested in their defeat at least to come in and vote against any of them.

Mr. REED. Oh, well, I was interested against them. The Senator wants to be fair with me——

Mr. WALSH of Montana. Certainly.

Mr. REED. There are Senators here who will remember that I spoke against those treaties. I have always said that, in my opinion, they were treaties that would bring us no good; that they were shortsighted; that they would be obeyed by the power that wanted to obey them and disobeyed by the other; that it would result in the nation employing the interval of time, if it wanted to be a vicious nation, in getting ready to strike us; that we would be the Nation that would rely upon honesty of conduct, but that the same motives could not be attributed to all the nations of the world. I think possibly I can find some remarks I have made of that kind which were not made in executive session; but to try to put me in the attitude of supporting the Bryan treaties by the last remark of the Senator that I was not sufficiently interested to vote against them is not fair. It is true that in the consideration of the Bryan treaties—and there were a number of them—a point was reached where it was perfectly manifest that the Senate was going to ratify them, and objection became absolutely useless.

Mr. WALSH of Montana. Mr. President, that statement of the Senator appears to be sustained by the record, for having taken votes upon several of the treaties and the temper of the Senate having been easily disclosed, the remainder of them went nem con. So that I read the test vote; the Senator, being present, was recorded in the affirmative, and I said that his vote carried the treaty. There were 48 votes——

Mr. REED. Was that the first treaty voted on?

Mr. WALSH of Montana. No; the first treaty voted on was, according to my recollection, the treaty with Norway, and the Netherlands treaty was the second.

Mr. REED. I know I did not support them.

Mr. WALSH of Montana. I do not find the Senator recorded either way upon the first treaty, the treaty with Norway; but the point that I am making is that 49 Senators appeared to have been present; but the Senator from Washington [Mr. JONES], being present, asked to be excused from voting. It took 49 votes to make a quorum, and, if the Senator from Missouri had not been here, it would have been impossible, on that occasion at least, to ratify the treaty.

There is another matter to which I wish to call the attention of the Senator from Missouri. In connection with the same remarks, to which I have already referred, he insisted that we were submitting these questions to the arbitrament of a foreign tribunal, a tribunal composed of foreigners. Of course, that is correct; the United States will not be permitted to vote upon the determination of any controversy to which it is a party, and naturally the question must then be determined by the votes of representatives of other countries. That, however, is also a feature of the Bryan treaties. I read article 2 of the treaty with the Netherlands, as follows:

The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportion.

The international commission shall be appointed within six months after the exchange of the ratifications of this treaty, and vacancies shall be filled according to the manner of the original appointment.

It thus appears that—

One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country—

That will make four, the third and fourth not being citizens of either country that is a party to the controversy—

The fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

So that of the five members of the international commission provided for by the Bryan treaties, in a case in which we are interested there will be just one United States citizen and four foreigners; so that is another consignment of water that has already gone by the mill. We have committed ourselves to the determination of all of these controversies by a tribunal of investigation and inquiry acting in substantially the same way as the council. We have stipulated that we will not go to war while the subject is under consideration by the commission, and we have agreed that the matter shall be determined by a commission four out of the five members of which are not citizens of this country.

Mr. REED. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. I want to ask the Senator if he does not see first this difference—of course he sees it, for he has stated it. We have one representative in the arbitration under the Bryan treaties.

Mr. WALSH of Montana. Quite right.

Mr. REED. Under the League of Nations we have no representative. That is difference one. Second, under the Bryan treaties we participate in the selection of three of the judges, do we not?

Mr. WALSH of Montana. That is correct.

Mr. REED. And unless we agree upon three of the judges, who constitute the majority, there can be no arbitration. That is true, is it not?

Mr. WALSH of Montana. Yes.

Mr. REED. Now, is there no difference between a tribunal where we must agree on three of the judges, one of whom must be one of our own citizens, and a tribunal where we agree on none of the judges, and every one of them is a foreigner, and probably allied in interest with our antagonist?

Mr. WALSH of Montana. Mr. President, the Senator can point out other differences between the council and the commission agreed upon under the Bryan treaties. That is not the point I am making. The point I am making is that, in the first place, we have already agreed to submit all of these controversies to the determination of a tribunal. In the second place, we have agreed that we will not go to war while that tribunal has these subjects under consideration. In the third place, the commission is composed of four out of five foreigners, as the matter has been expressed by the Senator. Now, there may be some countervailing considerations. I do not undertake to say.

Mr. REED. Mr. President——

Mr. WALSH of Montana. If the Senator will bear with me for a moment, under the Bryan treaties the determination is made by a majority, not by a unanimous vote.

Mr. REED. Certainly; it is made by a majority, and we help pick that majority, and we pick them with a view to the particular controversy where it may be possible to find fair judges, selected with reference to a particular controversy. In other words, it is not much different from an ordinary agreement in court for arbitration; but there is this difference between the two treaties: One is a treaty of arbitration, where we have a direct representation and a right to participate in the selection of a majority of the judges. The other is an agreement to submit a matter to a tribunal which, as we start out, we find is composed entirely of foreigners; we have nothing to say with reference to their selection, and these foreigners are inextricably tied together by every kind of alliance and every kind of agreement and every kind of interest. It is the difference between submitting a thing to a court which you have a reasonable ground to believe will be impartial and submitting it to a court over which you have no control and which you have every reason to believe will be partial.

Mr. WALSH of Montana. I merely desire to add that the only objection I have to this reservation is that I do not care to have my country put in the attitude of saying—that is, so far as I can help it; there are some things I can not help; but I shall not willingly put my country in the attitude of saying—to the other nations of the earth, "If we have a controversy with you which you insist is domestic in character, it must be determined by the council; but if we have a controversy in which we insist that the question is domestic, we will determine it for ourselves." I think it scarcely comports with the dignity of this great country of ours and this Government of ours to tender any such proposition to any nation.

Mr. REED. Mr. President——

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

Mr. WALSH of Montana. I yield.

Mr. LENROOT. If, then, we are engaged in a dispute and the other party to the dispute insists that the question is not a domestic one, and we insist that it is, is the Senator in favor of having the council decide for the United States whether it is a domestic question?

Mr. WALSH of Montana. The Senator is in favor of giving the other country exactly the same privilege that we claim for ourselves. If we say for ourselves that we will not submit the controversy to the determination of the council, but that we shall judge it ourselves, we should give the other country exactly the same opportunity.

Mr. LENROOT. Then I should like to ask the Senator's construction of the present treaty, as to whether the council has jurisdiction to decide that question.

Mr. WALSH of Montana. I think the treaty is perfectly plain upon the matter.

Mr. LENROOT. Does the Senator think it has jurisdiction?

Mr. WALSH of Montana. Why, it does not seem to me that the word "jurisdiction" is very appropriately used. There can not be any controversy about what the covenant provides. I read:

> If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

I do not see how language could be plainer that that. If we raise the point that the question is domestic in character, the determination of the question as to whether it is or whether it is not goes to the council; and if the council shall determine that it is domestic it shall make no recommendation as to its settlement. If, on the other hand, we have a controversy with some other nation, and we ask the council to determine the matter as between us and the other nation, and the other nation insists that the question is domestic in character, the council would do exactly the same thing; it would determine the matter, and if it found that it was domestic in character it would make no recommendation as to settlement. The Senator can not misunderstand my position. If we are going to determine for ourselves that the question is domestic, it seems to me pretty small to say to the other party, "You shall not."

Mr. LENROOT. I thoroughly agree with the Senator in his construction. I think he is absolutely correct. Then I take it that the Senator's position is that he is willing to amend this treaty, taking away that jurisdiction from the council, but if the treaty can not be amended he is willing to have the council decide these domestic questions?

Mr. WALSH of Montana. The Senator need not go that far. I am in favor of the provision of the treaty just exactly as it stands. I have not the slightest fear about the matter. In the first place, Mr. President, cases are very rarely going to arise where one side will insist that a question is a domestic one; but, if such a case should arise, what reason have we to assume that the council is going to determine a matter of that character adversely to us, or that there would be prejudice against the contention of the United States?

Mr. PHELAN and Mr. REED addressed the Chair.

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

Mr. WALSH of Montana. I do.

Mr. PHELAN. The Senator construes the covenant as requiring unanimity on the part of the council in its decision as to whether or not a question is domestic?

Mr. WALSH of Montana. Exactly.

Mr. PHELAN. Then those who are interested in the determination of the question as parties would be excluded from participation?

Mr. WALSH of Montana. Undoubtedly.

Mr. PHELAN. Therefore the United States, for instance, would not be in a position to protect itself?

Mr. WALSH of Montana. If all the world held that we were wrong about the matter, as a matter of course the league would take jurisdiction.

Mr. PHELAN. I call the Senator's attention to a concrete fact:

There was a council in Paris the other day, and the question of racial equality was submitted to it. I believe that body was called a commission; and, as I read the report which has come out—there has been no official report of the proceedings—by a vote of 11 to 5 it was declared that the league covenant should be interpreted to confer national or racial equality; that is, giving Japanese, for instance, the same rights of immigration and naturalization as other nationals. There is a case where a majority has acted, and I understand that those nations which were most interested in defeating the proposal—Great Britain and the United States—voted in the negative. There they had an opportunity to protect themselves. Here, according to the Senator from Montana, if the same proposition arises neither Great Britain nor the United States would be in a position to protect itself. Therefore I believe that the amendment proposed by the Senator from Massachusetts [Mr. LODGE], defining what is a domestic question and debarring the league from jurisdiction over such questions, is a necessary thing to protect the interests of this country.

Mr. REED. Mr. President——

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

Mr. WALSH of Montana. I will yield to the Senator in just a moment. I merely desire to say to the Senator from California that if he studies the so-called Lodge reservation upon this matter he will see that it does not undertake to define our domestic questions. It says that domestic questions relating to certain subjects shall not be considered by the league, leaving the question as to what are domestic questions to be determined in some way or other.

Mr. PHELAN. My understanding of the Lodge reservation No. 4—I have not it before me—is that questions of immigration, commerce, tariff, and the like, shall be regarded as domestic questions, and shall be excluded from the consideration of the league, thus denying the league jurisdiction.

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. I want to get the Senator from California straight about this if I can. The Senator obviously is in error concerning the meaning of this reservation. The word "commerce" is in it. If his interpretation is correct, then every question in relation to commerce—even international commerce, which has no domestic aspect at all—is declared to be without the jurisdiction of the league. That is not the purpose of this section at all. It reads:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating—

To commerce or relating to immigration—that is, all domestic questions relating to these subjects—are without the jurisdiction of the league.

Mr. PHELAN. Mr. President, it is a reservation by the United States to decide for itself what questions are within its domestic jurisdiction.

Mr. WALSH of Montana. The Senator is correct about that.

Mr. PHELAN. That is satisfactory to me. The rest is surplusage.

Mr. REED. Mr. President, in order to clear up one or two questions which the Senator from Montana has raised, I want just a few minutes of the time of the Senate.

The Senator undertakes to put me in the attitude of being estopped from saying that the article of the league covenant which provides for the submission of all questions to the council of the league, and that the parties can not go to war pending its decision, and never if the decision is unanimous, is dangerous, because one nation might prepare for war during the interval of abeyance. The Senator so insists on the ground that I voted, as he states and as the Journal he read bears him out in stating, for the Bryan peace treaties.

Of course, we never examine the Journal. The last thing in the world I would do would be to accuse one of the clerks of the Senate either of willfully misrecording a vote or of being stupid in the performance of his business, for neither statement is true; but mistakes occur, and while human recollection is fallible, it is not possible that my recollection is in error about my position with reference to the Bryan treaties. I know that I made speeches opposing the Bryan treaties. My impression at present is that they were all made in executive session in the early days of the debates on those treaties. If made in executive session, of course they do not appear in the RECORD; but one of the first things I was severely criticized for doing in the Senate, as being contrary to the desires of the President, was the opposition I manifested to the Bryan treaties.

I said then, and I say now, this regarding the Bryan treaties: They simply provide for arbitration, and that a nation shall not go to war until there has been a finding by a board of arbitrators.

After that a nation was at perfect liberty to go to war. So that all the Bryan treaties did and all they were intended to do was to delay action. They did not provide for a maintenance of the status quo during that period of arbitration.

I remember illustrating it in this wise: We have a controversy with Japan and Mexico over the attempt of Japan to establish not only a colony but possibly to gain control and a military base and naval base in one of the ports of Mexico. We protest against that action and notify Japan that under the Monroe doctrine we will not permit it, whereupon Japan under the Bryan treaty demands arbitration. Three or four or five or six months elapse, during which time the United States is absolutely bound not to lift a hand, but in the meantime there is no provision binding Japan to cease operations. Accordingly, during that six months, if she were to see fit, she could land an army of a million men, she could establish an impregnable fortress, she could mass her fleet in the waters of the Pacific and place them under the guns of that fortress, so that when the time had expired and we were permitted to act, we would be obliged to move our troops against the guns of a fortress and against an intrenched army of a million men, whereas if we had no such arrangement, at the first moment it became manifest Japan intended to violate the Monroe doctrine we would move our troops and our ships to the scene of action, and we would be able to protect our country with a very slight loss of men and material.

That was my fundamental objection, and I added at that time that it was no answer to say that we, as well as the other nation, might prepare, for that would not save us anything, but that the real difficulty was and is under all these treaties that the United States, always impelled by a high regard for the spirit of the obligations of treaties, would probably rely upon the other nation complying with the treaty, whereas, as experience has shown, autocratic governments and military governments have generally employed to their advantage every such situation as would develop under the circumstances to which I have just alluded.

Now, what has all that to do with this treaty? Where is the parallel between the two? Because I may have agreed that one of my clients should arbitrate a particular question before a certain tribunal, that does not mean that I am thereafter bound to agree that my client shall submit to an entirely different tribunal the arbitration of every question with every individual. It may be entirely wise to agree to arbitrate a question with A or to arbitrate all disputes arising with A, but very unwise to agree to arbitrate all disputes with everybody arising anywhere and at any time before the same or an entirely different kind of court.

But the main point I desire to urge is the essential difference in the courts and causes to be determined. Every lawyer knows that when it is proposed to him to arbitrate a dispute between his client and another, the first question to be settled is the arbiters. If you can secure fair arbiters for that particular question, you sometimes, and, indeed, frequently, agree to arbitration. The ordinary method is for each of the parties to select an arbiter and then the two by agreement select a disinterested man for the third arbiter. Accordingly the litigant has this security, that he knows that one of the men going upon the board of arbitration is naturally friendly to him and will defend his interests. He knows that the third or deciding vote must be cast by a man whom the litigants' representatives have, after examination, determined to be an absolutely fair and impartial man. So that in fact you have an impartial tribunal to decide the particular case.

It is possible that between nations, if you segregate a particular controversy, you may find a representative of some nation, a citizen of some nation, so far removed by circumstances from an interest in the controversy that his decision will be absolutely impartial. You may find one or two such disinterested individuals. Therefore, an arrangement to arbitrate where the parties are to agree to arbiters in each particular case may be a feasible thing between nations in many cases and a thing highly to be desired and which has not often been done.

Let us compare that to the proposition that is before us. The council is not a board of arbitration selected at the time for a particular case. It is a fixed tribunal, the members of which are selected now, and that membership is permanent. If the members of that tribunal are interested in the controversy there is no way to disqualify them or take them from the board. The only parties that are not allowed to sit are the parties to the controversy, but the parties to the controversy may not be and, indeed, almost inevitably are not the parties at interest. I illustrated that the other day. Suppose that a controversy arises over the Panama Canal Zone, involving the right of the United States to permit ships of her own to go through her own canal free and to charge toll upon the ships of other nations. Suppose that dispute arises between the United States and Great Britain. Of course, Great Britain would not sit and we would not sit upon the board, because we are parties to the controversy. But who would sit and who would constitute the board?

France. Is France interested? She is as much interested as Great Britain in proportion to the number of vessels that she has upon the waters of the ocean, for if her vessels could go through free it would advantage her just as much as it would advantage Great Britain if her vessels could go through free or on a parity with ours. Nevertheless she is not disqualified, but sits. The man who will deny that is not a fair man.

Who else would sit? Japan. Is Japan interested? She has a great navy of war and of peace. She is interested just as England is interested. Italy would sit; she has a navy of war and of peace and is interested. Spain would sit; and she has a navy of war and of peace and is interested. Belgium would sit; she has a navy of war and of peace and is interested. Greece would sit; and she has a navy of war and of peace and is interested. Brazil would sit; and Brazil has a navy of war and of peace and is interested.

We do not sit, and we have no voice. So that instead of having a tribunal where we have a direct representation of two men, where the deciding vote is to be cast by some man picked from a disinterested country, if you can find one in such a controversy—and I do not believe you could in the whole world—you are going before a packed tribunal, the interests of every member being against the claim of the United States. Do Senators see no distinction between that kind of an arrangement and an agreement to arbitrate before arbiters they were to help name? If they were representing their clients, they would see it very quickly.

Again, every nation that I have spoken of is not only interested in the particular controversy, but every representative on the board being an alien to the United States, those nations are all obligated by interests in such manner as to make those interests controlling. What have you to say of the situation of Greece in a controversy between the United States and Great Britain? Is there a man living who supposes that the representative of Greece would be really a free moral agent? Is there a man here who does not know that Greece has been practically sustained by the strong arm of Great Britain for many years, and that Great Britain was so potential in the last war that she practically pulled the King of Greece from his throne and used the waters of Greece as a naval base and the land of Greece as a military base? I do not complain of Great Britain having done this, but to talk about Greece being anything but a British pawn in the great international game is utter and sheer nonsense.

Is Belgium a free moral agent? She was set up as a buffer State to be interposed between Germany and those waters which are contiguous to Great Britain and France. She was sustained by the strength and majesty of the British Army and the British Navy, and the invasion of Belgium was a direct blow at Great Britain. While I will not say it was the real cause, it was undoubtedly a principal cause of Great Britain's ready and magnificent response.

Would Spain be disinterested? Aside from the interest I have already mentioned, there is not a Spaniard living who does not in his heart hate the United States, for every one of them regards the United States as being responsible for having reduced Spain to a fifth-rate power at the cost of her possessions in the Pacific and in the Atlantic. So it rankles in their hearts and will for a century of time.

I shall not take the time of the Senate to refer to all the others, save only Japan. Is there a man here who doubts that in the controversy I have named Japan would be bound to Great Britain by other interests than the mere interest of navigation? In the Orient they are partners in the greatest scheme of exploitation that has occurred in this world since Julius Cæsar.

So we do not by this treaty propose arbitration. If the treaty stopped at arbitration, we might all stop much of our caviling. It is not the arbitration feature we are discussing. It is the decision by a fixed body, that body composed exclusively of foreigners, to decide every question between the United States and any foreign power, and the question may involve the life of this Republic.

The Foreign Relations Committee appended a reservation for which I was responsible. It provided that the United States would not submit its national honor or its vital interest; that it would not submit the honor and integrity of this great Nation and would not submit a question involving the life of this Republic, established in the blood of our fathers and baptized in the tears of our mothers. That reservation was defeated in the Senate, and I think the distinguished gentleman from Montana [Mr. WALSH] voted to defeat it.

So the bald proposition is that we will submit to a tribunal composed exclusively of political representatives of foreign States, for the most part monarchies, the life of this Republic. Do you undertake to compare that with the Bryan treaties? There is no comparison.

Mr. WALSH of Montana. I desire to inquire of the Senator whether exactly the same questions would not be submitted under the Bryan treaties that are to be submitted under the covenant? Is not the character of questions identical in the two cases? If we submit to that council a question involving the life of the Nation have we not equally agreed to submit a question involving the life of the Nation under the Bryan treaties?

Mr. REED. Possibly that is true, but when you come to the decision in the one case and in the other, what is the difference? Under the Bryan treaties we submit the controversy to decision and when the decision is rendered it binds nobody.

Mr. WALSH of Montana. Mr. President, I inquire of the Senator whom the decision of the council binds?

Mr. REED. I am coming to that, sir. Under the Bryan treaties it is expressly provided that when the decision is rendered—

> The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

That is to say, they reserve the right to disregard the report, to do just what they please in whatsoever way or manner they please, to exercise their full right of sovereignty; but under the pending treaty if there is a unanimous decision against us, we can not go to war, though the life of the United States is at stake, without bringing the whole world against us. That is the difference.

Is that a substantial difference? Let us bring it to illustration. We have a controversy with Mexico. Under the Bryan treaty it goes to arbitration; the arbitrators decide against us; we are not satisfied. We go on and do business with Mexico just as we think we ought to. Suppose we have the same controversy with Mexico under the pending treaty; it goes to the council of the League of Nations; the decision is unanimous against us; we then undertake to enforce what we believe are our rights, and immediately the whole power of the League of Nations is massed against us.

Mr. WALSH of Montana. Mr. President——

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

Mr. REED. I do.

Mr. WALSH of Montana. I want to make an inquiry of the Senator. Suppose we had a controversy with Mexico and we submitted it under the Bryan treaty. We choose one of our citizens and Mexico chooses one of her citizens; each of us then chooses a citizen of some other country, and a fifth is chosen by common agreement. The international commission so provided hear the evidence upon both sides and then decide against us; decide that Mexico is right and that we are wrong. Does the Senator believe we would go to war with Mexico under those circumstances?

Mr. REED. That would depend entirely upon the case, sir. It is very probable that if the decision apparently was rendered in an honest way, and if it was an honest matter of dispute, we would abide by the decision, even though it hurt us considerably; but it is also true that if the decision seemed to be tainted with fraud or if it seemed to involve great wrong and outrage to this country, our people would decide it for themselves; for, let me tell the wise men assembled in Washington at both ends of the Capitol, that once this entity called the American people is aroused they yet control, thank God, in this Republic.

There is no comparison between the two propositions, and there has not been any comparison between them from the first, except the strained one made by special pleaders who seek to justify a bad cause by a weak and nonapplicable precedent.

Mr. President, let us see about the unanimous decision arrived at by the council. There has been much misstatement in regard to that. One misstatement was inadvertently just made by the Senator from Montana. He asked, in substance, Are we going to protest when all the world is against us? as though all the world had sat down together in this tribunal, and the unanimous opinion of all the world was against the United States.

In the first place, the world does not sit on the council at all; and I might go so far as to say that representatives of the peoples of the world do not sit there. The representative of the autocratic Government of Japan sits there; possibly at some time in the future the representative of the present highly enlightened and Christian Government of Mexico may sit there, Mexico being ineligible now; but, to refer only to the nations that can sit there, the representative of the Imperial Government of Great Britain sits there; the representative of the King of Spain sits there; the representative of the King of Greece sits there. There are the representatives of only two republics on the whole council. The remainder of them are the representatives of kingdoms or something worse; so that the council is made up of political representatives of political states.

In the next place, after our antagonist has withdrawn they only represent 7 of the nations of the earth, while there are approximately 75 self-governing states of the world. There are 23 members of the League of Nations that do not even sit there; 7 nations out of all the world participate in the decision; yet that is called the opinion of all the world when all the world but 7 nations has been disfranchised, and those 7 nations, as has been argued time and time again here, in all probability are under the control of one nation. Is it hard to get a unanimous-consent agreement? Not very, when there are things to trade.

The President protested against the Shantung outrage, we are told, and in the next to his last letter which he sent regarding the Fiume controversy he lays down principles which would have made the adoption of the Shantung infamy impossible if they had been adhered to. The President said in his note of February 10:

> It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war. This Government does not doubt its ability to reach amicable understandings with the associated Governments as to what constitutes equity and justice in international dealings, for differences of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main the several Governments have entertained the same fundamental conception of what those principles are. But if substantial agreement on what is just and reasonable is not to determine international issues, if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers, if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

That exactly outlines the situation with reference to Shantung; yet there was a unanimous decision, and the President was constrained to join in that decision because of the exigencies of the case. So there was a unanimous decision to all intents and purposes in the Adriatic matter; and against that the President now rises to protest. There is no trouble, Mr. Presi-

dent, in securing a unanimous-consent agreement where the powers have many axes to grind and one power agrees to turn the grindstone for another, provided a similar and corresponding service is rendered for it. Unanimous decisions are easily arranged where there is sufficient trading material and where the parties trade cold-bloodedly.

Mr. WALSH of Montana. Before the Senator from Missouri proceeds further, will he permit me now to put into the RECORD the statement from his remarks on last Friday to which I earlier referred?

Mr. REED. Yes; I shall be very glad to have the Senator do so.

Mr. WALSH of Montana. I read from the RECORD of last Thursday, as follows:

Mr. REED. It is well said, and let me pause long enough to say—and I shall be very glad to continue the debate when I return to the Chamber—that there is another side to it. I want it to end instanter. The delay of three or six months may mean the life of the United States. The waiting to give the other nation three months or six months to get ready to strike may mean the difference between a great war and no war at all.

Mr. REED. I have no complaint as to that. That is just what I said. That was not quite the way the Senator stated it, but I make no complaint, for he did not mean to misrepresent me. However, I would rather have my own words stand for what I said. What I desired to say I said, and what I said I stand by.

Mr. President, in view of the situation which has arisen, while I meant to discuss another phase of the question, I do not feel like proceeding, and I will yield the floor, as I understand the Senator from Alabama [Mr. UNDERWOOD] desires to make an announcement in a moment.

Mr. LODGE. Mr. President, before the Senator from Alabama makes the sad announcement, which I know will bring sorrow to every Member of the Senate, I ask unanimous consent that the unanimous-consent agreement applying to to-day may remain in force and take effect to-morrow, Tuesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The unanimous-consent agreement applying to to-day stands in effect as applicable to to-morrow.

DEATH OF SENATOR BANKHEAD.

Mr. UNDERWOOD. Mr. President, it is my sad duty to announce to the Senate that this morning my colleague, Hon. JOHN H. BANKHEAD, died suddenly at his temporary residence in the city of Washington.

For a quarter of a century he has been the foremost figure in the State of Alabama. I think he was the one remaining Member of the Senate who served in the army of the Confederacy and thus connected this body with that portion of the history of our country.

He was a man whose sterling character, probity, and earnest devotion to duty have given him a fixed place in the history of our Nation and of the State which he so long and faithfully represented in the Halls of Congress. He died with the love and respect of his constituents, of his friends, and of all who knew him.

At the proper time, Mr. President, I shall ask the Senate to set apart a day on which proper tribute may be paid to his memory. I now submit the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 316) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 316.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of nine Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect the remains of the dead Senator be removed from Washington to Jasper, Ala., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER appointed, under the second resolution, Mr. UNDERWOOD, Mr. NELSON, Mr. POMERENE, Mr. TOWNSEND, Mr. MCKELLAR, Mr. FERNALD, Mr. ASHURST, Mr. BALL, and Mr. HARRISON as the committee on the part of the Senate.

Mr. UNDERWOOD. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O the depth of the riches both of the wisdom and knowledge of God! how unsearchable are his judgments, and his ways past finding out!"

Broaden, we beseech Thee, O Lord, the scope of our intellectual vision, quicken our conscience, and bring us into a closer communion with Thee.

We can not know Thee, since we are finite and Thou art infinite; but we can know Thee better and conform our ways to Thy ways as it is given us to see them.

"For of him, and through him, and to him are all things: to whom be glory forever." Amen.

The Journal of the proceedings of Saturday, February 28, 1920, and Sunday, February 29, 1920, was read and approved.

RETURN OF THE RAILROADS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that there be printed 30,000 additional copies of the act (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of the disputes between carriers and their employees; to provide to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes—10,000 copies to be distributed through the document room and 20,000 through the folding room.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the printing of 30,000 additional copies of the railroad act—10,000 copies to be distributed through the document room and 20,000 through the folding room. Is there objection?

Mr. CLARK of Missouri. Ought not that matter to be referred to the Committee on Printing?

Mr. ESCH. I tried to get in touch with the chairman of the Joint Committee on Printing on Saturday and also this morning, but I have been unable to see him. There is such a demand for copies of the act that I thought prompt action was necessary, especially in view of the fact that there are only five or six copies of the bill remaining in the document room.

Mr. CLARK of Missouri. How many does the gentleman propose to have printed?

Mr. ESCH. Thirty thousand copies—20,000 to be distributed through the folding room and 10,000 copies through the document room.

Mr. CLARK of Missouri. And how much is it going to cost?

Mr. ESCH. I do not know. That is why I wish to confer with the chairman of the Committee on Printing.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. MILLER. How many would that allot to each Member?

Mr. ESCH. Forty-six to each Member.

Mr. GARD. The allotment through the folding room amounts to 46 to each Member?

Mr. ESCH. Yes.

Mr. GARD. And the other 10,000 are to be distributed through the document room?

Mr. ESCH. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to insert in the RECORD some resolutions adopted by 6,000 ex-service men at a mass meeting at St. Louis recently upon the subject of legislation for relief in the way of additional compensation for the men who have seen service in the late war.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the printing of certain resolutions passed at a meeting in St. Louis of ex-service men relative to additional compensation. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri——

Mr. WALSH. Mr. Speaker, I object.

Mr. BLANTON. Whether or not this would be embarrassing in any way to our colleagues on the other side?

Mr. IGOE. I do not know. My purpose is only to get it printed in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

CALENDER FOR UNANIMOUS CONSENT—CONFERRING JURISDICTION UPON THE COURT OF CLAIMS TO HEAR CERTAIN INDIAN CLAIMS.

The SPEAKER. To-day is suspension day, and the Clerk will call the Calendar for Unanimous Consent. The first business on the Calendar for Unanimous Consent is the bill H. R. 10105, conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes. Is there objection?

Mr. WALSH. Mr. Speaker, this matter was up before and objection was made at that time. I object.

Mr. HASTINGS. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. WALSH. I reserve my objection if the gentleman desires me to.

Mr. HASTINGS. Mr. Speaker, when this bill was under consideration two weeks ago, objection was made by the gentleman from Illinois [Mr. MANN] on the ground that certain groups of Indians were permitted to bring suit as shown in lines 2, 3, 4, 5 of page 2. In order to obviate that objection, if consideration is given to the bill, I will offer an amendment to strike out all of the language after the word "tribes," in line 2, page 2, down to and including the words "heirs" in line 5. That language was inserted at the suggestion of the Interior Department, and not by the author of the bill. We had no reason to have any groups or individual Indians bring suit who are not enrolled members of the Five Civilized Tribes in Oklahoma. The gentleman will remember that when this matter was being discussed some two weeks ago the gentleman from Illinois [Mr. MANN] was afraid that it might permit members or groups outside of the Five Civilized Tribes in Oklahoma and who were not members of the tribes to bring suit. If permission is given for the consideration, we will move to strike out all after the word "tribes," in line 2, page 2, down to and including the word "heirs" at the end of line 5. That would strike out all of that objectionable language.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WALSH. Of course, in line 10 the gentleman would have to strike out the words "bands, groups."

Mr. HASTINGS. Of course, there would be no objection to that.

Mr. WALSH. And over in line 24, page 3, the same words?

Mr. HASTINGS. Yes.

Mr. WALSH. If the gentleman will offer those amendments, I shall withdraw my objection.

Mr. HASTINGS. I agree to offer them.

Mr. WALSH. Then I withdraw my objection on the statement of the gentleman from Oklahoma.

Mr. HASTINGS. I have such an amendment prepared now.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, will the gentleman in charge of the bill enlighten us as to the necessity of the scope of the inquiry conferred upon the Court of Claims here to examine and adjudicate any and all claims contained in this bill and other bills on the calendar? I ask for the purpose of information, because there are several bills like this upon the calendar, and I apprehend they all stand on the same basis?

Mr. HASTINGS. I would like to say to the gentleman from Ohio that I can not answer so much about the other bills, but so far as this bill is concerned the Five Civilized Tribes are now going out from under the jurisdiction of the Government, their affairs being about wound up, and so far as the Cherokee Tribe is concerned, all of the land has been divided and all of the money paid out. It is like a minor arriving at age, and all they want is to examine the books and file any objection against any item of money paid by the Government out of their funds that they think ought not to have been paid, and the same thing is true in reference to the other Five Civilized Tribes, and that is what is intended by this bill.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. WALSH. Simply to direct attention of the gentleman from Oklahoma that that language also occurs in line 5, page 3.

Mr. HASTINGS. Well, I will strike it out, of course, wherever that occurs.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, if the gentleman will yield for a question?

Mr. HASTINGS. I do.

Mr. MANN of Illinois. This bill as introduced provided that any payment heretofore made by the United States on account of any claim sued upon may be treated as a set-off to any such claim, but may not be treated as an estoppel. The committee recommended an amendment striking that language out. I would like to ask the gentleman if the effect would not be the same whether it was in or out?

Mr. HASTINGS. I do not think it made any difference, but the department recommended that it be stricken from the bill, and it was done at the request of the Interior Department.

Mr. MANN of Illinois. I take it, under the terms of the bill elsewhere provided, that if there has been any dispute heretofore, and a settlement of that dispute has been made and the money paid to the Indians in accordance with the settlement, that is of no value except to the extent that the money was paid, and any settlement heretofore made under the terms of this bill will have no effect, whether that provision was in the bill or out of the bill.

Mr. HASTINGS. Well, I think if a settlement has been made and payment made to these Indians, that they would not have the right to recover——

Mr. MANN of Illinois. But would they not have the right——

Mr. HASTINGS. That is my judgment.

Mr. MANN of Illinois. That is what the purpose of the bill is, one of them. But if a settlement has been made and money paid to the Indians in accordance with the settlement, all the Government can do under the terms of this bill, as I understand it, is to set off the amount of money which may be paid. The settlement is wiped out as a settlement. The Indians bring suit for what they think originally they ought to recover, and having obtained the money in the settlement the settlement is now abandoned.

Mr. HASTINGS. Upon what language does the gentleman base his opinion?

Mr. MANN of Illinois. Why, the language of the bill only confines the settlement of claims to adjudicated claims. Most claims have not been adjudicated. They have been settled and the money paid if there have been such.

Mr. HASTINGS. Of course, I do not place that sort of construction on any language in the bill. Just before the gentleman came in, I do not know whether he overheard the colloquy between the gentleman from Massachusetts [Mr. WALSH] and myself about the elimination of the language he objected to on page 2 and elsewhere in the bill——

Mr. MANN of Illinois. Yes; as to certain groups of Indians, and so forth. But the language of the bill is to bring suit on any claim which they may have against the United States which claim has not heretofore been determined or adjudicated.

Mr. HASTINGS. If it has been determined or adjudicated, of course they can not bring suit upon it.

Mr. MANN of Illinois. They can not if there has been a determination upon it in court.

Mr. HASTINGS. Well, of course, if an examination of the books discloses that they think that the Government of the United States has wrongly appropriated their funds and erroneously used them this would permit them to go into court and contest the item just like a minor on coming of age would have the right to contest any item in a guardian's report.

Mr. MANN of Illinois. Oh, well, the case has not anything to do with a guardian here or a minor in court. If the court had settled these claims they would be forever settled. Here is a proposition where the Indians have a claim under a treaty which they may have made long ago, and it has been settled by the Government of the United States and the money paid in accordance with that settlement, but it has not been adjudicated or determined by the court, and they still can make their claim, not based upon the books but based upon the recollection of the Indians many years old, of occurrences many years past.

Mr. HASTINGS. Well, I never heard any such contention as that made, and I respectfully suggest to the gentleman that I do not believe that any language of this bill would bear that construction.

Mr. MANN of Illinois. Well, the language of this bill is very similar to the language in other bills providing for the claims of Indians, and that has been the determination in the past as to what it meant. I have no doubt that is the case here.

Mr. HASTINGS. No suggestion of that kind has ever been made in the committee or by the department or elsewhere to the effect that that is the construction that is placed on the language of this bill.

Mr. MANN of Illinois. That will be the construction that will be placed upon it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill,

The Clerk read as follows:

A bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes.

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress, or of the executive departments, affecting their property, lands, or funds which said Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any band or organized group of Cherokee Indians or enrolled individual Indian members of aforesaid Indian nations, or their heirs, may have against the United States and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations or tribes, bands, groups, or individual claimants: *Provided further*, That the suits be instituted within five years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations, tribes, bands, groups, or individual Indians, as the case may be, shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior, and on the part of any band, group, or individual Indians by the attorney or attorneys employed by them, with the approval of the Secretary of the Interior.

A copy of the petition shall, in each case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any payment heretofore made by the United States on account of any claim sued upon may be pleaded as a set-off to any such claim, but may not be pleaded as an estoppel.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within five years from the date of approval of this act as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations, tribes, bands, or groups, or individual Indians for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 15 per cent of the amount of recovery against the United States.

The following committee amendment was read:

Page 1, line 8, after the word "Congress" strike out "or of the executive departments, affecting their property, lands, or funds," and insert "in relation to Indian affairs."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. DYER. Mr. Speaker, I make the point of order that the bill should be on the Union Calendar.

The SPEAKER. The Chair ruled on the last suspension day that, following the precedents, it would be considered that the unanimous consent given to its consideration would include its consideration in the House.

The question is on the committee amendment.

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I have an amendment that eliminates the next committee amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 2, after the word "tribes," strike out "or any band or organized group of Cherokee Indians or enrolled individual Indian members of aforesaid Indian Nations, or their heirs."

The SPEAKER. Then, the gentleman wishes to vote down the committee amendment?

Mr. HASTINGS. Yes.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Now, Mr. Speaker, on page 2, line 10, after the word "nations" I move to strike out the language:

Or tribes, bands, groups, or individual claimants.

The SPEAKER. The question is on the amendment which the Clerk will report.

Mr. MANN of Illinois. Mr. Speaker, the first amendment, I think, would come on page 2, line 7, after the word "adjudicated."

Mr. HASTINGS. What amendment is that?

Mr. MANN of Illinois. The amendment which reads:

Provided, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations or tribes, bands, groups, or individual claimants.

Is the gentleman offering his amendment now to come at that place?

Mr. HASTINGS. I am offering it in line 10, so as to cut out the tribes, bands, groups, or individual claimants.

Mr. MANN of Illinois. But that proviso would come under it.

Mr. HASTINGS. Does the gentleman want to cut out the whole proviso?

Mr. MANN of Illinois. No; I am satisfied.

Mr. HASTINGS. Mr. Speaker, I offer an amendment, after the word "nations," page 2, line 10, to strike out "or tribes, bands, groups, or individual claimants."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 10, after the word "nations," strike out "tribes, bands, groups, or individual claimants."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 12, after the word "within," strike out the word "five" and insert the word "two."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on line 21, page 2, I move to strike out, beginning with the word "tribes," in line 21, "tribes, bands, groups, or individual Indians, as the case may be."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 21, strike out "tribes, bands, groups, or individual Indians, as the case may be."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on page 3, line 5, strike out all of line 5.

Mr. MANN of Illinois. All of lines 5, 6, and 7.

Mr. HASTINGS. That is right. All of lines 5, 6, and 7.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 3, line 5, strike out all of lines 5, 6, and 7.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, strike out all of lines 13, 14, and 15.

The SPEAKER. The question is on agreeing to the amendmittee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 18, strike out the word "five" and insert in lieu thereof the word "two."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on line 24, page 3, I move to strike out after the word "nations" the words, "tribes, bands, or groups, or individual Indians."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 3, line 24, after the word "nations" strike out: "Tribes, bands, or groups, or individual Indians."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I move to amend on page 4, line 3, by striking out the figures "15" and inserting in lieu thereof "10."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 4, line 3, strike out the figures "15" and insert in lieu thereof the figures "10."

Mr. MANN of Illinois. Has the gentleman from Oklahoma any objection to that amendment? In most of these bills reported you have provided an attorney's fee not exceeding 10 per cent.

Mr. HASTINGS. I think in some cases it ought to be more. Some of these amounts may be trivial, and in that case, of course, 10 per cent would not be sufficient compensation.

Mr. MANN of Illinois. Well, if the amounts are trivial the suits ought not to be brought by an Indian tribe. We have a whole lot of these cases, and we ought to adopt the same principle in one as in another.

Mr. HASTINGS. I accept it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was 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, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 93, noes 7.

So the bill was passed.

On motion of Mr. HASTINGS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

THE OSAGE NATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10401) to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stats., p. 137).

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Oklahoma [Mr. HOWARD], who has had charge of the bill, to explain the necessity of the inclusion with regard to the Osage Tribe of Indians.

Mr. HOWARD. Mr. Speaker, in reply to the inquiry of the gentleman from Ohio, I will say that at the time the railroads, most of them, were built through the Indian Territory, the Government granted easements as to rights of way, and, later, when that country became settled and our cities began building, it became necessary at times to abrogate the provision where the title to any part of these easements or rights of way could not revert to corporations or railroad companies, with the result that in the act of April 26, 1906, so far as the Five Civilized Tribes were concerned, that act prepared the way for the Secretary of the Interior, wherever necessary, to issue title to certain property that became necessary in the building up of these towns.

Mr. GARD. Mr. Speaker, will the gentleman again yield?

Mr. HOWARD. Yes, sir.

Mr. GARD. Is that the act of June 24, 1906, that the gentleman refers to?

Mr. HOWARD. It is section 14 of the act of April 6, 1906. This only changes that by changing the word "Osage," which recently has become necessary in the improvement and development of that country, to make it possible at times for railroad companies and cities or private individuals to exchange lands in order to build industrial tracts, and so forth, in the towns and cities of the Osage Nation. I will call the attention of the gentleman to the fact that this is a departmental measure, and that it has the approval of the Osage Council.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat., p. 137), be amended to read as follows:

"SEC. 14. That the lands in the Osage, Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations reserved from allotment or sale under any act of Congress for the use or benefit of any person, corporation, or organization shall be conveyed to the person, corporation, or organization entitled thereto: *Provided*, That if any tract or parcel thus reserved shall before conveyance thereof be abandoned for the use for which it was reserved by the party in whose interest the reservation was made, such tract or parcel shall revert to the tribe and be disposed of as other surplus lands thereof: *Provided further*, That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stockyards, or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company under rules and regulations to be prescribed by the Secretary of the Interior at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality, the title to which, upon abandonment, shall vest in such municipality.

With a committee amendment, as follows:

Page 2, line 24, after the word "municipality," insert:

"*Provided further*, That so far as lands within the Osage Nation are affected by this act, nothing herein contained shall be construed as divesting the Osage Tribe of its title to the oil, gas, coal, or other minerals covered by said lands, title to which was expressly reserved to the Osage Tribe for a period of 25 years from and after the 8th day of April, 1906, by the act of June 28, 1906 (34 Stat., p. 539)."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was 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, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 46, noes 3.

So the bill was passed.

On motion of Mr. HOWARD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CLASSIFICATION OF VESSELS OF THE UNITED STATES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11311) providing for the classification of vessels of the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the classification of vessels of the United States, and for such other purposes as are the proper functions of a classification bureau, all departments of the Government and all commissions created by the Government are hereby directed to recognize the American Bureau of Shipping as their agency, so long as the American Bureau of Shipping continues to be maintained as an organization which has no capital stock and pays no dividends: *Provided*, That the Secretary of Commerce and the chairman of the Shipping Board shall each appoint one representative who shall represent the Government upon the executive committee of the American Bureau of Shipping, and the bureau shall agree that these representatives shall be accepted by them as active members of such committee. Such representatives of the Government shall serve without any compensation, excepting necessary traveling expenses: *Provided further*, That the official list of merchant vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

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, and was read the third time and passed.

The SPEAKER. The Clerk will report the next one.

LIMITED NUMBER OF PASSENGERS ON CARGO VESSELS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11313) to permit transportation of a limited number of passengers on cargo vessels.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That cargo vessels may carry not to exceed 16 persons in addition to the crew from any port or place in the United States to any foreign port, or from any foreign port to another foreign port, or from any foreign port to a port of the United States; and such cargo vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such cargo vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any cargo vessel carries persons other than the crew as above provided for, the owner, agent, or master of the vessel shall first notify

the said persons of the presence on board of any dangerous articles, as defined by the law, if there be any on board, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of $500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

Mr. WALSH. Mr. Speaker, will my colleague yield?

Mr. GREENE of Massachusetts. I yield to my colleague.

Mr. WALSH. Will the gentleman state how the number of passengers to be carried was arrived at? This seems to be a rather unusual number—16.

Mr. GREENE of Massachusetts. I will be glad to explain it. A number of the vessels of the United Fruit Co. have accommodations for 16 passengers. The bill as originally drawn provided for 12 passengers, that being the number on some Japanese steamers, but the United Fruit Co. stated that number would interfere with their line of traffic on some of their boats, which formerly were not under American registry. That is the principal reason the number was increased so as to provide for the four additional passengers. Commercial travelers and business men believed it would be extremely useful in extending our foreign trade.

Mr. WALSH. Will this permit a vessel engaged in lake commerce to take some passengers on board going to a port in Canada, and thence to a United States port, and to carry those passengers the entire journey?

Mr. GREENE of Massachusetts. Only to a foreign port. Would the gentleman call Canadian ports foreign ports?

Mr. WALSH. I should say they would be.

Mr. GREENE of Massachusetts. It had not been particularly considered by the committee. I think, however, it would be an advantage to permit the freight boats on the Great Lakes to do this line of business. I know some of these boats have carried passengers who have been obliged to sleep in the officers' quarters.

Mr. WALSH. This would not permit the freight steamers that ply on Long Island Sound, touching at domestic ports, to carry passengers. Why is this discrimination made?

Mr. GREENE of Massachusetts. This bill was introduced particularly for the purpose of extending our foreign trade if possible, and it was thought that some of these smaller-sized freight vessels might reach ports that would not otherwise be reached, because we do not have passenger lines reaching them, and the committee thought it would be a great convenience. It has also been shown by testimony before the committee that some men who have gone to foreign ports had been obliged to rely upon the large passenger steamers, and frequently these steamers could not supply the accommodations desired, while they could obtain the accommodation on these freight steamers. In addition to the convenience, it was believed it would save to the commercial traveler a great deal of time, and possibly it would result in an extension of American trade to foreign ports not easily reached by the great steamship lines.

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, and was accordingly read the third time and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

WATER SUPPLY OF LOS ANGELES, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906.

The Clerk read the title of the bill.

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

Mr. GARD. Reserving the right to object——

Mr. OSBORNE. Mr. Speaker, I ask that this bill be passed without prejudice.

Mr. GARD. Why does the gentleman ask that it be passed without prejudice?

Mr. OSBORNE. I hope to bring it up in some other parliamentary form.

Mr. GARD. Mr. Speaker, I objected to the consideration of the bill when it last appeared on the Calendar for Unanimous Consent. I have received a number of communications about the matter which I would be pleased to bring to the attention of the gentleman from California. I do not think the bill should be on the calendar. Therefore I object.

The SPEAKER. Objection is made.

Mr. OSBORNE. I withdraw my request.

The SPEAKER. Does the gentleman object to the present consideration of the bill?

Mr. GARD. I object to the present consideration of the bill.

The SPEAKER. The Clerk will report the next bill.

CUSTER STATE GAME PARK SANCTUARY, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11398) for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. I would like to have the bill reported.

The SPEAKER. The bill will be reported.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding 30,000 acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated as provided for in section 1 of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

SEC. 4. That the State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota.

SEC. 5. That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may convey to the State of South Dakota a patent to not to exceed 1,600 acres of national forest lands within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this act.

With the following committee amendments:

Page 2, line 16, after the word "private," insert the word "or."

Page 2, line 16, after the word "State," strike out the words "or Territorial."

Page 3, line 7, after the word "may," strike out the word "convey" and insert the word "patent."

Page 3, line 8, after the word "Dakota," insert the words "a patent to."

Page 3, line 9, after the word "of," insert the word "nonmineral."

Page 3, line 10, after the word "lands," insert the words "not otherwise appropriated or withdrawn."

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

There was no objection.

The committee amendments were agreed to.

Mr. WALSH. Mr. Speaker, I move to insert, in line 21, page 3, after the word "or" the word "may." I should like to ask the gentleman from South Dakota if he does not think the language there is a little deficient? It says:

Any selection rights which the State may have or be hereafter granted.

I move to insert the word "may," so that it will read "or may be hereafter granted."

Mr. GANDY. I have no objection to the amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 3, line 21, after the word "or" insert the word "may."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GANDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

AQUEDUCT BRIDGE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

SUBMISSION OF CLAIMS BY INDIAN TRIBES TO COURT OF CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (S. 157) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise.

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

Mr. MANN of Illinois. I reserve the right to object.

Mr. KELLY of Pennsylvania. Mr. Speaker, the gentleman from Illinois [Mr. MANN], who objected to this measure two weeks ago, suggests that he would like to see the further information that we have secured put in the RECORD. I will ask unanimous consent to extend in the RECORD the statement made by the president of the Northwestern Federation of American Indians dealing with the case, stating the number of Indians and giving facts about the claim, and also a letter from the Secretary of the Interior stating that the department is satisfied with the bill, and certain other information.

The SPEAKER. Does the gentleman from Illinois withdraw his reservation of an objection?

Mr. KELLY of Pennsylvania. No; but pending that I ask to put these matters in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Now, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks that the bill be passed without prejudice. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I notice that there are other bills on the calendar of a similar nature, authorizing certain tribes of Indians to submit claims to the Court of Claims. Is it necessary that there be a large number of separate bills substantially for the same purpose? Would it not be advisable to have some general law applying to all alike? It seems to me it is a waste of the time of the House and would result in some confusion to have separate bills considered by the House and submitted to take care of claims of each separate tribe of Indians.

Mr. KELLY of Pennsylvania. In answer to that suggestion I would say that the policy of the Committee on Indian Affairs is exactly the opposite, because each case arises on a separate treaty and has entirely different conditions. There have been objections time and again to dealing with tribes widely separated in a single bill, and it is deemed best to consider each case by itself.

Mr. McLAUGHLIN of Michigan. Is it true that treaties are so drawn that no method is possible by which the Indians can have a proper consideration of their claims?

Mr. KELLY of Pennsylvania. That is absolutely the case here, and only through an act of this kind, where such treaties are involved, can these claims be adjudicated.

Mr. MANN of Illinois. The gentleman wants to modify that statement a little. These claims are all barred by the statute of limitations. They could have been adjudicated if there was any claim and the claim had been made. Many of them have been adjudicated by the department. Now, they want a chance to come before the Court of Claims, and can not get it because the statute of limitations pleaded against them would shut them out.

Mr. KELLY of Pennsylvania. In this bill the San Juan Indians were involved, and both Great Britain and America laid claim to the land. There was no opportunity at that time for a settlement, and there has not been up to this time.

Mr. MANN of Illinois. If the American Government got the land, as they did, and the Indians had a claim, they would have presented the claim for that land that had been taken away from them. They never thought they had one until some bright attorney, in recent years, concluded that he would dig up the claim.

Mr. KELLY of Pennsylvania. I am sure if the gentleman from Illinois will take the time to go over the real facts he will find that these Indians themselves have some claim on the Government.

Mr. MANN of Illinois. I am going through the claims.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the bill be passed without prejudice?

There was no objection.

The matter referred to by Mr. KELLY of Pennsylvania is as follows:

[Letter from T. G. Bishop, president of the Northwestern Federation of American Indians, to Hon. L. H. HADLEY, Member of Congress, which was presented at the hearing before the Indian Affairs Committee.]

NORTHWESTERN FEDERATION OF AMERICAN INDIANS,
Washington, D. C., August 28, 1919.

Hon. L. H. HADLEY, M. C., *City.*

DEAR MR. HADLEY: On receipt of yours of July 28 last with a copy of letter from the Secretary of the Interior, and a careful review of my files, I submit the following report, as I think will support the answers to the three questions, required, etc.:

At the time of the making of the treaties, during the years of 1854 and 1855, there was estimated to be forty-one hundred and sixty Indians in the district covering the treaties of the four treaties.

I figure that since that date about 2,000 have been allotted within the four reservations, and, of course, fully compensated.

There are to my figures now, according to an enrollment roughly made by our officers of the federation, 2,321 who wish to have their claims presented to the Court of Claims for adjudication. They may be divided into two classes, viz, reservation, or included with the treaty-making descendants, and nontreaty Indians.

The former are enrolled as follows, including the following unallotted:

Point Elliott treaty:		
Skagets	192	
Nootsacks	167	
Stilaguamish	118	
Swinomish	208	
Duwamish	141	
Muckleshoots	146	
Snohomish	194	
Snoqualamines	142	
Total		1,308
Point-no-Point treaty:		
Clallams and allied tribes or bands		493
Quinaielts—		
Quinaielts	18	
Quileutes	110	
Total		128
Medicine Creek treaty:		
Nisquallys	116	
Puyallups	132	
Squaxon Island	42	
Total		290
		2,219

The latter (nonreservation) would be:

San Juan Islands Indians	184	
Chehalis Indians	238	
Total		422

This would be a total of twenty-five hundred and nine Indians who think they have claims against the Government that they wish adjudicated before the proper courts.

I have on two different occasions written the Indian Office for information in regard to amounts unpaid these Indians through treaty agreements, but could get no information on that subject. The treaty agreements called for $267,000, together with the improvements or compensation due them or their ancestors for improvements made by them and which was never settled for. Also for lands taken by the Government after the treaties were agreed upon. On an average, I might say, that about each of these four reservations not more than one-half of the original reserve was kept for the reservation of the different tribes for allotments.

I would figure that the amount involved would be in the neighborhood of one and probably one and one-half millions of dollars. There would be, of course, some "cut-offs"—or the amount already paid by the Government—according to the treaty agreements. This latter I can get no figures on whatever.

The claim of the San Juan Islands Indians, and also the Chehalis Indians, is quite a problem, as the former at the time of treaty making, in the years of 1854 and 1855—this was disputed territory between the British and United States Governments, and as a consequence was never settled with; never could they have access to any of the other reservations, though many attempts have been made by individuals for allotments of lands on three different reservations.

With the Chehalis Indians treaty agreement was never entered into. They ask an allotment of land on the Quinaielt or other reservation or the value of an average allotment of land as given other Indians in

their district. About 50 of these (Chehalis) Indians have taken advantage of the Indian allotment act, and this would have to be adjudicated by the courts as to their rights for claim.

The average quantity of land ceded by western Washington Indians during these treaty agreements was 1,800 acres each, and the average tracts if reserved according to treaty agreements would be about 7½ acres each.

First, the "nature of our claim" is based upon treaty agreements as stipulated in our bill, H. R. 2846, or for the value as found by the courts authorized in the adjustments therein.

Second, that where Indians were forced to move on to the reservations and surrender their improvements—crops and stock—that they or their legal heirs should have been paid according to the then agreements.

Third, that repatriation should be had for lands taken from the agreed reservations, where taken without the consent of the Indians affected.

Hoping this will be satisfactory as a reply, but, in the event that more enlightenment in the case may be needed, I am at your pleasure, at any moment.

Thanking you in advance, I am, as ever,

Faithfully, yours,

THOMAS G. BISHOP.

[Letter from the Secretary of the Interior to Hon. G. W. EDMONDS, Member of Congress, chairman of the Claims Committee, to which the bill was referred upon its introduction.]

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1919.

MY DEAR MR. EDMONDS: I am in receipt of your letters of June 26 and July 10, 1919, requesting information with respect to the amount of money, the number of Indians involved, and the nature of the claims of the Indian tribes residing west of the summit of the Cascade Mountains, Wash.

In answer you are advised that the Indian Bureau informs me that it has no definite knowledge of the nature of the claim, amount of money, or number of Indians involved. However, it may be inferred from the nature of the treaties referred to in the bill, H. R. 2846, that their claims would be for money or land they believe they are entitled to under the treaties.

In all such cases I am of opinion that where Indian tribes believe they have meritorious claims against the Government they should be allowed an opportunity to have such claims properly investigated and adjudicated, notwithstanding the fact that they may not, at the time of asking for legislative authority to permit them to do so, have made a prima facie showing setting out the amount of their claims.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

[Statement by Assistant Commissioner of Indian Affairs, E. B. Meritt, before the Senate Committee on Indian Affairs at hearing on measure.]

We have had the claims of the Washington Indians looked into, and we have a representative now in the State of Washington making an investigation of these various matters. We expect to have a report from that representative in the office within the next two months, which we hope will be a complete résumé of the conditions existing among those Indians in the State of Washington. However, the only practicable way, and the only conclusive way, in my judgment, is to authorize the Indians to go into the Court of Claims under a properly worded jurisdictional act which will authorize the Indians to submit their claims against the Government and which should also authorize the United States to interpose any set-offs or counterclaims against those Indians.

[Statement of Judge Arthur E. Griffin, attorney at law, Seattle, Wash., at hearing before Senate committee.]

Our claims would be principally for money which was promised to these Indians under treaties—$150,000 under one treaty and about $45,000 under another—and the treaties further provided that they would reimburse these Indians for the improvements upon the lands which they should vacate. I have not been able to get definite information from the Indian Office, but as near as I can find out, nothing whatsoever has been paid these Indians for the improvements upon the lands which were taken away from them. The early reports of the office show that nearly all these Indians had little farms, little potato patches, and when the early settlers came to Puget Sound they were able to buy potatoes from the Indians and help them until such time as they got started with their farms, and when logging camps started they were able to get potatoes from the Indians, and the Indians sold enough of the potatoes which they raised to buy their clothing and implements which they needed in their work.

As I say, as far as I can ascertain, nothing whatever has been paid to those Indians for those improvements, and I can not find that any considerable amount of money that was promised in these treaties has ever been paid. There are a number of tribes that never treated with the Government at all. The white settler simply went in and selected the best land and crowded the Indians out to a space or a piece of land that was not attractive enough to the settlers to have them take it away from them, under the promise that the Great Father would reimburse them at some time for their land, and they have been there 62 years, and have never received anything whatsoever. Those Indians who did receive small annuities would travel long distances in their canoes, 75 miles or more, to the place where the annuities were distributed, and when they got there probably a family of Indians would receive a little flour or a few yards of calico, but nothing which would compensate them for the expense of making the trip. So after a short time they ceased to visit the place where they knew it was to be distributed.

* * * * * * *

My idea is that in making these treaties Gov. Stevens, who made the five treaties, promised these Indians at least sufficient land for a home, but when the treaties were finally made there was not sufficient land reserved for the estimated number of Indians living at that time, although he had promised them all homes, but had only reserved land enough to give them 7.05 acres apiece, which you know is not sufficient ground for an Indian home.

After the treaties were made Congress, by Executive order, set apart other land by treaties; so if it was all allotted to the Indians now they would have about 59 acres apiece. But the trouble is that some of that land—a greater portion of it—is in the Quinaielt Reservation—ground which is not agricultural land, but is covered with big timber. The Government claims the right to sell that timber first. So it has left a lot of these Indians without any allotment of land at all; and my idea in having the bill drawn in the way it was was to give those Indians an opportunity to claim allotments, or the value of allotments, and that would be such Indians who had never been able to procure an allotment of land. Such right would be in addition to the rights of the tribe generally to claim for the failure of the Government to pay the amount stipulated in the treaties.

* * * * * * *

Now, at the time these treaties were made the Oregon donation act was in effect. They were then giving to a single white man a half section of land and to a married man and his wife a full section of land in Oregon and Washington Territory, and those Indians ceded an average of 1,800 acres apiece; while the Government promised to give them their homes—not directly promising to give them allotments, but saying that the President might, when in his judgment the interests of the Indians would be advanced, they might allot to these Indians in severalty, giving the Indians allotments in accordance with the sixth section of the treaty with the Omahas.

The sixth section of the Omahas treaty provided for an 80-acre allotment for the individual Indians. Those Indians knew nothing of land measurements and knew nothing of the 80-acre provision of the Omahas treaty. The treaties were explained to them in Chinook jargon—there were eight different languages spoken in this country west of the Cascade Mountains. The Chinook jargon was invented by Capt. Cook, and it was later used by the Hudson Bay Co. in their intercourse with the Indians. It is composed of a very limited number of words, and the history of making these treaties was that the treaties were prepared and taken up there, but no arrangement made by the Indians when they were up there, and Gov. Stevens made his talk and gave away presents bought in New York and Boston. The settlers were taking away their land, and they saw no other way of doing it, and they signed those treaties, believing that they would be allotted 80 acres of land, while instead of that they only received 7.05 acres of land, and many of them were pushed aside from where they had taken their homes; and I may say that the reports show that many of those homes had substantial buildings, from 30 to 100 feet long, and well built, as appears by the early reports; and they have since been pushed aside and have gotten nothing.

SALE OF CUSTOMHOUSE BUILDING AT KENNEBUNKPORT, ME.

The next business on the Calendar for Uuanimous Consent was the bill (H. R. 11175) authorizing the public sale of customhouse building and site at Kennebunkport, Me.

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

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that the communication from the Secretary of the Treasury that recommends the legislation permits the sale of a number of abandoned buildings for which the Government had no further use. Why has the committee picked out one particular building and reported on it?

Mr. ELLIOTT. Mr. Speaker, I am on the committee that reported the bill, and the gentleman from Maine [Mr. GOODALL], the author of the bill, asked me to explain it. In answer to the gentleman from Massachusetts [Mr. WALSH], the reason why the committee acted on this bill was because a bill came before the committee for this purpose, and no bill has ever been introduced up to this time as to the other buildings. As I understand, this little piece of land and building was used in Kennebunkport for years as a customhouse. It was abandoned years ago for that purpose. The Government has been allowing the Library Association of Kennebunkport, Me., to use this for a number of years for a public library. The town of Kennebunkport would like to buy the land and building for this purpose. The Government has no further use for it and, if you will notice the report of the Secretary of the Treasury, it recommends that the bill be passed and that the land be sold and the money turned into the Treasury.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. ELLIOTT. Certainly.

Mr. MANN of Illinois. If there should be any competition at this sale and somebody buys the land, what would become of the public library?

Mr. ELLIOTT. They would have to get out, I suppose. I do not know whether anybody else wants it or not. It is a very small piece of land, only 124 by 40.

Mr. MANN of Illinois. Was it represented in the committee that the town desires to buy it as a site for a library?

Mr. ELLIOTT. Yes.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell at public sale the present customhouse building and site at Kennebunkport, Me., after proper advertisement, and at such time and upon such terms as he may deem for the best interests of the United States, to execute and deliver to the purchaser the usual quitclaim deed therefor, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

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 the third time and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, MONTAGUE COUNTY, TEX.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12160) authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Nocona Red River Bridge Co., a corporation, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Red River at a point suitable to the interests of navigation on the south bank of Red River at a point a little east of due north of Nocona, in Montague County, to a point approximately north of said beginning and located in Jefferson County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendment:

Page 1, line 8, after the word "County," insert the word "Texas."

The SPEAKER. The question is on agreeing to the amendment.

The committee amendment was agreed to.

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

On motion of Mr. PARRISH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS COLUMBIA RIVER, WASH.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12164) to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington.

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

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, this bill proposes to grant to private individuals the right to construct a bridge. That is done at times, and I think there is one more bill on the calendar like this. Usually there is some explanation why a private individual seeks an opportunity to sell a permit to construct a bridge. I take it that that is what it is, that it is speculative. I do not know, but there is no information in the report upon the subject. If some one wants to construct a bridge where it is needed, very well, but it has not been the practice of Congress to grant to private individuals the right to construct a bridge as a speculative proposition.

Mr. SUMMERS of Washington. Mr. Speaker, if the gentleman will permit, the two counties that are directly concerned have each granted a franchise for the construction of this bridge.

The bill was introduced at the suggestion and the request of the county commissioners of those two counties. This is to supplant to a degree a ferry which is the only means by which the Columbia River can be crossed in that part of the State.

Mr. MANN of Illinois. The county on each side of the river has already granted authority to Charles G. Huber to construct this bridge?

Mr. SUMMERS of Washington. That is correct.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Charles G. Huber, his heirs, executors, administrators, or assigns, be, and he or they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, such bridge to extend from the east bank of said river adjacent to the town of Pasco, Wash., at a point not more than 2 miles upstream from the Northern Pacific Railway bridge across said river, to a point on the west bank of said river adjacent to the town of Kennewick, Wash., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The 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 the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CONNECTICUT RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11756) to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield in Hampden County, Mass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Mr. Speaker, reserving the right to object—and I shall not object—will the gentleman in charge of the bill state whether it is in proper form to extend the time of construction, inasmuch as the time of construction has already expired? Is the present bill a proper bill, all of the time extended on previous authorizations having now expired?

Mr. MANN of Illinois. Mr. Speaker, if the gentleman will permit, this has been the practice for years. I say that, having formerly been a member of this committee.

Mr. GARD. I would be very glad to have the word of the gentleman from Illinois. I merely want to be satisfied upon the point. I should think the ordinary practice would be to extend before the time the previous authorization had expired.

Mr. MANN of Illinois. It is as the ordinary practice, but frequently it is not extended until after the time for the construction of the bridge has expired. That gives the authority, however.

Mr. GARD. It would seem to me that the term "extension" itself would mean the carrying on further of the authority already conferred, and when that time had expired the proper practice would be the introduction of a new bill.

Mr. MANN of Illinois. This extends the time for commencing the work from the time when the right would otherwise have elapsed instead of a year from the present date.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for comencing and completing the construction of a bridge, authorized by act of Congress approved August 25, 1916, to be built across the Connecticut River between the city of Springfield and the town of West Springfield, in Hampden County, Mass., are hereby extended one and three years, respectively, from the date of approval hereof.

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

With the following committee amendments, which were severally reported and severally agreed to:

Line 3, correct the spelling of the word "commencing."

Line 9, strike out the words "date of approval hereof" and insert the words "27th day of February, 1920."

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

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

On motion of Mr. WINGO, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BIG NESTUCCA RIVER, OREG.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12213) authorizing F. R. Beals to construct, maintain, and operate a bridge across the Big Nestucca River in Tillamook County, Oreg.

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

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, I would like to know about this matter in which it is proposed to grant a franchise to individuals.

Mr. HAWLEY. Mr. Speaker, this is to connect a small town called Pacific City on the north bank of the river with the south bank, so that the people who live on the north bank can cross the river and get to the ocean beach on the south bank. It is a summer resort.

Mr. MANN of Illinois. I understand; but why are we asked to grant this right to an individual? Does he expect to build the bridge?

Mr. HAWLEY. Yes.

Mr. MANN of Illinois. Or is it for speculative purposes?

Mr. HAWLEY. He expects to build the bridge. He owns land on both sides of the river and expects to build a bridge to accommodate people who may live in that section, and I suppose for the benefit of his own interests in connection with the land he owns on both sides of the river.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That authority is hereby granted to F. R. Beals and his successors to construct, maintain, and operate a bridge and approaches thereto across the Big Nestucca River, in Tillamook

County, Oreg., connecting the northerly part of lot 1 with the northerly part of lot 10, in section 30, township 4 south, range 10 west, Willamette meridian, in Oregon, and at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The committee amendment was read, as follows:

Page 1, line 3, strike out the word "and" and insert the word "or."

Mr. MANN of Illinois. Mr. Speaker, I think that amendment ought not to be agreed to. The bill provided that F. R. Beals and his assigns have the right. Now, the committee proposes that F. R. Beals or his assigns have the right to construct and maintain, and so forth. Now, "or" is an alternative and does not give the right to both. Either one can do it, and if Mr. Beals constructs the bridge and afterwards sells it his assigns would not maintain it.

Mr. HAWLEY. I accept the gentleman's judgment as to that and ask that the amendment be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 1, line 4, strike out the word "successors" and insert "assigns."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 5, strike out the word "Big."

The question was taken, and the amendment was agreed to.

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

The title was amended so as to read: "A bill authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg."

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 28, 1920, approved and signed bills of the following titles:

H. R. 8819. An act to amend the Army appropriation act for 1920 and for the purchase of land and to provide for construction work at certain military posts, and for other purposes; and

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Joint resolution (S. J. Res. 152) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States; to the Committee on Foreign Affairs.

NATIONAL SCREW THREAD COMMISSION.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 299, extending the life of the National Screw Thread Commission for a period of two years from March 21, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the life of the National Screw Thread Commission, created by an act approved July 18, 1918, as amended by an act approved March 3, 1919, be, and the same is hereby, extended for an additional period of two years from March 21, 1920.

Mr. WALSH. Mr. Chairman, I offer an amendment to strike out the word "life," in line 3, page 1, and insert the word "term."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, strike out the word "life" and insert in lieu thereof the word "term."

Mr. WALSH. Has the gentleman any objection to that?

Mr. MANN of Illinois. Is that amendment proposed because this is a dead concern?

Mr. GARD. Reserving the right to object——

The SPEAKER. Consent was granted.

Mr. TILSON. It is not dead, but it is not active in the sense it has been heretofore.

Mr. GARD. Was the gentleman's amendment to strike out the word "life" and insert the word "term"? There was no term——

Mr. WALSH. Yes.

Mr. GARD. What was the term?

Mr. WALSH. Its term was to expire, I think——

Mr. TILSON. March 21, 1920.

Mr. MANN of Illinois. Its term expired in 1918.

Mr. TILSON. It was extended one year.

Mr. WALSH. The commission originally created was to expire, I think, in June, 1918, and then it was extended, and now it is to expire March 21 of this year, and now we are extending the term.

Mr. GARD. Will the gentleman explain——

Mr. WALSH. I yield to the gentleman from Connecticut who engineered this.

Mr. TILSON. The provision in the original act was that it should last six months from the time of the appointment of the commission. The commission was finally appointed on September 21, 1918, therefore it would have expired on March 21, 1919, had it not been extended for the period of one year from March 21, 1919.

Mr. GARD. Would it not meet the same purpose if we provided that the National Screw Thread Commission, and so forth, be extended without the use either of the word "life" or the word "term"?

Mr. TILSON. Any way to serve the purpose will suit me. What is wanted is for the commission to remain in existence for certain purposes for as much as two years more.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF THE KLAMATH TRIBE OF INDIANS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PENSION TO SOLDIERS OF THE WAR WITH SPAIN.

Mr. SELLS. Mr. Speaker, I call up the bill H. R. 2, with committee amendment, a bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, and move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from its further consideration, and pass the same.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from the further consideration, and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

Be it enacted, etc., That all persons who served 90 days or more in the military or naval service of the United States during the War with Spain, the Philippine insurrection, and the China relief expedition, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacities them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $12 per month. In case such person has reached the age of 72 years, $24 per month; and in case such person has reached the age of 75 years, $30 per month: *Provided further*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his

pension under any other general or special act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this act.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $20, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. CARSS. Mr. Speaker, I demand a second.

Mr. SELLS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee [Mr. SELLS] is entitled to 20 minutes and the gentleman from Minnesota [Mr. CARSS] to 20 minutes.

Mr. SELLS. Mr. Speaker, I ask unanimous consent that all Members who speak on the bill may have the right to extend and revise their remarks for five legislative days.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members who speak on the bill may have unanimous consent to extend and revise their remarks for five days. Is there objection? [After a pause.] The Chair hears none.

Mr. SELLS. Mr. Speaker, this bill is presented to the House from the Committee on Pensions with the approval of its entire membership. It furthermore has the unqualified indorsement of the legislative committee of the United Spanish War Veterans and of the various branches of that organization in practically every State in the Union. It seeks to confer on this class of our soldiers the same benefits that were secured for the Civil War veterans by the act of June 27, 1890. That law was the first piece of legislation that gave to the Federal soldier a pension for disabilities other than those directly traceable to Army service. In this bill the verbiage of that act, and the rules for its administration, have been followed as closely as practicable in order that no delays might be necessary in its construction.

It goes, however, one step further than the act of 1890, in that it creates a pensionable status for all honorably discharged soldiers of the Spanish War who have attained the age of 62 years. In other words, it assumes that disabilities incident to that age shall entitle the soldier to receive a pension at the rate of $12 per month. If he has reached the age of 68 years, $18 per month; of 72 years, $24 per month; and of 75 years, $30 per month. For disabilities, no matter how incurred, he shall receive a pension of not less than $12 and not more than $30 per month, based upon the extent of the disability from which he may be suffering.

All kinds of criticisms have been directed against the rates proposed in this bill. To some they have appeared too high, to others too low. To the latter class I would answer that the disability rates which this bill proposes, compared to the act of June, 1890, are double the minimum and two and a half times the maximum. The rates for age approximate those fixed by the act of May 11, 1912. And it must be remembered that this bill seeks to in no way interfere with the right of a soldier to file a claim for pension under the general law for disabilities actually incurred in line of duty, upon making satisfactory proof of which he may receive a pension as high as $72 per month.

To those who would criticize these rates on the ground that they are higher than those granted in 1890 to our Civil War soldiers I would say that relatively they are no higher, and certainly their purchasing power no greater. In reporting this bill the committee has sought to do only substantial justice. We have tried to show no favoritism as against any other class of our soldiers. We merely seek to give to these the same status and the same rewards that we have generously accorded to others who have nobly served their country. [Applause.]

As one of the Committee on Pensions during the nine years that I have been a Member of Congress, I have recognized the necessity, as well as the justice, of granting to the Spanish War soldier more liberal treatment. Thousands of them, stricken by disease and unable to earn a living, are supported by charity and the contributions of their former comrades. In New York City alone last year the various Spanish War organizations contributed more than $200,000 for the relief of their diseased and penniless members. Their cry of distress comes up from every city and practically every community. Thousands of them, unable to prove their diseases of service origin, have had their claims rejected by the Bureau of Pensions, and are dependent upon charity for a miserable existence. I think no fair-minded man will deny that this is a condition that demands and deserves remedial legislation by Congress. In enacting it we are not bestowing gratuities or granting charities. We are merely paying an honest debt and discharging a national obligation. [Applause.]

The cost of administering this legislation would be small. In answer to a request for an estimate of probable expenditures as a result of such a law, the Bureau of Pensions advises me that its maximum cost during the first year of its enactment would not exceed $2,000,000, and at no time would it exceed $15,000,000. I ask leave to extend my remarks by inserting this letter as a part of my remarks:

JULY 16, 1919.

Probable cost of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition for the first three years, should it become a law, as ascertained by comparison with results of the first three years under the act of June 27, 1890: The bill follows the invalid provision of said act, except that the maximum and minimum rates are $30 and $12 per month, as against $12 and $6 per month under the act, which would make the cost of the bill per pensioner somewhat more than double.

The number of men engaged in the War with Spain, etc., was about one-seventh the number engaged in the Civil War, the estimated numbers being 312,000 and 2,213,365, respectively.

The results for the first three years under the act of June 27, 1890, in numbers of invalids on the roll at the close of the years and the totals paid each year are as follows:

	Number of pensioners.	Total paid.
1891	101,112	$7,812,107.65
1892	293,068	43,845,071.02
1893	377,203	54,568,610.16

Taking one-seventh of the number of pensioners and two-sevenths of the amount paid in each year as approximating the cost of the bill in the first three years after enactment, the results are as follows:

	Number of pensioners.	Total paid.
First year	14,445	$2,232,630.76
Second year	41,867	12,527,163.14
Third year	53,886	15,591,031.48

On January 5 this body passed the Fuller bill for the further relief and protection of the Civil War soldier. I was glad to support it, believing that these aged veterans, by the suffering and sacrifices of four long years of bloody warfare, had fully earned it. It will not be for long. The Grand Army of the Republic will soon exist only in the hearts and memories of their countrymen. They are on the last lap of the march. The drums are muffled and taps will quickly sound. The campaign has nearly ended and they are about to taste the fruits of their final victory, eternal and complete.

But I am none the less glad to support this bill. I am proud to plead the cause of a soldier who, though perhaps less renowned, was none the less faithful in the discharge of a sacred trust. [Applause.] Whether facing the Spaniard in Cuba and Porto Rico, or attacking the Filipino under a tropical sun in the land of the jungle, he upheld the traditions of the American soldier and added to the imperishable glory of American arms. [Applause.] His efforts forever destroyed in the Western Hemisphere the last vestige of autocratic rule. They added to the flag of the world's republics another star, which, though small, is brightly shining. To 8,000,000 people in the Orient they carried the blessings of just and beneficent government and a guaranty of civil and religious liberty. I maintain that in the same length of time no American Army has every accomplished more. [Applause.] And so I am proud to present this bill for his relief, so justly and so fully earned, and urge its prompt and favorable consideration. The time has come to discharge in part, at least, this debt of gratitude, and I submit this bill to this House in the belief that it will do its full duty. [Applause.]

Mr. BEE. Mr. Speaker, will the gentleman from Tennessee yield for a question?

Mr. SELLS. Yes.

Mr. BEE. I do not wish to take up the time. I will state it has often been a source of wonder to me that we have not had this legislation in behalf of the Spanish War veterans. It ought to be passed. But why is the language "manual labor" in there? Is there any reason why you state that they shall be incapable of manual labor, or is that construed to mean any character of labor?

Mr. SELLS. Any character of labor, as I understand it. As I just stated, the language of this act follows almost identically

the language of the act of June, 1890, in its application to Civil War soldiers.

Mr. BEE. There would not be anything in the bill that would exclude from its operation any man disabled, although he was in any other occupation than that which called for manual labor?

Mr. SELLS. No.

Mr. FOCHT. On page 2, line 4, I see that the maximum allowed there is $30 a month. Now, that would mean that a totally disabled Spanish-American War soldier, whether he had his legs off or his arms off, or had tuberculosis, could never draw, by any means, more than $30 a month?

Mr. SELLS. No. It does not necessarily mean that. It means that he shall receive that rate in the event those disabilities are of other than service origin. If a soldier can show that his disabilities are the result of disease that he incurred while actually in the service of his country, he may receive a pension as high as $72 per month, or in case of total blindness $100 a month. This bill seeks in no way to limit his right to file under the general law for diseases of service origin.

Mr. FOCHT. Attention has been called to the fact that totally disabled soldiers under the war-risk insurance act may have $80, and the question naturally arises why a Spanish War soldier who is totally disabled may not have that maximum of $80?

Mr. SELLS. A soldier of the World War is not entitled to any pension or compensation whatever unless his disabilities are traceable to his service. This bill grants a pension to the Spanish War soldier for disabilities not contracted in line of duty.

Mr. FOCHT. Yes; but he has a privilege that the Spanish War soldier does not have—the war-risk insurance. The Spanish War soldier for overseas service receives $15 as compared with the allowance made to the World War soldier.

Mr. SELLS. That is true, but the gentleman must remember that the minimum rate fixed in this bill is twice as high and the maximum rate is two and one-half times as high as the pension that was granted to the Civil War soldier 25 years after that war closed.

Mr. FOCHT. Of course the ordinary answer to that would be that the purchasing power of the dollar which he then received was just double what it is now. Would the gentleman object to an amendment to be offered here to raise that maximum to $50 instead of $30?

Mr. SELLS. I will say to the gentleman that this bill is being considered under suspension of the rules and amendment is not in order.

Mr. Speaker, I reserve the balance of my time.

Mr. OGDEN. I wish to ask the gentleman whether his committee has considered a provision for the benefit of the widows of deceased soldiers?

Mr. SELLS. We have. And later on the committee expects to report out a bill removing certain limitations.

Mr. KITCHIN. Will the gentleman permit an interruption for just a minute? I think the gentleman stated it in his speech, but I did not catch it. How much will this bill cause appropriations to be increased; that is, how much of an appropriation will be necessary?

Mr. SELLS. According to an estimate given by Mr. Saltzgaber, the Commissioner of Pensions, for the first year $2,200,000 and for the third year, I believe, $15,500,000.

Mr. SMITH of Idaho. Will the gentleman yield to an inquiry?

Mr. SELLS. I will.

Mr. SMITH of Idaho. I notice in lines 12 to 15, page 2, it provides that the soldiers who are now drawing pensions or whose claims are pending must make a formal application in order to get the benefits of this act. Do you think it fair to impose upon the soldiers the necessity of making a formal application for the benefits of the law? Many of them may not be advised of its enactment.

Mr. SELLS. All soldiers have to make application for pension. Now, I can not yield further.

Mr. CARSS. Mr. Speaker, I desire to use five minutes.

Mr. Speaker, "in times of peace prepare for war" is a familiar quotation, but I much prefer to believe that in times of peace it is our duty to, in slight measure, take care of those who during the time of war bore the brunt of the burden.

History deals much with war, but as a rule it deals only with that part concerning the actual battle, the clash of arms, and the numbers of dead and wounded. It devotes little space to the details of preparation, the long days of the training period, or the toil, the hardships, and the sickness which abound in the concentration camps preceding the time of actual battle.

In support of the measure now under consideration, Mr. Speaker, I intend to confine my remarks to the subject of the inroads upon the health of the men who served during the Spanish-American War, brought about by the conditions of their service, conditions for which the Government that asked for that service is to blame.

Most of us can remember the call of 1898 and how the patriotic young men from every walk of life, from every city, village, and hamlet, presented themselves to the recruiting offices. The number called for was not large in proportion to those eligible for service, and as a consequence the medical officers had much material to pick from, so much so, in fact, that the physical standard set for the volunteers of 1898 was the highest of any army that has ever gone forth in defense of a nation's honor in all history.

And well that it was so. Without that high physical standard as a basis the mortality rate among these men who had so gallantly offered their services to the Government would have been far greater than it was, and Heaven knows it was high enough. Concentrated in camps in the Southern States or sent to the tropical climes of Cuba, clothed in woolen when the coolest of linen should have been worn, fed on greasy bacon and hard-tack when fruits and vegetables should have been the diet, it is no wonder they were an easy prey to dysentery and various kinds of fever. No wonder, Mr. Speaker, that these men returned to the northern demobilization camps after that service mere physical wrecks, with pinched and drawn faces and with yellow skin drawn over gaunt skeleton frames. No wonder, Mr. Speaker, that this entire Army registered an average loss in weight of 26 pounds per man during their period of service.

Mr. Speaker, the Nation was startled during the winter of 1917 by charges of neglect and lack of accommodation in the hospitals at the training camps throughout the country; but, sir, figures prepared by Surg. Gen. Gorgas show that among the approximately million and a half Regulars, National Guardsmen, and National Army who had been in camp for the preceding five months, the deaths from disease alone were at the rate of 8 per 1,000, while during the five months of the War with Spain, from disease alone in the camps of the United States, the death rate was 25 in every 1,000.

It is hard at this late day to say just whether it was the jungles of Cuba, the rice swamps of the Philippines, or the fever-stricken camps in the United States that did more to destroy the health of the soldiers of that period, but this I know, Mr. Speaker, and so does every man within the sound of my voice, that very, very few came back from that service in good health. I know, and all of you know, that for months and months after discharge thousands of those men were unable to perform manual labor, and that when at last their health was in a measure restored they were still left in such condition as to be an easy prey to ailments which normally should have been shaken off.

Mr. Speaker, the pension law as it stands to-day requires these soldiers to furnish absolute proof that the disability under which they claim pension is of service origin. I state to the House now, after my experience on the Pensions Committee, after examination of numerous claims turned down by the Bureau of Pensions, that there are thousands of cases of physical disability of greater or less degree which, to my mind, are the result of military service in which the claimant has no possible chance of submitting the indubitable proofs now required.

That is the reason I supported this bill in committee, and it is the reason I am supporting it now. It is more liberal in its terms than the general law, and it does away with the necessity of showing that disability is of service origin.

This bill merely extends to the veteran who served during the period from 1898 to 1902 the principles of Government aid in case of disability and in case of old age that have been indorsed time and again in the Halls of Congress and by the voters of the country as applied to soldiers of other wars.

Those who will benefit by this act are worthy in every sense. They responded nobly to the country's call, and freely and willingly took oath to serve with the colors until their services were no longer needed, no matter what period of time that might mean. Now that they are ailing, now that they are aging, it is our duty to prove to them and to those who will emulate them in the future that republics are not ungrateful, and that if misfortune overtakes them a generous Government will aid them because of the sacrifices they have made. [Applause.]

Gentlemen, I thank you.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. MacCrate). The gentleman has consumed six minutes.

Mr. LITTLE. Mr. Speaker, this is the most important measure that has ever been introduced on this subject, and I think,

in order to show our fair treatment of the soldiers who fought in Cuba, in the Philippines, and in China, we should not shut off the discussion on each side. I ask unanimous consent that there may be an extension of 15 minutes to each side.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the time to be allowed in the debate on this bill be extended 15 minutes on each side. Is there objection?

Mr. DYER. Mr. Speaker, I think we ought to have more than that. There is no other such important bill on the calendar to-day as this. I ask unanimous consent that the time be extended 30 minutes on a side. There are a number of gentlemen here who wish to speak.

Mr. SELLS. Mr. Speaker, 15 minutes additional will be enough for each side.

Mr. DYER. Then, Mr. Speaker, I withdraw my request.

Mr. GARD. Mr. Speaker, what is the gentleman's request?

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that 15 minutes additional be allowed to the gentlemen in control of the time on this bill on each side. Is there objection?

Mr. CANNON. How much time will that be altogether?

Mr. LITTLE. That will be 1 hour and 10 minutes.

Mr. CANNON. This is a motion to suspend the rules and pass the bill, as I understand it. How much debate is there altogether?

The SPEAKER pro tempore. Seventy minutes, 35 minutes to a side.

Mr. CANNON. I mean without this extension.

The SPEAKER pro tempore. Thirty-five minutes to a side.

Mr. CANNON. Will it pass the bill any earlier and give the soldiers of the War with Spain any more, or will it enable some of us who want time to just talk? [Laughter.]

Mr. LITTLE. Mr. Speaker, I think it would be ordinary courtesy to the men who fought in Cuba, the Philippines, and in China to allow a little more of debate on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas that 15 minutes more be allowed to those in control of the time on each side?

There was no objection.

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COLE] five minutes.

Mr. COLE. Mr. Speaker, this bill sheds a ray of light upon a period in our history that has been all but obscured by the greater brilliancy of the periods preceding and subsequent. The Spanish-American soldiers came on to the field, performed a remarkable service, but in so short a time and with such slight casualties that the pomp and circumstance that ordinarily environ a victorious Army has been reduced to a minimum. The splendid results of the service and sacrifice of that volunteer Army must not be wholly swallowed up by the heroic achievements of other days. [Applause.]

Ever since the separation of the human family and the organization of different nations down to the present time heroism has been largely measured by the degree of valor displayed upon the field of battle. Patriotism meant bravery in belligerent struggle. As a result the Old World has almost continually trembled beneath the measured tread of the battling hordes, and the streams have run red with the lifeblood of millions of strong men, to the extent that the history of the world is largely but a record of its wars and he the greatest patriot and most loudly lauded hero who left the widest wake of wreck and ruin in his relentless sway.

I should hail with delight the time when the agencies of civilization shall have so far progressed as that enthusiasm for the principles of peace shall be considered a higher compliment to the patriotism of the people than heroism in the prosecution of war.

But all wars have not been fought in vain. Neither have they been unjustifiable. It is true that civilization oft has followed in the wake of war. Great crises are common to every great nation and almost universally have been attended by war. Up to the beginning of the late World War this Nation had passed through at least three great crises. The first was the revolutionary crisis or the war for independence. The second was the civil crisis or the war for freedom and nationality, and the third the Spanish-American crisis or the war for humanity. [Applause.]

God forbid that I say aught that shall have a tendency to pluck one single star from the crown of glory that bedecks the brow of all who took part in them, but I am persuaded that not the least of these is humanity.

The close of the Civil War soon witnessed the reconstruction of the States. Once more we were at peace with ourselves and all the world. Our attention was withdrawn from the operations of war and devoted to the pursuits of peace. New telegraphic and cable lines were extended, new railroads constructed, and great steamers plowed the ocean's waves far and near, bringing us into such close contact and communication with the rest of the world that the ignorance and superstition, heathendom, and debauchery that existed in some parts, not only remote but adjacent, could no longer be heedlessly regarded. The tyrannical and barbaric conduct of the Spaniards toward the helpless, hapless inhabitants of our neighboring islands became a veritable stench in the nostrils of our advanced civilization. President McKinley made a call for troops to fight, not for individual power or prestige, not for personal aggrandizement or glory, not in self-defense, not for the maintenance of the Union, but in the interest and for the welfare and well-being of humanity. That call was answered by almost every able-bodied man within the limits of the Nation, manifesting the high state of civilization and patriotic devotion to which our people had attained.

The war was short but decisive, and this Nation was awakened from the lethargies of an isolated people and assumed the responsibilities of a great world power. In the far-off benighted Philippines, where the effulgent sunshine of the higher civilization and governmental restraints had seldom, if ever, penetrated, the benign emblem of national authority and morality was unfurled and the beautiful isles of the sunrise seas witnessed the glorious dawn of a great new day. And Cuba, Pearl of the Antilles, rich in natural resources, and resplendent in perennial verdure, with a populace having capacity for advancement. yet where misery and suffering, death, destitution, and despair stalked unrestrained under the eaves of the great structure of our boasted civilization, was set free, and from then until now her star of destiny has been rising higher and higher and growing brighter and brighter in the constellation of nations.

The close of the Civil War soon witnessed the reconstruction of the States, but the bitter emotions of civil strife still lingered to mar the tranquil relations between North and South. We had, indeed, but one flag, but there had been no common sacrifice for its maintenance. There is no agency in all the world that will so readily and thoroughly unite a people in a common cause as to make common sacrifice for that cause. I am persuaded that there is no tie that binds so closely and genuinely as that of military comradeship, or any condition or circumstance where human life is offered upon a common altar. When the call came for our people to fight against the inhumanities of the Spanish domain, they knew no North, no South, no East, no West; but the sons and grandsons of the loyal blue clasped hands with those of the gallant gray, and shoulder to shoulder, to the wild, grand music of war, beneath the folds of the Stars and Stripes, marched away and offered themselves a living sacrifice upon the altar of humanity and for the preservation of the dignity and honor of our common country. Thus in common sacrifice was the healing balm applied, and to-day we recognize one flag and one Nation united and inseparable.

Mr. Speaker and gentlemen, in the light of these facts I submit to you that in my humble judgment the men comprehended in this bill, most of them now beyond the meridian of life, having manifested the presence of the heroic spirit of the fathers and having to their credit such marvelous achievements, are deserving of even greater consideration than is provided in this bill, and I beseech its speedy enactment into law. [Prolonged applause.]

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that the time may be extended, so that the gentleman may ask his question and so that I may ask a question.

Mr. DYER. I object.

The SPEAKER pro tempore. Objection is made.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

Mr. WALSH. I will object to that. We have given that right to those who speak on the bill, and that is enough.

The SPEAKER pro tempore. The gentleman from Massachusetts objects to the request.

Mr. TAYLOR of Tennessee. I yield to the gentleman from Maine [Mr. WHITE] such time as he may desire.

Mr. WHITE of Maine. Mr. Speaker, notwithstanding the remarks of the gentleman from Texas [Mr. CONNALLY], I approve of this legislation and wish to indicate my assent to it and to summarize very briefly the reasons which lead me to vote for it.

The pending bill liberalizes existing law. The Spanish War veteran is to-day pensioned under general law, by the terms of which he must connect his present disability with his service to acquire pensionable status. The minimum rate granted

under this general law is $6 per month, and under the rating of disabilities followed by the department many soldiers and sailors receive only this pittance, and few are allowed more than $17 per month.

This bill proposes that all persons who have served more than 90 days in the military or naval service during the War with Spain, the Philippine insurrection, and the China relief expedition, and have been honorably discharged, and who are now or may hereafter be suffering from disabilities of a permanent character, shall be placed on the pension rolls and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support; and with the committee amendment adopted that a veteran shall be entitled to the minimum pension of $12 per month on reaching the age of 62 years without proof of disability and thereafter a rate of pension based upon age until on arriving at 75 years of age the pensioner will draw $30 per month.

The significant changes from existing law are that in the case of those who served more than 90 days proof of disability originating in the service is not required; in the increase of the minimum to $12 per month; and in the provision granting a pension at the age of 62 years, and thereafter a graduated rate, without regard to disability.

The bill has my support. The Spanish War soldier, paid $15.60 a month, hurriedly mobilized, poorly equipped and supplied, his rations consisting principally of salt pork, embalmed beef, and hardtack, successfully invaded tropical strongholds of intrenched, acclimated regulars in both hemispheres, destroyed two fleets without the loss by capture of a man, boat, gun, or inch of ground. He fought to triumphant conclusion a war great in its consequences to our country and to humanity. He freed islands at our very shore from centuries of tyranny and oppression; he carried the flag to the far Pacific and the blessings of ordered government and civil liberty to the benighted peoples of far-off lands; and he gave to America a new and dominating position among the nations of the earth. These men are now for the most part of middle age, with family and financial obligations resting heavily upon them. If we are ever to show appreciation for their services and their sacrifices, we should do so now; it will never be more needed and more welcome. I bespeak for this legislation the votes of all Members of the House. [Applause.]

Mr. FOCHT. I will ask the gentleman from Maine the question which I wished to ask the gentleman from Texas [Mr. CONNALLY]. Is it not a fact that the veterans of the Civil War, whether they were injured in the service or have incurred disability since, now receive age-service pensions, even though they incurred no disability in the service?

Mr. WHITE of Maine. Yes.

Mr. FOCHT. And also is it not a fact that able Members of this House have made appeals on this floor for pensions for the aged, for men and women, who were never in any war; and is it not a fact that the only reason why this was not seriously considered was on account of the occurrence of the great World War?

Mr. WHITE of Maine. I can answer the gentleman's first question in the affirmative, but I am not able to answer his second question.

Mr. CARSS. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. WELTY].

Mr. WELTY. Mr. Speaker and gentlemen of the House, I can not agree with my good friend from Texas [Mr. CONNALLY], for I shall vote for this measure.

The Spanish War veterans have waited over 21 years before they asked any assistance for the soldiers of that war who are suffering from disability. They waited because they felt that their widows and children should come first. The measure providing for pension for their widows passed the House during the Sixty-second, Sixty-third, and Sixty-fourth Congresses, but each time failed in the Senate. Finally, during the Sixty-fifth Congress the Senate passed the same, and shortly thereafter it passed the House and became a law, June 16, 1918. Under this law the widows now receive $12 per month.

The present bill provides a pension not to exceed $30 per month nor less than $12 per month to all persons who served 90 days or more during the war. The pensionable status depends upon his disability.

Mr. Speaker and gentlemen of the House, it is now more than 22 years since the startling report came over the wires of the sinking of the *Maine*. In April following that event over 300,000 of our boys, at the request of President McKinley, volunteered to enter the military service of the Government of the United States, although they knew when they volunteered that their service would take them to yellow-fever-stricken districts. As a result of that service thousands of them are now suffering disabilities, though they are not all able to trace those disabilities directly to that service. Ninety per cent of the boys during that service were probably sick and had hospital records. They were sent home under disability. They were treated by physicians at home, and can not trace their present condition directly to their former military service. Shall it be said, because they are not able to trace their disability back to that time, although they then contracted the germs of the disease, that they shall not receive any pensions because of that? Thousands of them to-day are languishing in charitable hospitals, suffering from tuberculosis. Thousands of them are suffering from other disabilities, which the doctors will probably pronounce to be the result of their service either in Cuba, Porto Rico, the Philippine Islands, or in the camps of the States, where they suffered from conditions which were no fault of theirs.

Mr. BLACK. Will the gentleman yield?

Mr. WELTY. I yield to the gentleman from Texas.

Mr. BLACK. In the cases the gentleman mentions are not those soldiers permitted to enter the soldiers' homes that we maintain?

Mr. WELTY. Yes; and that is all they are permitted to do—to enter soldiers' homes, just as they could enter a county infirmary in my county or your county, and receive nothing more. [Applause.] When you ask them to enter a soldiers' home, you might just as well ask them to enter an infirmary or some other poorhouse.

Mr. BLACK. The gentleman does not mean to cast any reflection on the soldiers' homes that we maintain at public expense, does he?

Mr. WELTY. The only difference between a soldiers' home and an infirmary is that the soldiers' home is largely conducted under the Federal Government for the poor and disabled soldiers—a class by themselves—while the infirmaries are conducted in the sovereign States. That is the only difference. We have infirmaries that are just as creditable to this country as are the soldiers' homes; but to ask a soldier suffering from disease and disability to go and spend his time at a soldiers' home without any other compensation, without anything else coming to him, is placing him upon a par with those whom we send to our infirmaries. I think the boys who are suffering and disabled should receive some compensation from the Government. [Applause.]

I think the boy who volunteered when his country needed him is entitled to more than the comforts of a public institution. These boys should receive enough so that they need not be sent to a charitable institution. They have earned the comforts and pleasure of a home and all that it means when surrounded daily by loved ones. God bless our soldier. I shall always support him to his dying day, for it was he who made our country possible, it was he who preserved it when it was endangered, it was he who drove the last vestige of autocracy from the Western Hemisphere, and, thank God, it is to him we can turn when hate and red anarchy attempt to destroy it.

Mr. Speaker and gentlemen of the House, it seems that the Spanish-American War soldier never received any recognition. During the war he was kept in fever-stricken camps, had to sleep on the ground without any straw, was fed on pork that the dogs or the razorback hogs of the South would not eat. His camp was so foul that the ground in spots was gray with maggots. While at Chickamauga Park he had to haul the drinking water for 3 or 4 miles, when Crawfish springs, next to his camp, would have furnished ample pure and cool water. He did not have any recreation camps; was fed on foul, putrid, and embalmed beef, in order that the meat packers might make millions. This is the camp in which he was required to wait for months until he was called to the front for duty. Because of this condition some of the boys became sick, with no hospital facilities and nurses to wait on them. Those who did not die were glad to escape from this camp, and finally, when the day came for their discharge, few refused to sign certificates of good health even though they knew at the time that they were still suffering, because they wanted to get away from these filthy and unhealthy conditions. Most of them were homesick and believed and hoped that they would fully recover after a season under the parental roof.

Oh, Mr. Speaker, I can still see these rosy-cheeked boys leaving their homes mid the cheers and waving of flags, and with the blessings of thousands. In six months they returned pale, haggard, and with loss of health and weight. But as I say, these boys wanted to return to their homes, and would do anything to escape the conditions that the Government permitted

the camps to assume; and you can not blame them for signing a certificate showing that they had not incurred any disability during their service. Not one of these brave lads volunteered with any thought of ever receiving a pension, but each was willing to drive autocracy from the Western Hemisphere, and when their work was finished they were equally anxious to return to their homes, with little thought of self. All signed the certificate, but what happened? These certificates of good health now are evidence against them, and are precluding everyone from procuring a pension. Well, you say that he should not have signed this certificate showing good health when he did not possess it. Fine advice to give to a lad who is homesick and honestly believes that is all that ails him. Fine advice to give a boy who wants freedom from military autocracy.

I will gladly vote for this bill in order to remove this evidence against most of these boys who have been suffering under a disability ever since they left the service. I do believe their comrades and the charitable institutions should not longer be required to support them, and I do hope that the bill will pass. [Applause.]

Mr. CARSS. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, let us see what this bill does. It makes eligible to pensions those who served in the Spanish-American War, the Philippine insurrection, or the Chinese relief expedition, when they can show mental or physical disability, regardless of whether or not that disability was incurred in the line of duty. Under the present law soldiers who served in the Spanish-American War and the Philippine War can secure pensions if they can show that they incurred their disability in the line of duty. A great many of them are now drawing pensions, because they have met the measure of the law. But let us consider whether or not at this time we want to open up the door of the pension roll to soldiers in these wars which are mentioned in the bill, who can not connect their disability with any injury received or disease contracted in line of duty. If we are going to do this, then why not amend article 3 of the war-risk insurance bill at once, strike out that provision of it which requires that the soldier shall, in order to get the compensation benefit, show that he incurred his disability in line of duty. Here is the situation: More than 4,000,000 men served in the World War, and under the ordinary rules of health a certain number of these men will become disabled from accident and disease each and every year. A certain number of them have become disabled and are now disabled since their discharge from the service, but can not connect up their disability with service in the line of duty.

Mr. WELTY. Will the gentleman yield?

Mr. BLACK. No; I can not. I have only five minutes. What reason is there in morals or equity for pensioning the men who served in the Spanish-American War or the Philippine insurrection for disabilities from disease arising or accidents suffered since they left the service and not in any way connected in the line of duty, and refusing the same pension to men who served in the recent World War and who have become disabled in the same way? I can not see one particle of difference.

For instance, in my own district when the first anniversary of the armistice came around the boys had a celebration, and one of the boys who went to France was engaged in the celebration. They had 11 sticks of dynamite to celebrate with. One stick did not explode and this young man went down to inspect it, and about the time he got there it exploded, cut off one of his arms and put out both of his eyes, and he is totally blind to-day. He had allowed his war-risk insurance policy which he had been paying on to lapse and therefore he could not collect for a total disability, and can not collect under article 3 of the war-risk insurance act because the disability was not incurred in the line of duty, and yet he is as totally disabled as any man that can come under the provisions of this bill that we are about to pass. Why not pension that boy, because he was a gallant young fellow, if you are going to admit to the pension roll men who served in the Spanish-American War and Philippine insurrection and who did not suffer their disability in line of duty?

I warn you that unless you are willing to amend section 3 and strike out that provision which requires the boys who served in the World War to show that their disability was incurred in the line of duty that you ought not to pass this bill, because you can not defend it and refuse them the same relief.

I am willing to be liberal and generous with the soldier who was injured in line of duty during the war or contracted a disease as the result of his service, but I am not prepared to go so far as to give this compensation to the one whose injury or disease has no connection with his services in the Army.

Unless we are willing to pass a general disability pension law applying to every soldier who ever served in the Army, regardless of how he incurred his disability, we should not pass this bill.

I am not willing to go that far and therefore will vote against it. [Applause.]

Mr. SELLS. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] has overlooked one of the reasons why this country has always pensioned the disabled veterans of its wars, whether they incurred the disability in line of duty or not. The reason is because the country never called for men to fight its battles and failed to get them. The Spanish War veterans responded to their country's call knowing that Congress on June 27, 1890, had voted for pensions for every man who was suffering any sort of disability who served in the war of the sixties. At the proper time the same thing was done for the Mexican War veterans, the same thing was done for the veterans of the War of 1812, the same thing was done for the soldiers of the War of the Revolution, and the same thing will be done for the veterans of the World War 20 years from now.

Mr. BLACK. Why not do it now; why not amend section 3?

Mr. CAMPBELL of Kansas. The soldier that the gentleman described a moment ago should be pensioned, and if the gentleman will introduce a special bill I have no doubt that it will pass the House unanimously. [Applause.] I will vote for it, and every other Member of the House will vote for it. We have passed special pension bills for such cases for veterans of the Spanish-American War. During the first term I was in Congress we passed special bills for cases similar to that. The time is ripe now for a general law and we should pass this bill to enable the Spanish-American veterans to come under its provisions. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. OGDEN].

Mr. OGDEN. Mr. Speaker, I wish to congratulate this Congress for discharging the long-delayed duty which has rested on the Federal Government to the veterans of the War of 1898 these many years.

The bill under consideration, in addition to providing many thousands of the soldiers of the Spanish American War with needed assistance, furnishes further evidence of the fact that this country has not forgotten those who served her so valiantly in that war.

No higher or more important service can be rendered than that of the soldier in time of national emergency. The destiny of the country is committed to his care. Although his undertaking is fraught with danger, he enters upon its performance just when life is replete with hope and all its tides are at their highest, grandest flow—just when the early sunbeams are falling on the steeps of fame; he thinks not at all of the risk or the sacrifice, but only of his burning, eager desire to measure up to his full duty as a true soldier to his flag.

The short duration of the War with Spain dims, perhaps, the full significance of the things accomplished therein and may supply the reason for the delay in enacting necessary legislation for the care and support of the veterans of that war who have become disabled for earning their own support. I would remind my colleagues that the young men who answered the call for volunteers on April 23, 1898—two days after the declaration of war—possessed the same spirit that has characterized the American soldier since the War of Independence. They were eager that the power of a great free people should go out like the benediction of heaven to bring liberty and justice and hope to the oppressed and tyranny-ridden inhabitants of the islands of the sea. But in the short space of a few months our gallant and indomitable Army accomplished more than the conquering of a mighty foe.

The campaign served to reunite our country and bring North and South together as they had not been brought since those early days when the Puritan and the Cavalier shed their blood on the field of Yorktown. The sons of those who fought as foes a little more than 30 years before were comrades under the same command, fighting for the same cause and for one and the same flag. But, more than this, we stepped out upon the broad stage of world action and became one of the great powers; we advanced from the continental domain to world-wide influence. We took a new position in the great family of nations and emerged from a restricted sphere into the arena of the world's activities.

We must not, we can not, forget the services of the veterans of that war. And until we have passed a law that will shield those who have become dependent from the necessity of apply-

ing to others for assistance we have not shown a consideration for their interest commensurate with what they accomplished.

The first legislation enacted by Congress for the relief of Civil War soldiers suffering from disabilities not contracted in the military service was in 1890, and this bill very largely follows that act. The principal difference is that the bill under consideration fixes a minimum of $12 and a maximum of $30 per month. The amount of the pension granted will be controlled by the degree of inability to earn a support. The bill very wisely provides that, in determining such inability, each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated. The length of service required to give a soldier a pensionable status is 90 days, and he must have been honorably discharged from the service. This bill, Mr. Speaker, will give relief to a great many of our soldiers who served during the War with Spain, the Philippine insurrection, and the China relief expedition. I am personally acquainted with a number of veterans who, under existing law, have had their claims for pensions denied, by reason of their inability to prove by competent evidence that their disability was received in line of duty. The requirements under the general laws are so exacting that only a very limited number of the Spanish-American War veterans have been able to obtain pensions, although thousands of them are totally incapacitated for earning their own living. This bill will come as a blessing to them, as, under its provisions, they will not be required to trace their disability to causes sustained in the service. If misfortune has overtaken them while pursuing the pathway of civil life, from any cause whatsoever, their Government will extend its benevolence in the form of a helping hand.

I would prefer a larger maximum than is provided in this bill for my comrades, but the Committee on Pensions, after thorough investigation and mature thought, and out of a consideration of the opposition that might develop either in this body or in the Senate and thereby endanger the passage of the bill, has fixed the maximum at $30.

It is no doubt true that we will not give complete relief to the totally disabled and dependent soldiers, but by the bill we will improve their present condition under the law as it now exists. In this day of the high cost of every item that enters into the problem of living, $30 per month is, indeed, a pittance to one without home and ability to compete with his fellow man in the great struggle for individual advancement.

I believe that it is not possible for a great country like ours to commit extravagance in legislating in behalf of its soldiers. The achievements of our Army constitute dominant factors in the wonderful progress that we have made as a Nation. Six times the American people have waged war—never for conquest, never for dominion, never for martial glory, never for unworthy or ignoble purpose. The sword in the hand of the American soldier has ever been the emblem of human rights and true civilization.

The good cheer and the Godspeed which the soldier receives when he answers the call of his country in the presence of a momentous undertaking should not lose its quality or become forgotten after his return with duty well and fully performed. And yet sometimes I am inclined to believe that his heroism and valor displayed on the field of action are soon relegated to the forgotten past when the emergency subsides and peace prevails.

One of the proudest periods in my life is that devoted to the service of my country as a soldier during the Spanish-American War, and I shall ever retain fresh in my memory the experiences of that service.

I have been glad to support every measure that has come before this Congress calculated to benefit the soldiers of our country. It gave me pleasure to support the Fuller bill, making increases in the pensions to the old soldiers of the Civil War, whose number is being fast diminished by the ravages of time. I realize the sacrifices in a material way that the veterans of the World War made when they entered the service. They were gathered from every avenue of life and many of them abandoned and gave up opportunities which promised lucrative returns. But they did not hesitate, as they preferred to serve their country at any sacrifice. In every department of the service they reflected credit upon their country, and a grateful people will never cease to applaud their achievements. The world will ever look upon their display of skill and genius as the wonder of the age.

I am heartily in favor of the pending legislation to provide a substantial bonus for them, not as a gratuity or charity, but in further payment of the compensation to which they are rightfully and equitably entitled for the services they have rendered. The economy which they were compelled to practice during their service in order to exist upon the pay received, if applied even in a limited degree to the administration of the affairs of the Government during the next fiscal year, would provide the Treasury with ample means with which to meet the bonus carried in the legislation.

Mr. Speaker, I realize that this has been a very busy Congress and that the many important bills essential to the stabilizing of affairs and returning the country to normal conditions have engrossed the time of the membership. But I regard the bonus legislation as one of the most important pending matters and one which well justifies the present consideration of the great Ways and Means Committee. I hope that we shall have the opportunity and pleasure of voting for this bill and enacting it into law without any further delay.

Mr. SELLS. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I am glad I have an opportunity at last to vote for a measure that will do some justice to the veterans of the Spanish-American War. These men composed an army that never lost a flag, never gave up a foot of ground, never surrendered a gun, and this measure will take care of some of those disabled veterans. Forty thousand of these men volunteered in the last war—volunteered for the second time, although by reason of their age each and every one of them was exempted from the draft.

The total number of men in the service from April 21, 1898, to July 4, 1902, was 434,000. The total number of deaths from all causes among these volunteers was 12,000. Fifty-two thousand Spanish War veterans then either made the great sacrifice or offered to make it during the late war, and any man could be proud to belong to an army with such a record. They participated in 826 battles and engagements and skirmishes of record in which 515 men were killed or wounded. Purely as a pension measure I should oppose this legislation, but knowing as I do that the records kept during the Spanish-American War are in such condition that it is practically impossible for an ex-soldier of that war to prove that disability arose from service, I feel that we must go to the other extreme and take care of the sick and disabled regardless of what the records show.

These men have received less consideration than the veterans of any other war in which the United States was involved, fought in the most unhealthy climate in which American soldiers ever served, and we can not do less than remember that service.

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Speaker, I am glad, indeed, to give my support to this bill. Those of us who have served in Congress for a number of years have had opportunities to know of the many cases of distress among veterans of the Spanish-American War, meritorious cases to which relief could not be given for want of just such a law as is proposed in this bill. I am glad it is possible to take up the bill to-day under suspension of the rules. It is to be hoped that the Senators will stop talking about the treaty long enough to pass this measure carrying relief for those worthy and highly patriotic men who responded to the call to arms of President McKinley.

Mr. SELLS. Mr. Speaker, I yield half a minute to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, I am very glad to give my hearty support to this bill. There were a great many men, both single and married, who left my own city of Fall River, Mass., to serve in both the Army and the Navy during the Spanish War. They rendered valuable service there, and there has been a great deal of trouble in securing pensions for them and for the widows and families of the married heroes and the dependent fathers and mothers of the single young men. The calls were made for volunteers, and the young men of that day entered the ranks for the purpose of freeing the island of Cuba from the domination of the Spanish Government and the barbarities and injustice from which the residents of that beautiful island had long suffered. Our country had no ambition to acquire additional territory. We only sought to redeem that land of promise and opportunity from the degradation and disgrace which were visited upon that unfortunate island by its oppressors. All volunteers demonstrated their prowess on land and on sea in a manner that typified the valor and public spirit of the heroes of our Revolutionary forefathers who from 1776 to 1783 fought and suffered to establish the independence of the United States from the thraldom and domination of our oppressors who sought to destroy the hopes and aspirations of the embattled farmers of the earlier days who fought these invaders of our shores who sought to tax them and deny them representation.

I have heard the Spanish War denominated not a war but merely a skirmish with no definite result. I do not so regard it. It cemented together the sections of our country that had

been divided in the terrible struggles of the Civil War. The lines of division between the Blue and the Gray were largely shattered by the ties of love and affection that sprang from unity of heart and mind, on sea and on land, as their sons vied with each other in the defense of the flag of the United States during the struggles on the Atlantic and in the Far East on the Pacific.

Our Navy, with but little home training in preparing for battle, shot to disable the ships of our opponents, rather than to kill the men who manned them. They made a record that should arouse the true American spirit of patriotism and should awaken the pride and glory of every citizen of the United States, and awaken to a sense of gratitude in the heart of every Member of the Sixty-sixth Congress who has the responsibility of insuring that the legislation embodied in this bill shall be enacted into law without unnecessary delay. I well remember when these men left their homes, full of vigor and life, and I have seen many of them of later years who bear the effects of their service in all the struggles named in this meritorious bill. What did we do for Cuba? She was afflicted with yellow fever which affected our own dear land and our homes and firesides.

We established a system of sewerage and enforced cleanliness such as the island of Cuba had never known under its filth and degradation, that almost entirely engulfed it.

I can not enumerate all the heroic deeds of the soldiers and sailors of that war, but I will refer to the heroic work of one citizen of the city of Fall River, Mass., where I reside, who, when volunteers were called upon to cut the cable at Guantanamo Bay to destroy the power of the Spanish Navy to communicate with Havana, sprang to the side of the steamer and sped to the point of contact and severed the cable and destroyed the connection; but he forfeited his life for the heroic act. His name was John J. Doran, a humble mechanic in said Fall River, Mass., and a hero whose memory is loved and respected there and the camp of Spanish War Veterans in that city is honored in bearing the name of "The John J. Doran Camp of United Spanish War Veterans of Fall River, Mass."

My time is too limited to recall all the heroes of that valiant struggle. Can anyone forget or belittle the memory of the lamented Admiral George Dewey, the hero of Manila Bay?

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Speaker, I am glad we have reached the consideration of the Sells bill to pension the Spanish-American War veterans. This day calls to our mind the great debt of gratitude to those who in that intense struggle brought victory to American arms. The act is sufficiently comprehensive to include within its terms those who fought during the War with Spain, the Philippine insurrection, and the China relief expedition.

There were approximately 312,000 men engaged in this struggle, and the cost will not be so great as to put an undue burden on the taxpayers. The cost during the first year is estimated to be a little over $2,000,000, the second year twelve million, and by the third year about fifteen million. Thus during the three years the cost will only be about $29,000,000, which is about what we were spending each half day as our part of the World War.

These men went forth to serve their country in Cuba, in Porto Rico, and the Philippines. They contracted malaria, fevers, and other diseases prevalent in the torrid climates of these countries. Heretofore they have been pensioned only where their disability was traceable to the service, but 20 years have elapsed, and we find that they are entitled to more liberal recognition by the country they so valiantly served.

Mr. Speaker, a feeling of sorrow comes to those of us who were close in our friendship to the late Hon. Carl C. Van Dyke. We should all bow to the will of our Maker, but we can not help but feel how proud he would be if he were here to-day to see his comrades obtain the recognition that will be given to them when this bill has passed. Congressman Van Dyke was the commander in chief of the United Spanish War Veterans. When he was carried back to his native State of Minnesota by his comrades in the Spanish-American War and his colleagues in Congress a more impressive tribute to his memory could not have been given.

As he lay in state in the beautiful capitol at St. Paul, guarded by his Spanish-American war comrades, thousands upon thousands of his friends came to pay their silent tribute of love and respect. Some of those same comrades are here to-day. He was ever alert in their interest, and while the whole Nation suffered a loss in his death the United Spanish War Veterans suffered a peculiar loss. He was their chief, their counselor, and their friend.

I felt highly honored when the Worth Bagley Camp, to which he belonged, conferred honorary membership in the Spanish War Veterans upon those of his colleagues, including myself, who accompanied him when he was laid to rest.

This great organization of these tried and true veterans will serve their country in peace with the same spirit of patriotism and heroism as in the days of war. They will be a bulwark of defense against any attempt to overthrow the institutions of the Government for which they offered their lives and strike mighty blows in the great fight for steady progress toward the high goal of achievement within our reach. [Applause.]

On September 22, 1902, in Detroit, Mich., at a meeting of the Spanish War Veterans, there were two notable speeches made, one by Capt. Richmond P. Hobson and the other by the then President, Theodore Roosevelt. Capt. Hobson said on that occasion:

> I would rather be born an American than be the crown prince of any kingdom on earth. And for the South may I say to you, veterans of the Civil War, that the South is happy and grateful to you to-day that she was not allowed to secede. I bring witness, if any is necessary—and you will pardon the indulgence I take in referring to the fact—that of the four medals of honor voted by Congress for the late war four went to sons of the South.
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> The Navy in America is a word to conjure by. In the Spanish War the Navy really made a record that will stand unchallenged until the last day in human history. It will stand as the maximum of efficiency, for never before in history did one fleet completely destroy another, never did one fleet gain a victory, without having a serious injury inflicted. This record was broken twice by the victories of Manila Bay and Santiago. This extraordinary characteristic has followed our Navy from the start, when Paul Jones set the pace.

Col. Roosevelt, in a stirring speech to his comrades, said:

> The war itself was an easy one. The tasks left behind us, though glorious, have been hard. Yes; the men of the Spanish War, you and your comrades in arms who fought in Cuba and Porto Rico and in the Philippines, won renown for the country, added to its moral grandeur and to its material prosperity, but you also have left duties to be done by those who came after you.
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> I speak in the presence not only of the men who fought in the Spanish War and in the Philippine war, which was its aftermath, but in the presence of the veterans who fought in the great war, and, more than that, I speak here in a typical city of the old Northwest, of what is now the Middle West, in a typical State of our Union. You men of Michigan have been mighty in war and mighty in peace. You belong to a country mighty in war and mighty in peace, a country of a great past, whose great present is but an earnest of an even greater future.
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> This country has never yet been called upon to meet a crisis in war or a crisis in peace to which it did not eventually prove equal, and decade by decade its power rose greater and the likelihood of its meeting successfully any crisis becomes even more assured.
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> We are optimists. We spurn the teachings of despair and distrust. We have an abiding faith in the growing strength, the growing future, of the mighty young Nation still in the flush of its youth and yet already with the might of a giant which stands on a continent and grasps an ocean with either hand. Succeed? Of course we shall succeed! How can success fail to come to a race of masterful energy and resolute character, which has a continent for the base of its domain and which feels with its veins the thrill that comes to generous souls when their strength stirs in them and they know that the future is theirs? No great destiny ever yet came to a nation whose people were laggards or faint-hearted. No great destiny ever yet came to a people walking with their eyes on the ground and their faces shrouded in gloom. No great destiny ever yet came to a people who feared the future, who feared failure more than they hoped for success. With such as these we have no part.
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> We know there are dangers ahead, as we know there are evils to fight and overcome, but we feel to the full the pulse of the prosperity which we enjoy. Stout of heart, we see across the dangers the great future that lies beyond, and we rejoice as a giant refreshed, as a strong man girt for the race; and we go down into the arena where the nations strive for mastery, our hearts lifted with the faith that to us and to our children and our children's children it shall be given to make this Republic the greatest of all the peoples of mankind.

[Applause.]

Mr. Speaker, I do not want to close without extending my congratulations to the Committee on Pensions reporting out this bill, and particularly to the gentleman from Tennessee, the Hon. SAM R. SELLS, the distinguished chairman of that committee. With tireless energy and persistent industry he has worked in season and out of season that this great act of justice should be done for his comrades, and the work of the House to-day will be the fruition of countless months of labor on his part.

In the passage of this act to-day, Mr. Speaker, the Republic expresses in a concrete way the gratitude that is in the hearts of her people for whom these men fought. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FULLER].

Mr. FULLER of Illinois. Mr. Speaker, I am very glad of the opportunity to support and vote for this bill. It is a just and too long-delayed recognition of what the country owes to the brave men who so gloriously upheld the honor and dignity of the American name in the freeing of the Republic of Cuba, the pacification of the Philippine Islands, which fell to us by reason of the War with Spain, and in the Boxer uprising in China. I

hope it can never be said of any American Congress that the Representatives of the people of this Republic failed to appreciate and recognize in every reasonable way what the country owes to its soldiers, sailors, and marines of every war in which the country has been or may be engaged.

Under existing law no soldier of the War with Spain or of the Philippine insurrection or of the China relief expedition can be pensioned unless he is able to prove to the satisfaction of the pension officials that he is suffering from a disability incurred in the service and in the line of duty. Many of them are suffering from disabilities so incurred, but they are unable to positively prove that such disabilities are the result of their Army service, though they undoubtedly are. This bill only provides pensions for those who are now disabled, but relaxes the law to the extent of not requiring that proof be made that their present disabilities were incurred in the service and in the line of duty. The bill is on the same principle as the Civil War act of June 27, 1890, which provided pensions for the soldiers of that war who were disabled to the extent of being unable to earn a living by manual labor.

I look upon the matter of pensions to soldiers and their dependents in a little different light than some others. The sums we pay in pensions are not wasted or thrown away. Every dollar that is thus expended by the Government goes into immediate circulation in the communities all over this land and benefits every community. But more, much more, than this, it is a just recognition by the Government of the obligation it owes to the country's defenders and is an encouragement and assurance of appreciation and support to those who may hereafter be called upon to defend our country, our institutions, and our flag. It promotes patriotism, love of country, devotion to our institutions, and recognition of the obligations of citizenship. In every war we have ever had it has been demonstrated that the men who fought the battles, who braved death for a principle, when the war was over proved themselves to be loyal and patriotic citizens, true Americans, whose lives and example were ever an inspiration to the youth of the land. As the Government recognizes the service of the men of former wars, so may the younger men who were privileged to serve their country in the late World War be assured that their services and sacrifices will not be forgotten nor neglected by a grateful people.

I hope this bill may speedily pass and become a law, and I trust that after it passes this House it may not be allowed to sleep at the other end of the Capitol, as some other pension bills have fared during the present Congress. True, there are weighty questions being considered by both Houses of Congress, requiring much time and the most careful consideration; true also it is that there is the most urgent need for economizing in Government expenditures; but, to my mind, nothing is of greater importance than to fitly and promptly recognize our obligations to the brave men now living of all past wars and to their dependents. The admonition of Abraham Lincoln "to care for him who shall have borne the battle, and for his widow and his orphan," should sink deep in every heart, and what we know we should do, and what we propose to do, let us do it now.

Mr. CARSS. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, the Government of the United States of America, I believe, stands ready at all times to render every possible appreciation and assistance to soldiers who have defended its flag. That time, in so far as it relates to soldiers of the Spanish-American War, is now here. I am glad to be informed that in the Pension Committee the entire committee reported in favor of the bill; that there was a unanimous report in favor of this relief for soldiers of the Spanish-American War.

In the last Congress I was interested, as I suspect was everyone else in the House, in a bill for the relief of the widows and children of the Spanish-American War veterans. I want to go on record as saying that I think pension bills which afford relief to widows and dependent children are among the most valuable of all the bills for the relief of our soldiers. The widows and dependent children of Spanish-American War soldiers are entitled to their pensions. I know that we may afford benefit by special enactment, but I am in favor of general recognition, of doing everything proper for the relief of the soldier who has borne American arms in any war, for his widow and his dependent children. [Applause.]

Mr. CARSS. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, as a member of the Committee on Pensions, I want to supplement the remarks of the gentleman from Ohio [Mr. GARD] by saying that every Democratic member of the committee, as well as every Republican member of the committee, voted to report out the bill. To-day they are all here to see that the bill receives favorable consideration, and I know that it will.

This particular legislation is for the relief of the men who served in the Philippine insurrection, the China relief expedition, and the War with Spain. It provides that an applicant for a pension must have served over 90 days, and the amount of the pension shall not in this particular bill exceed $30 or be less than $12 per month, according to the conditions and circumstances of the particular case. These men, from every State in the Union, answering the call of President McKinley in 1898, have, after fighting that war and enduring innumerable hardships, supported, for the past 22 years, by their own voluntary subscriptions, their comrades who have since become disabled. For example, last year in New York City alone the Veterans of the Spanish-American War spent over $200,000 out of their own pockets in caring for their disabled comrades, unable to care for themselves by reason of some disability or other.

It seems to me that with the committee unanimous in its favorable report of this bill declaring for disability pensions of $30 as a maximum and $12 per month as a minimum, and with the amendment with respect to age pensions, granting men 62 years of age $12, men of 68 years $18, men of 72 years $24, and men of 75 years of age $30 per month, there should be no opposition from anyone. It is the adopted policy of the Government to pay veterans disability and age pensions, and if we expect men to answer the call to arms in time of war we must adhere to that policy. I hope we will never have another war. However, these men have patiently waited for 22 years before coming to us for relief. They are not asking for anything that they do not richly deserve, and it is our paramount duty to pass this bill here and now.

These men made a great record. They were hurriedly recruited, poorly equipped, fed on hardtack and embalmed beef, fought against acclimated regulars in distant tropical lands, and never lost, by capture, a man, boat, gun, or an inch of ground, and, like the veterans of all our wars, they upheld the glorious traditions of America.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CARSS. Mr. Speaker, I yield one minute to the gentleman from Colorado [Mr. VAILE].

Mr. SELLS. Mr. Speaker, I yield two minutes to the gentleman from Colorado.

The SPEAKER. The gentleman from Colorado is recognized for three minutes.

Mr. VAILE. Mr. Speaker, I am not as much impressed with the arguments of the gentlemen from Texas as I usually am with their arguments. They object to this bill because it does not require that it be shown that the disability of the soldier was incurred in service. There is an important distinction with reference to disabilities under which Spanish War veterans are now suffering, 22 years after the Spanish War took place, and that is that nearly every man in that service, who saw foreign service, had his health permanently impaired, and, as has been pointed out, it is impossible to furnish the proof that the disability under which he is suffering now was incurred in the service. There is a broader view, however, and that is that the country at that time was under a disability, not very serious perhaps, but nevertheless a disability, a trouble involving war, and these men who volunteered for that service did not ask the country—the United States—to prove that its disability was incurred in line of duty. They assumed that it was. They believed that in declaring war their country was acting "in line of duty," and they further believed that its duty was their duty.

And I think it is a sound principle that when a man is willing to place his own life in jeopardy his country should see to it thereafter that that man should not be reduced to destitution, poverty, and starvation, and I for one am by no means frightened by the prospect that we may some day have to take care of sick men who offered their lives for the United States in the World War. Now, Mr. Speaker, our attention to-day is riveted very naturally and properly on soldiers of two other wars. They are the young men who kept America's honor unsullied in the World War, and the old men who in the dark days between 1861 and 1865 preserved this Nation to become the defender of civilization. But I hope that we shall not lose sight of those men of equal patriotism and courage who preserved in our War with Spain the best traditions of '61 and transmitted them with added purity and luster to the boys of 1917.

As we think of wars to-day the War with Spain was not a great war, but it was a most important one. It unified us at home. It took the "bloody shirt" forever out of American politics. It made Dixie popular in the North and Yankee

Doodle popular in the South. It established us as a world power—not of aggression but of beneficence, enlightenment, and progress. It constituted a taking upon our shoulders of our share of the white man's burden, and it was the beginning of the demonstration, which has ever since been made by the United States to all the world, that that burden can be carried with justice and generosity.

It was not a great war in the sense of numbers engaged. It was great in its call to humanity. It was great in its results to the United States and to all Christendom. And it was also great in its sufferings and hardships to the men engaged in it. They fought in the fever-ridden swamps of the Tropics. Their casualties, both in battle and by disease, were far greater in proportion to their numbers than in the war now happily ended. They deserve as considerate treatment from their Government as any other class of soldiers.

This bill deals only with the soldiers themselves, and under the rule by which we got it considered to-day it can not be amended in this House by the addition of provisions relating to the widows and children of deceased soldiers of the Spanish War, but I can not let this opportunity pass without calling attention to what I consider a very glaring defect and lack of equity in our present laws relating to pensions of those widows and children. This injustice arises from the construction placed by the Pension Office upon the act approved July 16, 1918, "to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China." (Public No. 199, 65th Cong.). This construction is announced in the case of Anna, widow of Oscar J. R. de Rochemont, case No. 104, decided January 31, 1919. This decision is to the effect that while the dependents of a volunteer officer or enlisted man are pensionable if the soldier served for 90 days or more during the period of the war, independent of the geographical locality of such service, yet the dependents of a soldier (officer or enlisted man) of the Regular Army are not pensionable unless such soldier's service included 90 days at the actual theater of military operations.

While this decision is highly technical, I must concede that it was probably correct under the language of the act of July 16, 1918, especially as Assistant Secretary Hopkins referred to the language of the debates on that act when it was being considered and quoted Mr. Keating, of Colorado, who had the bill in charge, to show the legislative intent, as follows:

> This bill does not provide pension for the widow or minor children of a soldier or sailor of the Regular Establishment unless he actually left the confines of the United States and participated actively in the War with Spain. (CONG. RECORD, July 9, 1918, p. 8920.)

It seems to me, however, that the policy of such a distinction is wrong and that it should be abrogated. In time of peace as well as in time of war we solicit men to undertake military service as a profession, though everybody knows that it is a profession which will endanger a man's life in the event of war. The probabilities, well known to the professional soldier, are that he will be called into action ahead of the volunteer, and this often affords a strong motive for enlistment of venturesome spirits even in time of peace. Military service in time of war is military service wherever it is rendered and is subject to the danger of death by disease as well as death by bullets. I was a soldier in the volunteer service in the War with Spain. I contracted typhoid fever in camp in the United States and lay for several weeks at the point of death. If I had died and had left a widow she would have had a pensionable status under the decision in the De Rochemont case. But some of my friends, civilians, enlisted in the Regulars at the outbreak of that war, deeming it their best chance to get to the front. If one of them had died from fever contracted in camp in the United States his family would not have had a pensionable status. They would have been debarred from it because the husband or father had chosen the service more likely to cause him to die for his country.

Why should there be a distinction anyway between those whose orders were to stay here and those whose orders were to go to Cuba or the Philippines? It will not do to say that the former did not render military service in the war. The fact that they were in the Army was the very reason why it was possible to send men of some other organization to the actual front.

Now, an interesting thing developed in debate here a few days ago. It appeared that under the act of July 16, 1918, the family of a soldier who did "leave the confines of the United States," and who did "participate actively in the War with Spain," was not entitled to pensionable status, although he was wounded in battle and actually died as the result of such wound, the reason being that the wound caused him to be sent to the United States before he had had his 90 days' service at the front and also caused him to be discharged on account of disability, so that he did not die in the service. This is the case cited by Mr. GARD, of Ohio (RECORD, Jan. 21, p. 1847). It is, of course, an extreme case, but it is extreme cases which test a law.

Such a lack of equity is abhorrent to our sense of justice. One of my earliest acts as a Member of the Sixty-sixth Congress was to introduce a bill to put the widows and orphans of the Regular soldiers who served in the War with Spain on the same plane as the dependents of those of us who went in with the Volunteers. It is H. R. 7408, and, speaking as a former soldier outside of the Regular Establishment, speaking from a heart full of the tribute which must be yielded in fairness to the Regular by the National Guardsman and the Volunteer, I earnestly urge upon my colleagues the passage of that bill for the widow and the orphan of the man who rendered as loyal and faithful service as any of us rendered, for the widow and orphan who are as much entitled to the protection of a just Government as my own widow and orphan would be.

Mr. Speaker, the soldiers of the Regular Army rendered a necessary and an exceedingly important service in the War with Spain. Of course, it was no braver or more self-sacrificing service than that which was performed by the Volunteers. Any distinction in degree of patriotism between these two branches of the service would be unfair—as unfair as the distinction in the pension law passed by the last Congress. But the Regulars had a great opportunity for service, and the Regular soldiers of the United States have never neglected such an opportunity. Just as our volunteer armies had the larger share in bringing the islands of the Pacific under the influence of the United States, so our Regular Army did the major part of the work in Cuba. That work was a great factor in the winning of the war. Many military critics say that it was the deciding factor. I do not care to argue the point. It was a great work well done.

The profession of the Regulars, a profession of the highest necessity to the Government and which the Government urges men to undertake, bars them from active participation in politics. They are nobody's constituents. They elect no Representatives to Congress. They can not hold up the fear of punishment to a Congressman who denies them redress. They can offer no reward to the Congressman who hears their plea. Their widows and orphans must rely merely upon our sense of fairness, our desire to do equity. For this reason especially they should have equity. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, my only objection to this bill is the tardiness of its enactment. I count it tremendously unfortunate for anything to be done or left undone that will cause distrust of the Government on the part of the citizens in general; and it borders on tragedy for our Government to pursue a course that seems to show national ingratitude toward the soldiers who offered their lives for the American flag. Too long has this country waited to give substantial legislative recognition of the valor of our Spanish-American War veterans. The sinking of the *Maine*, the plight of the pleading Cubans—the "Queen of the Antilles" staggering from 400 years of slavery under the black shadow of Morro Castle—these, all these, constituted a clarion call to arms which caused patriotic young Americans, North, South, East, and West, to flock to the colors with a volunteer enthusiasm that was at once a tonic and an inspiration to patriots everywhere. But our Government was not prepared to care for these soldiers as we did for the soldiers of the recent World War. The camps suffered for lack of sanitation and necessary bodily comforts; the toll of death was pathetic, and thousands of those who survived disease and Spanish shot and shell are carrying until this good day many marks of physical depletion as the measure of their exposure and the proof of their devotion.

Let us make haste in this tardy legislation to show our gratitude to these heroic defenders of our flag. If we must think of war at all, we love to think of the Spanish-American War as the first opportunity that came to us after the "uncivil" war between the States for the sons of the Blue and the sons of the Gray to fight side by side for our common flag [applause]; and ever since this first blood-bought fellowship of the once sundered sections—ever since Theodore Roosevelt and "Fighting Joe" Wheeler charged together in glorious loyalty up San Juan Hill—they buried in the trenches around Santiago the bickerings and bitterness of an unhappy past as they had never been buried before. And the sons of "the wind-swept North and the sun-kissed South" who followed their starry standard to victory were the hero evangels of a new world prestige and a new national fellowship, and we honor ourselves as lawmakers to-day when we refuse to longer delay this inadequate expression of love and helpfulness from the heart of a grateful Nation. [Applause.]

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, as a member of the Committee on Pensions which considered and reported favorably the pending bill, I am firmly impressed with the urgency for this legislation. A casual survey of the individual pension bills considered by our committee and which could not be acted upon favorably because of the lack of legal authority, will convince any unbiased and fair-minded Member of the necessity of this measure.

There is no division of judgment among the members of the committee, who are familiar with these conditions, as to the crying need of this legislation. Hundreds of bills have been introduced praying for relief for Spanish-American War veterans who have become incapacitated for work since they were released from service. The majority of these claims were based upon disability not incurred in war service. Many who claimed that their infirmities originated during the period of actual service were unable to furnish medical proof because of lost or destroyed records and hence no relief could be afforded them.

A large percentage of the soldiers who served in Cuba or in the Philippines contracted a character of disease that did not fully manifest itself until some time after the termination of their service. Under the rules of the Pension Department all of these men were and will be denied pensions except by special acts of Congress or unless this measure is passed. This bill removes and overcomes all these obstacles and will give aid and relief to those who are most deserving of a grateful people's consideration. It will, but in a limited measure, enable the Nation to discharge its obligations to its valiant defenders.

I know from personal observation of the distressful condition of many of these veterans. The Northwestern Branch of the National Home for Disabled Volunteer Soldiers is located in my district. These veterans have passed the meridian of life, and with health impaired, and in many cases with physical injuries sustained to an extent that wholly incapacitates them for any work, they could not be cared or provided for by their families or relatives and were compelled to seek shelter in these institutions.

The testimony before the committee discloses the fact that the Spanish-American War veterans and other associations are required to contribute annually hundreds of thousands of dollars to take care of these incapacitated soldiers and sailors. Surely the people of this country do not desire these unfortunate and disabled soldiers and sailors to become objects of charity. To alleviate their wants and soothe their sufferings is therefore but a feeble expression of the Nation's gratitude. Of course, their sacrifices can never be adequately compensated. Their services can not be measured by any monetary standards. They heroically rendered their part, they were ready to give their all; now is the Nation's opportunity to perform its duty and partly, at least, discharge its obligation.

Twenty-two years have elapsed since that memorable conflict, but the lapse of time has not erased from our memory the results of their valiant efforts nor diminished the glory of their heroic achievements. The passage of this bill will bear splendid testimony that those who respond to the country's call will never be forgotten in their hour of need and distress and that passing years but increase our solicitude for their comfort and well-being. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KIESS].

Mr. KIESS. Mr. Speaker, I am very glad for the opportunity of speaking in favor of this bill granting pensions to the soldiers and sailors who participated in the Spanish-American War. During my service of seven years in Congress I have been a member of the Committee on Pensions, and my length of service on this committee is exceeded only by the distinguished chairman, Mr. SELLS, of Tennessee. I have always favored granting liberal pensions to the soldiers and sailors of all our wars, and when elected to the Sixty-third Congress I requested that I be assigned to the Committee on Pensions. This has given me an opportunity to assist in the passing of many meritorious special or private pension bills, and also to assist in the framing and passage of general pension legislation favorable to our soldiers and sailors. I firmly believe that no money that the Government appropriates is better or more wisely expended than the money that is paid to disabled veterans who through service in defense of our country incurred disabilities that render them unable to earn a livelihood. The bill now before the House was carefully considered by our committee, and was favorably reported by the unanimous vote of the committee. It is unnecessary for me to take up the time of the House in explaining the merits of this bill for I am fully convinced that the bill as reported will pass the House by an almost unanimous vote. I hope that the Senate will give this measure prompt and favorable consideration and that it will become a law without unnecessary delay. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, it gives me a great deal of pleasure to be able to vote for this bill. As one who had a very modest part in the Civil War, I feel a great interest in this bill. Every Congressman here knows that to establish the fact whether a disability was incurred in service or not is one of the most difficult things that come before us.

Many a Civil War veteran has been refused a pension because he has been unable to trace his disability with certainty to his service or in the line of duty. Rheumatism and many other diseases doubtless had their origin in military service in many cases, but there is no way to legally prove the fact. I believe that every Civil War veteran will be pleased that their comrades of the Spanish War have at last received fair consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes, and the gentleman from Minnesota 5 minutes.

Mr. SELLS. I yield to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, I do not like to take up much time, and I would like to have the privilege of extending my remarks on this bill. [Applause.]

The SPEAKER. The gentleman has that right already.

Mr. SELLS. I yield to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker and gentlemen of the House, of course I am in favor of the passage of this bill. I am not in harmony with the views expressed by the gentleman from Texas [Mr. CONNALLY]. The gentleman states that he saw service in the Spanish-American War and thinks that he voices the sentiment of many veterans of that war in opposing this legislation. He says there are many of those who saw service who are not asking for and who would oppose this legislation. I, too, like my former comrade from Texas, served as a volunteer throughout that war. I suffered no physical disability by reason of that service, and do not believe that the gentleman from Texas suffered any permanent physical disability. There are thousands of these veterans who are suffering disability by reason of that service. I know many men who went through that struggle, and a struggle it was for them; not a battle of bullets but a battle with disease. They left the service broken in spirit and in health. When they returned to civil life they were not the same ruddy-cheeked boys who but a few months before had voluntarily answered their country's call and placed their lives upon the Nation's altar. It would not be becoming for me to dwell upon the hardships endured. The facts and the conditions as they were at that time are well known to every Member of this House, and in the face of these facts it seems to me that this Congress would be falling far short of its duty if this legislation was delayed another day.

This is the first specific legislation providing pensions for this particular class of men. Under existing law they are compelled to apply under the general pension laws, and in order to qualify under existing law they must establish to the satisfaction of the authorities, and, in short, must furnish positive proof, that the disability complained of is of service origin and contracted in the line of duty. I have personal knowledge of many cases where the disability is unquestioned but where it is impossible to show by competent proof that the disability originated while in the service. These suffering and deserving men are denied relief under present law even though there is a moral certainty as to the origin of their troubles.

In the Spanish-American War the deaths caused in actual battle were few compared with the net deaths. Insanitary surroundings, unwholesome food, and tropical climatic conditions ruined the health of many a lad. From that day to this he has never been the same man. The decline has been gradual, but none the less sure, so that by reason of the very nature of the ailment proof of its inception is the more difficult. The number of men who receive pensions for wounds under the general law to-day is small, indeed, compared with the number of those who are receiving pensions because of shattered health—where these men were able to furnish hospital records and the testimony of witnesses familiar with all the facts. It is interesting to note that in the great World War, in the first 12 months, about 800,000 American soldiers, sailors, and marines were engaged, mostly upon the western front in France. I am informed that the number of deaths from wounds and disease was 8,634. In

the Spanish War, for a similar period, the deaths from wounds and disease were 12,000. In the War with Spain there were 335,000 Volunteers and 100,000 Regulars—435,000 in all. It will be observed that with about double the number of men in the World War, for the first year there was almost one-third less deaths than in the first 12 months during the War with Spain.

It is an easy matter to show origin of injury when the injury was caused in action, but the matter is entirely different where circumstances are as they were in Cuba and in the Philippines. During the Spanish-American War our Army learned much about sanitation and keeping sick records. The men of the recent war will not be so handicapped in making proof.

It has been suggested in this debate that the men who volunteered in this war did so with full knowledge of the act of June 27, 1890, passed for the benefit of the soldiers in the Civil War, and that these soldiers had a right to believe, and did believe, that they would be treated in a like manner; and that for this reason, if for no other, we should pass this law.

I do not think for one minute that the men who answered President McKinley's call in 1898 gave the matter of compensation or pension a single thought. Well do I remember when the newspapers throughout the country announced the sinking of the *Maine* and a little later the declaration of war. Volunteers were asked for. The call was answered by hundreds of thousands of patriotic boys and men. In popular language the issue was oversubscribed. The pay which the private soldier received was $15.60 a month, and there was no bonus. It was patriotism and duty, not the thought of pay or future pension, that prompted those boys. Medicine was scarce and medical attendance was less available. In the company in which I served the citizens from my home town provided medicines, and these medicines were administered to the boys and treatment given to them by a physician and surgeon who happened to be a line officer in the regiment. This doctor knew these boys, and was better able to care for their wants than was the authorized Army surgeon; however, at this time this very fact militates against the soldier when pension is concerned. The boys treated in this way do not have an army sick record. In the southern camps practically every northern man in the service suffered from dysentery, malaria, and many from rheumatism. They have never recovered. As age advances their sufferings and disabilities increase, and as a consequence their earning capacity decreases.

I have recently had several pension cases where the record shows that the boy at the time of his discharge signed the statement that he had received no injury during his military service, and an effort is made to thereby estop him from now receiving a pension. When the boy signed that statement he was not thinking of pension. His task had been completed; he was anxious to return home; it is not his spirit to claim that to which he is not entitled. The present bill will remedy just such cases.

If a man is entitled to any consideration at all, he should receive at least $12 a month, the minimum provided, and the maximum, or $30 a month, provided for in this bill is not excessive. Indeed, it is inadequate, and I would strenuously oppose this small maximum were it not for the fact that the soldier still has recourse to existing law and can receive as much as $72 a month, provided he complies with the conditions imposed under that law.

It can not be said that this action is premature. More than 20 years have passed since that war, and pursuing the policy heretofore adopted by this Congress it seems wise to say that all these men who were honorably discharged should upon arriving at the age of 62 years receive a $12 a month pension, and arriving at the age of 68 years should receive $18 a month, at the age of 72 years $24 a month, and at the age of 75 years $30 a month.

The few gentlemen who have opposed this legislation on the floor of this House insist that they are not discriminating against the Spanish-American War soldier, but are opposed to the general policy of pensions as heretofore annunciated.

Fortunate, indeed, it is for the American people that men with such views are in the minority. It surely can not be said that sectionalism enters into this matter. I noticed when the Fuller pension bill passed the House a large majority of those voting against the bill came from a section of the country where Union soldiers of the Civil War are scarce. The Spanish-American War was not a sectional war.

The Thirty-first Michigan Volunteer Infantry, of which I was a member, was brigaded with the First Georgia Volunteer Infantry. Our colonel was the son of a northern soldier and the colonel of the First Georgia was the son of a southern soldier. We camped in Chickamauga Park on the ground where our fathers had fought—that made no difference. Together we celebrated Robert E. Lee day in Savannah, Ga. Shoulder to shoulder we marched. Heart to heart we stood. There was no North; there was no South; there was no East; there was no West. It was the Nation's call that was answered. It is the Nation's soldiers who are to be benefited by this law.

This legislation does not contemplate a gratuity or charity. I feel that the gentleman from Texas [Mr. BLACK] is out of touch with the feeling in the country when he suggests that this legislation should not be enacted because national soldiers' homes are provided. America will never see the day when her citizens, members of her patriotic armies, are compelled to give up home ties and home surroundings, and unwillingly seek refuge in public institutions. The soldiers' homes are splendid institutions and should be maintained, but their maintenance should have no effect on pension legislation.

I yield to no Member in this House in my opposition to extravagant and unnecessary appropriations at this particular time. We should not saddle upon the taxpayers of this country unmerited and unwise pensions. It has been estimated that approximately 10,000 soldiers will be subject to immediate relief if this act becomes a law. This amount will not be burdensome.

During my short term in Congress I have supported every measure providing for the relief of our soldiery, and I sincerely hope that the time is not far distant when this body will take affirmative and decisive action in behalf of the ex-service men of the recent Great War. I appreciate that this will cost money, but do not believe that the American people are penurious in this matter, and am satisfied that our constituency demands prompt action.

Mr. Speaker, there is no question but what this bill will pass the House, and it is my hope that the same may become a law.

Mr. SELLS. I yield to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, no nation ever waged a more unselfish war than our country did against Spain in 1898. The spirit of the Nation which forced a declaration of war was the spirit of justice crying out against injustice and wrongdoing. It was the spirit of service in the cause of another rather than in the mere protection of one's self.

This was the spirit of the Nation and this was the spirit of the 300,000 young men who heard the call of duty.

The war was a short one, but the service, whether in southern camp or tropical swamp or jungle, disabled and incapacitated many of its participants. Those who were discharged for disability have already been provided for with pensions under existing laws. However, the health of many a man was permanently affected and impaired by this service, but which impairment did not warrant his discharge and was not in evidence upon his discharge.

This was 20 years ago. The effects of this service upon some of the men are now becoming apparent, but under existing law the men disabled are not entitled to a Federal pension.

The measure before us is designed to take care of just such cases. By an act of Congress in 1890 this country provided for the relief of veterans of the Civil War suffering from disabilities not contracted in the service. This bill applies to Spanish-American War veterans the policy then started.

Following out the injunction of the immortal Lincoln in his second inaugural address, "Let us care for him who has borne the battle." [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from New York [Mr. MACGREGOR.]

Mr. MACGREGOR. Mr. Speaker, the need for this legislation is so urgent, the demands are so great on the part of those who are absolutely in need, that I am glad to give it my hearty support. The bill now under consideration in the House is one that should have been passed years ago and is in line with the policy of the Government since its very beginning. It has always been the aim of the United States to provide for those who fought for their country and to make their after lives free from the haunting fear of poverty and the pinching curse of want.

The old adage that "Republics are ungrateful" is one that patriotic Americans resent, and by our action to-day we not only gladden the hearts of thousands of sick and destitute veterans of 1898, but we prove to the world at large that whatever might have been true of the Republics of old, Columbia, at least, is ever ready to acknowledge and repay the debt she owes the boys who respond to the trumpet call of duty and "rally round the flag" whenever the country needs them.

In its effect on the country at large, the War with Spain was more than memorable. The moment war was declared and President McKinley called for volunteers a ready and immediate response reechoed throughout the country. Over-

night all sectionalism vanished from the land, all racial feelings were obliterated, and with one pulsating thought East and West, North and South, sent forth their quotas of men, ready and willing to meet life or death, to endure the close grip of battle or the deadly pestilence of the Tropics with equal composure.

The war did not last long and the losses in battle were not heavy, but exposure to the burning heat of the Tropics, the poisonous miasmas of the jungle and swamp, the deadly fevers and malignant diseases of an unaccustomed climate took heavy toll of our Army and to-day in the graveyards of every city, town, and village of the country thousands of the boys of '98 are sleeping their last sleep, while thousands of others are wrecks of the men who went away full of the health and vigor of young manhood.

It is, moreover, specially to be considered in the case of the veterans of the War with Spain that the diseases they contracted, and in many cases will never be permanently cured of, are mostly of the subtle kind that may stay dormant for years and then appear and cause untold pain and suffering.

Every Member of Congress has case after case of malarial poisoning that could not come from any other cause and yet can not be traced to Army origin, and no matter how worthy the claimant may be, no matter how dire his need, there is no provision under the law by which his sufferings can be mitigated or his urgent wants relieved.

These men have waited long and patiently for this recognition. Twenty years have passed since they followed the colors. The young men of '98 are middle-aged now and many of them broken down, needy, and helpless, and it is not any too early for the country to assume its sacred obligation to them and grant them a right to a place on the pension roll with the boys of '61.

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from Kansas [Mr. ANTHONY].

Mr. CARSS. Mr. Speaker, I yield the gentleman three minutes.

Mr. ANTHONY. Mr. Speaker, heretofore it was necessary for a soldier of the Spanish War in order to get a pension to prove disability contracted in the service. But in the 22 years which have elapsed since the Spanish War there are hundreds of men who have become blind, who have become paralyzed, who have lost limbs, who are totally disabled, and who deserve to have the benefits of this bill and I hope it will pass. [Applause.]

Mr. SELLS. I have only one more speech on this side, and I would ask the gentleman to use his remaining time.

Mr. CARSS. I yield two minutes to the gentleman from Texas [Mr. RAYBURN]. [Applause.]

Mr. RAYBURN. Mr. Speaker, I do not think, since my action in reference to the war-risk insurance act, that anybody in this House can say I am not willing to do what I think and what the country thinks is justice to the soldier who becomes disabled in the service; but I can not look upon this bill at the present time as anything but a colossal piece of hypocrisy. If you want to pass a law along this line it would be all right, and it would be consistent to come in here with a service pension for all men who served in the Spanish-American War. Or if you wanted to pass a general old-age pension act, you would be consistent to come in here at this time. Or if you wanted to pass a bill granting disability pensions to all the people in the United States that were injured in industry or in any of the pursuits or occupations, it would be consistent. But to come in here 20 years after the war is over and pick out a special class and say that, because a man's team has run away with him and has broken his legs, the Government of the United States ought to pension him and not pension any other citizen of the United States for the same and a similar accident seems to me is the most colossal piece of inconsistency I have ever known.

Mr. CARSS. Mr. Speaker, I yield to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, the Spanish-American War veterans have asked very little in the past, and they have received very little. They got very little in the war itself but harsh treatment. No body of men that ever volunteered to serve under our flag have received so little consideration at the hands of their Government. They had no recreation centers; they had no nurses to soothe them; they had no cheer leaders; they had no dormitories. Many of them slept on the bare ground in southern swamps all through the war. What with embalmed beef and improper military sanitation, their experience was no holiday. In the brief Spanish-American War 2,845 men perished. Of these, 280, or 10 per cent, were killed in action, and 2,565, or 90 per cent, died of disease. Many thousands of others were stricken by disease, and though they may have recovered, and even though they may have gone out of the service with no apparent evidence of illness due to that service, they carried in their blood and in their system the ineffaceable marks of their sacrifices. Many of them were too proud, Mr. Speaker, to admit that they had suffered any physical disability as the result of their service. Thousands of them declined to undergo a physical examination upon their muster out—an examination which might have revealed disabilities—because they would not deign to put themselves in the position of laying a claim for the future bounty of their Government. This bill will help men of this stamp—the proud and high-spirited men who never malingered, who did their duty loyally and faithfully, with no hope of reward. Discharged as they were in the full flush of manhood, many of them were utterly unaware of the ravages which the fever and the hardships of campaigning had made in their strong bodies. Many of them have since collapsed, and find themselves in middle life outdistanced by the companions of their youth who were more discreet than they and who hung back while Uncle Sam was calling for volunteers. Let us now volunteer to help them in eking out an existence by granting the exceedingly modest pension which this bill provides. The bill is eminently proper, and I trust it will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. Mr. Speaker, I yield to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Speaker, I supported the Spanish-American War veterans' pension bill on several occasions when it came before Congress and voted for it when it was finally passed and became a law. The veterans of the Spanish-American War, who will be the beneficiaries of this measure, have had less consideration at the hands of Congress than the veterans of any war since the days of the Revolution, and this measure partly makes up for our neglect in the past regarding these worthy veterans of the War with Spain, the Philippine insurrection, and the China relief expedition. During the War with Spain there were no such things as allowances or allotments to the dear ones who were left at home, neither did these men have any of the benefits such as we gave to the soldiers in the World War under the war-risk insurance act, neither did they receive any consideration in the way of bonuses, and this measure is nothing but a relief act in the interest of those who in their declining years find themselves sick and incapacitated from earning enough to support themselves and their families during the remaining years of their life. As time goes on this great country is learning more and more the art of war and how to prepare for it. This was well illustrated through the handling of our boys under the selective-service act, and while there may have been some mistakes regarding conditions in camp and their location, on the whole everything was fairly satisfactory. It is only just and right that every consideration should be given to the men whom we took from their homes to fight our battles, both while the war is on in looking after them and their dependents, as well as to take care of the dependents of the men who died in battle or from sickness contracted in the service, and to see to it that the disabled men are given every consideration in the way of medical aid and rehabilitation so that they may be able to meet the struggle for existence.

Mr. CONNALLY. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. CONNALLY. I would like to ask the gentleman from California if he is not in favor of providing a pension for everybody.

Mr. NOLAN. In time; yes. I believe this country ought to pension its soldiers as provided for in this bill, and I also believe that we should pension the men and women that served the country faithfully and well in a civilian capacity, and I intend to vote for the Lehlbach retirement bill when it comes before the House. I am also in favor of an old-age pension, as I believe it would be better to take care of the men and women of the country who have given their life to toil through a pension system rather than throw them on the industrial scrap heap or send them to the poorhouse. Society should pay for its maimed, crippled, blind, and its aged people who can not take care of themselves, and in that respect I am in favor of a general pension bill. I intend to vote for this bill and trust it will pass the Senate and become a law.

Mr. SELLS. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I ask unanimous consent that my time may be extended from five minutes to seven minutes.

Mr. CANNON. Will that close the debate?

Mr. SELLS. It will.

Mr. CANNON. Because I have got to go away at 3 o'clock.

Mr. DYER. Mr. Speaker, I am constrained to object to the request of the gentleman from Kansas.

Mr. LITTLE. I yield the time back, then.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. SELLS. Mr. Speaker, I ask for the yeas and nays.

Mr. BLACK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair thinks that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and those who are in favor of suspending the rules and passing the bill will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 295, nays 19, answered "present" 1, not voting 112, as follows:

YEAS—295.

Ackerman	Fisher	Longworth	Rhodes
Almon	Flood	Luce	Ricketts
Anderson	Focht	McArthur	Riddick
Andrews, Nebr.	Fordney	McClintic	Riordan
Anthony	Foster	McFadden	Rodenberg
Ashbrook	Frear	McGlennon	Rogers
Aswell	Freeman	McKenzie	Romjue
Ayres	French	McKeown	Rouse
Babka	Fuller, Ill.	McKinley	Rowan
Baer	Gallagher	McLane	Rowe
Barbour	Gandy	McLaughlin, Mich.	Rubey
Barkley	Gard	McLaughlin, Nebr.	Sanders, Ind.
Bee	Garland	McPherson	Sanders, La.
Benham	Glynn	MacCrate	Sanford
Benson	Graham, Ill.	MacGregor	Scott
Bland, Ind.	Green, Iowa	Madden	Sells
Bland, Mo.	Greene, Mass.	Magee	Sims
Bowers	Greene, Vt.	Maher	Sinclair
Brand	Griest	Mansfield	Sinnott
Briggs	Griffin	Mapes	Small
Brinson	Hadley	Martin	Smith, Idaho
Britten	Hardy, Colo.	Mays	Smith, Mich.
Brooks, Ill.	Harreld	Mead	Smith, N. Y.
Brooks, Pa.	Harrison	Merritt	Smithwick
Browning	Hastings	Michener	Snell
Brumbaugh	Haugen	Miller	Stedman
Burdick	Hawley	Minahan, N. J.	Steenerson
Burroughs	Hayden	Monahan, Wis.	Stephens, Ohio
Butler	Hays	Mondell	Stiness
Byrns, Tenn.	Heflin	Montague	Strong, Kans.
Caldwell	Hernandez	Moon	Sullivan
Campbell, Kans.	Hersey	Mooney	Summers, Wash.
Campbell, Pa.	Hersman	Moore, Ohio	Sumners, Tex.
Cannon	Hickey	Moore, Va.	Sweet
Cantrill	Hicks	Moores, Ind.	Tague
Carew	Hoch	Morgan	Taylor, Tenn.
Carss	Howard	Mott	Temple
Carter	Hulings	Mudd	Thomas
Casey	Hull, Iowa	Murphy	Thompson
Chindblom	Hull, Tenn.	Neely	Tillman
Christopherson	Humphreys	Nelson, Mo.	Tilson
Clark, Mo.	Husted	Nelson, Wis.	Timberlake
Cleary	Igoe	Newton, Minn.	Tincher
Coady	Ireland	Newton, Mo.	Tinkham
Cole	Jacoway	Nichols, Mich.	Towner
Crago	James	Nolan	Treadway
Crisp	Jefferis	O'Connor	Upshaw
Cullen	Johnson, Ky.	Ogden	Vaile
Dallinger	Johnson, S. Dak.	Oldfield	Vestal
Darrow	Johnson, Wash.	Oliver	Vinson
Davis, Minn.	Johnston, N. Y.	Olney	Voigt
Davis, Tenn.	Jones, Pa.	Osborne	Volstead
Denison	Juul	Padgett	Walsh
Dickinson, Mo.	Kahn	Park	Ward
Dickinson, Iowa	Kearns	Parrish	Wason
Donovan	Keller	Pell	Watkins
Dooling	Kelly, Pa.	Peters	Weaver
Doremus	Kendall	Phelan	Webster
Dowell	Kettner	Platt	Welling
Drane	Kiess	Porter	Welty
Dunbar	Kincheloe	Pou	Wheeler
Dupré	King	Radcliffe	White, Kans.
Dyer	Kinkaid	Rainey, Ala.	White, Me.
Eagan	Kleczka	Rainey, H. T.	Williams
Echols	Kraus	Rainey, J. W.	Wilson, Ill.
Edmonds	Lampert	Raker	Wilson, La.
Elliott	Lankford	Ramsey	Wingo
Elston	Lazaro	Ramseyer	Winslow
Emerson	Lea, Calif.	Randall, Calif.	Wood, Ind.
Esch	Lee, Ga.	Randall, Wis.	Woods, Va.
Evans, Nebr.	Lehlbach	Reavis	Yates
Evans, Nev.	Linthicum	Reber	Young, N. Dak.
Fairfield	Little	Reed, N. Y.	Zihlman
Fess	Lonergan	Reed, W. Va.	

NAYS—19.

Black	Connally	Hardy, Tex.	Sisson
Blanton	Garner	Lanham	Stephens, Miss.
Box	Garrett	Mann, Ill.	Venable
Buchanan	Good	Quin	Young, Tex.
Collier	Goodwin, Ark.	Rayburn	

ANSWERED "PRESENT"—1.

Knutson

NOT VOTING—112.

Andrews, Md.	Blackmon	Burke	Classon
Bacharach	Bland, Va.	Byrnes, S. C.	Cooper
Bankhead	Boies	Candler	Copley
Begg	Booher	Caraway	Costello
Bell	Browne	Clark, Fla.	Cramton
Crowther	Gould	Luhring	Sears
Currie, Mich.	Graham, Pa.	McAndrews	Sherwood
Curry, Calif.	Hamill	McCulloch	Shreve
Dale	Hamilton	McDuffie	Siegel
Davey	Hill	McKiniry	Slemp
Dempsey	Hoey	Major	Smith, Ill.
Dent	Holland	Mann, S. C.	Snyder
Dewalt	Houghton	Mason	Steagall
Dominick	Huddleston	Morin	Steele
Doughton	Hudspeth	Nicholls, S. C.	Stevenson
Dunn	Hutchinson	O'Connell	Stoll
Eagle	Johnson, Miss.	Overstreet	Strong, Pa.
Ellsworth	Jones, Tex.	Paige	Swope
Evans, Mont.	Kelley, Mich.	Parker	Taylor, Ark.
Ferris	Kennedy, Iowa	Purnell	Taylor, Colo.
Fields	Kennedy, R. I.	Robinson, N. C.	Vare
Fuller, Mass.	Kitchin	Robsion, Ky.	Walters
Gallivan	Kreider	Rose	Watson
Ganly	Langley	Rucker	Whaley
Godwin, N. C.	Larsen	Sabath	Wilson, Pa.
Goldfogle	Layton	Sanders, N. Y.	Wise
Goodall	Lesher	Schall	Woodyard
Goodykoontz	Lufkin	Scully	Wright

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. KNUTSON with Mr. BELL.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. PURNELL with Mr. O'CONNELL.
Mr. GOODALL with Mr. DOMINICK.
Mr. CURRIE of Michigan with Mr. BYRNES of South Carolina.
Mr. LUHRING with Mr. MAJOR.
Mr. BOIES with Mr. SEARS.
Mr. WATSON with Mr. ROBINSON of North Carolina.
Mr. ANDREWS of Maryland with Mr. MANN of South Carolina.
Mr. KREIDER with Mr. EAGLE.
Mr. COPLEY with Mr. LESHER.
Mr. CROWTHER with Mr. TAYLOR of Colorado.
Mr. DEMPSEY with Mr. SABATH.
Mr. MASON with Mr. RUCKER.
Mr. KENNEDY of Iowa with Mr. WHALEY.
Mr. HOUGHTON with Mr. JONES of Texas.
Mr. STRONG of Pennsylvania with Mr. WILSON of Pennsylvania.
Mr. CURRY of California with Mr. MCDUFFIE.
Mr. HAMILTON with Mr. STEAGALL.
Mr. LAYTON with Mr. FERRIS.
Mr. CLASSON with Mr. BLAND of Virginia.
Mr. SHREVE with Mr. HOLLAND.
Mr. PAIGE with Mr. NICHOLLS of South Carolina.
Mr. ROBSION of Kentucky with Mr. HUDDLESTON.
Mr. BEGG with Mr. KITCHIN.
Mr. ELLSWORTH with Mr. SHERWOOD.
Mr. LUFKIN with Mr. GALLIVAN.
Mr. SLEMP with Mr. OVERSTREET.
Mr. DUNN with Mr. EVANS of Montana.
Mr. HUTCHINSON with Mr. STOLL.
Mr. COSTELLO with Mr. HAMILTON.
Mr. SIEGEL with Mr. GOLDFOGLE.
Mr. MCCULLOCH with Mr. WRIGHT.
Mr. BACHARACH with Mr. DEWALT.
Mr. KENNEDY of Rhode Island with Mr. SCULLY.
Mr. SMITH of Illinois with Mr. BANKHEAD.
Mr. COOPER with Mr. MCANDREWS.
Mr. BROWNE with Mr. LARSEN.
Mr. ROSE with Mr. MCKINIRY.
Mr. VARE with Mr. HUDSPETH.
Mr. BURKE with Mr. STEVENSON.
Mr. FULLER of Massachusetts with Mr. JOHNSON of Mississippi.
Mr. GRAHAM of Pennsylvania with Mr. STEELE.
Mr. WOODYARD with Mr. DOUGHTON.
Mr. GOODYKOONTZ with Mr. WISE.
Mr. SANDERS of New York with Mr. CANDLER.
Mr. SWOPE with Mr. CARAWAY.
Mr. WALTERS with Mr. GODWIN of North Carolina.
Mr. PARKER with Mr. TAYLOR of Arkansas.
Mr. CRAMTON with Mr. DENT.
Mr. GOULD with Mr. GANLY.
Mr. DALE with Mr. FIELDS.
Mr. HILL with Mr. DAVEY.
Mr. MORIN with Mr. HOEY.
Mr. KELLEY of Michigan with Mr. BLACKMON.
Mr. SNYDER with Mr. BOOHER.

Mr. KNUTSON. Mr. Speaker, I understand that the gentleman from Georgia has not voted. I therefore desire to withdraw my vote in the affirmative and answer "present." I have a pair with him.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KNUTSON, and he answered "Present."

Mr. LEE of Georgia. Mr. Speaker, I think it was announced that I was paired. I wish to withdraw from that pair and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. SELLS. Mr. Speaker, I want to renew my request that all Members may have three legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members may have three legislative days in which to extend their remarks on the bill just passed. Is there objection?

Mr. MADDEN. I object.

The SPEAKER. Objection is made.

WATER SUPPLY OF LOS ANGELES, CALIF.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 406.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill H. R. 406, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, when the bill was up before I objected to it. I understand now that certain corrective amendments, satisfactory to the Committee on the Public Lands, and satisfactory to other Representatives in Congress from the State of California, are to be offered as amendments to this bill if consent is given.

Mr. ELSTON. I understand that certain amendments are to be offered, and I do not know positively that they will be, but an opportunity will be given to gentlemen to explain.

Mr. GARD. I understand these amendments are satisfactory to the proponents of the bill.

Mr. ELSTON. There is one minor amendment suggested by the Secretary of Agriculture which is acceptable. There are two amendments, as I remember, that have been proposed where consent could very well be given, but where it was suggested that the matter be explained to the House and that the House be given an opportunity to decide upon them. I could not for the author of the bill make any agreement of that kind.

Mr. GARD. I will state to the gentleman that unless the other proponents of the bill agree to the amendments that were offered in the Committee on the Public Lands by the gentleman from California [Mr. BARBOUR] I will withhold again my consent.

Mr. ELSTON. I can not recall any amendment proposed by the gentleman from California [Mr. BARBOUR]. I understand that since the bill has been reported to the House he has some amendments which, I believe, have been suggested. I suggested to him that the matter would not take long, and that he might place the discussion before the House and let the House decide. I regret very much that I am not in a position, having reported out the bill but not having introduced the bill, to accede to the gentleman's request. I do not believe that the gentleman from California [Mr. BARBOUR], for whom the gentleman from Ohio is speaking, would insist to the degree that the gentleman from Ohio is insisting. I would like to have them say so if they feel that way about this thing.

Mr. GARD. That was my understanding as to the gentleman from California [Mr. BARBOUR], and therefore, reserving the right to object, I ask that the gentleman from California explain his position.

Mr. BARBOUR. Mr. Speaker, I would state to the gentleman from Ohio that I have two amendments to offer to the bill, and with the opportunity to present these amendments it is perfectly satisfactory to me to have the bill considered at this time. One of the amendments, I understand, is not objected to.

Mr. GARD. State that one, if you please.

Mr. BARBOUR. On page 3, line 10, after the word "basin" insert the following:

And embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin.

That, I understand, is agreed to.

Then I have another amendment. On page 5, lines 7, 8, and 9, after the word "city" in line 7, strike out the comma and the remainder of lines 7, 8, and 9, down to the words "*Provided further*"; and then on line 3, page 5, after the word "heard" insert a comma and the words "and upon notice by the city within 90 days of such possible conflict."

The purpose of this latter amendment is to clarify the language of the bill.

The gentleman from Los Angeles, Mr. OSBORNE, now states that he will also accept that amendment. We have not heretofore agreed on the latter amendment, but the gentleman from Los Angeles now states that he will accept it.

Mr. ELSTON. With that agreement made between the two gentlemen from California who are most interested in the bill and who represent the territory covered by the bill, I should say that the situation seems very satisfactory.

Mr. RAKER. Will the gentleman from California yield to me right there?

Mr. BARBOUR. I understand the gentleman from Ohio [Mr. GARD] has the floor.

Mr. RAKER. What the gentleman has stated will meet the objections of the gentlemen who have telegraphed here to various Members of Congress regarding the bill. It will cover their amendments, which are found on page 135 and also on page 142 of the hearings. These amendments are agreed to by Mr. Finney and by Mr. Matthews, representing the city of Los Angeles and the irrigationists, as I understand it. Is that correct?

Mr. BARBOUR. That is my understanding of it. It does not, however, conform to the amendment they first submitted to the Committee on the Public Lands.

Mr. RAKER. I want to get this statement straight in the RECORD. Is it the gentleman's view that the amendment now offered meets and is in accord with what was proposed before the committee and agreed to by the irrigationists and by the city of Los Angeles, through Mr. Matthews and Mr. Finney, which amendment is found on page 142 of the hearings?

Mr. MADDEN. I should like to know who is running this thing—these men out in Los Angeles or this House? I ask for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. Is there objection to the request?

Mr. GARD. Reserving the right to object for a moment, I hope the gentleman will not insist. We are just trying to determine whether these amendments are satisfactory to the parties concerned.

Mr. MADDEN. I should like to find out from the gentleman from California, if the gentleman from Ohio will yield long enough, whether these men whose names he has just mentioned are running this question or whether the House is?

Mr. RAKER. The gentleman from California [Mr. BARBOUR] is a member of the committee.

Mr. MADDEN. I am talking about these men out in Los Angeles.

Mr. RAKER. Mr. Matthews appeared before the committee. He represented the city of Los Angeles.

Mr. MADDEN. Who is he?

Mr. RAKER. He is the attorney for the city of Los Angeles and he appeared before the committee. Mr. Finney is a member of the board of appeals of the Department of the Interior, and he was before the committee and assisted materially in its work.

Mr. MADDEN. One man represents the Department of the Interior and the other one the city of Los Angeles?

Mr. RAKER. Yes.

Mr. MADDEN. And these two men have agreed to language that will protect the city of Los Angeles and also the Government of the United States. Is that right?

Mr. VAILE. And other interests.

Mr. RAKER. There were also present at that hearing Mr. Edgar and Mr. K. K. Fritz. The record shows that all these men before the committee agreed to the amendment which is found on page 142 of the hearings, which the committee slightly altered. I am asking now, so that I may keep our record straight, and so that proper legislation may be had, whether the gentlemen concerned have agreed upon it. Is the gentleman from California [Mr. BARBOUR], in whose district the land is now situated—although originally part of it was in my district—satisfied that the proposed amendment now suggested will meet the wishes and protect the interests of the irrigationists, as well as give the city of Los Angeles proper water rights?

Mr. MADDEN. The fair presumption is that he must be satisfied with it or he would not be offering it.

Mr. RAKER. I am taking the proper course to present the matter and get it into the RECORD.

Mr. BARBOUR. I will state to the gentleman from California that I have a telegram from one of the representatives

of the irrigation interests who appeared before the Committee on the Public Lands at the time of the hearing. He asked, first, that if possible we incorporate into the bill the amendment originally suggested, which at that time they receded from and agreed to accept another amendment which was prepared by the representatives of the Interior Department. The committee amendment is not in exactly the same form as that agreed upon at that time, but in this telegram he says that by accepting these amendments—that is, the committee amendment with the changes which my amendments will incorporate into it—the bill will be rendered much more satisfactory to him. I am now offering these amendments.

Mr. RAKER. I am asking the gentleman from California if it is his view that the suggested amendment proposed by himself does give the city of Los Angeles all it is entitled to and still protect the irrigationists?

Mr. BARBOUR. I believe it does. There is one change, however, in the proposed amendment. The irrigationists suggested a 30-day limitation, and that has been changed to 90 days, because it is not believed that 30 days is a sufficient length of time for the representatives of the city to come back here to Washington and be heard if there should be conflicting interests.

Mr. RAKER. Ninety days is a reasonable time. There is no question about that.

Mr. GARD. Are these amendments satisfactory to the Secretary of the Interior?

Mr. ELSTON. I understand that they are.

Mr. GARD. Do I understand that the gentleman from California [Mr. OSBORNE] and the gentleman from California [Mr. ELSTON] agree to these amendments?

Mr. ELSTON. Yes.

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range 6 west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth: *Provided, however*, That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, or to lands located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State."

Mr. BARBOUR. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 3, line 10, after the word "basin," insert "and embracing Mono Lake drainage basin and the Adobe Valley and Black Lake drainage basin."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That section 2 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 2. That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights of way indicated on the original map or maps: *Provided*, That any rights inuring to the city of Los Angeles under this act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein."

The following committee amendment was read:

Page 4, line 17, after the word "herein," insert the following:

"*Provided*, That during the period allowed the city of Los Angeles, for filing maps or applications under this act, the head of the department having jurisdiction over the lands, may grant easements or permits for rights of way, under any act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights of way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city, and for which application is filed by said city within 90 days from notice of the possibly conflicting application: *Provided further*, That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this act, shall be with the reservation of the power to thereafter grant other rights of way by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees."

Mr. BARBOUR. Mr. Speaker, I desire to offer an amendment to the committee amendment.

The Clerk read as follows:

Page 5, lines 7, 8, and 9, after the word "city" in line 7, strike out the comma and the words "and for which application is filed by said city within 90 days from notice of the possibly conflicting application"; and insert, page 5, line 3, after the word "heard," a comma and the words "and upon notice by the city within 90 days of such possible conflict."

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

SEC. 3. That section 3 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided*, That the lands affected hereby shall be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city."

The Clerk read the following committee amendment:

Page 7, line 4, after the word "development" insert the words "and transmission."

The committee amendment was agreed to.

Mr. SINNOTT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend page 6, line 20, by inserting after the word "shall" the following: "in accordance with existing law continued to."

The amendment was agreed to.

The Clerk completed the reading of the bill.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. OSBORNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on this bill. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Speaker, the bill under consideration, H. R. 406, is for the purpose of supplementing and carrying out the intentions of an act of Congress of June 30, 1906, entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif." The purpose of that act was to facilitate and assist the great and growing city of Los Angeles to acquire a water supply commensurate with its rapidly increasing population and needs.

The original act of 1906 was quite broad in its grants and provisions, as will be seen by reference to section 1 of that act, as follows:

That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara Forest Reserves and the San Gabriel Timberland Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes, and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps, showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

It will be noted that not only was provision made for rights of way for conducting water from the mountains to the city, but also for "constructing, operating, and maintaining power and electric plants, poles and lines for the generation and distribution of electric energy," together with sites for power houses, diverting and storage dams, and reservoirs and necessary buildings and structures to be used in connection therewith.

The reason why provision was made for power purposes as well as a water system was that the expense involved in the construction of this great aqueduct, amounting to about $25,000,000 for first cost, was so great that it would have amounted to criminal waste and shortsightedness to have failed to provide for the extraordinarily favorable facilities for the generation of power afforded by a cement-lined conduit capable of carrying 20,000 miners' inches of water, dropping in its course from an elevation of 3,812 feet at the intake to nearly sea level. From the first it was well understood to be necessary, in order that the municipality should have a firm financial basis for its aqueduct bonds, of which $32,000,000 have been issued to the present time, that the marvelous power facilities should be utilized and eventually contribute to the liquidation of the bonds.

In the construction of the Los Angeles Aqueduct, which was completed in 1913, frequently it was found necessary to deviate from the granted right of way 250 feet in width sometimes only a few feet and at others for several hundred feet, generally because of economic or geologic reasons. The country through which the aqueduct passes is for the most part uninhabited, mountainous, and valueless Government land.

The purpose of the present bill is to correct the original rights of way, making them conform to the actual construction of the aqueduct. Where such changes are made the land originally granted and not actually used will revert to the Government. There is also granted to the city additional time—to December 31, 1922—in which to file additional rights of way for both water and power purposes, reserving, however, the full rights of all prior homestead, power, or irrigation claimants.

The fact that the United States Congress has greatly assisted the city of Los Angeles in the establishment of this great municipal water system by enacting the law of 1906, backed as it was at the time by the sympathetic favor and assistance of the then great President, Theodore Roosevelt, and that the Congress and the President will this year in all likelihood further facilitate it by the passage and approval of the amendatory bill now under consideration, may make interesting to the House of Representatives a somewhat detailed account of the inception of this notable and gigantic municipal engineering work. I sincerely wish that the great story might be set forth by one more gifted in description than myself.

First, I will take up the picturesque section of California—Owens River Valley, at the foot of its highest mountain, Mount Whitney, which is the source of the splendid water supply of Los Angeles.

THE TERRITORY.

Owens River Valley, although one of the most extensive and promising, from an agricultural standpoint, of the lesser valleys of California, is one of the least known. Owens River Valley, geographically, is more of a Nevada valley than one of California. The river from which it takes its name in its southern course parallels the main range of the Sierra Nevadas and has its source in and derives its waters from these grand mountains.

The Sierra Nevadas, throughout their northerly and southerly course, nearly 1,000 miles, are extremely abrupt on their eastern slopes and fall away gradually and gently to the west, toward the Pacific Ocean, several of the highest peaks rising abruptly from the plains on the eastern flank of the range.

The snowfall is extremely heavy on the high eastern side of the Sierras, and nearly every canyon carries fine streams of water throughout the year. These streams are veritable rivers in the spring and summer months, when the winter snows are melting. Thirty-five such streams empty into the Owens River from a drainage area of 2,800 square miles.

On the high and sequestered parts of the mountains the snows never entirely disappear, but are held from one season to another as living glaciers. Lakes of large size are formed by the waters from the mountains; lakes which have no outlets, like Mono Lake, in Mono County, and Owens Lake, nearly 200 miles farther south, in Inyo County.

To witness the enormous quantity of water that pours into these lakes one would think that, with no visible outlets, they would eventually cover vast areas. But by means of the excessive evaporation of a naturally dry country, which is said to amount to 90 inches per year on the surface of the lakes, the equilibrium is pretty well maintained, and while there is sometimes a rise for several successive years—and in Mono Lake I have seen fences inclosing former meadows covered 5 or 6 feet with water—lighter snowfalls are likely to reduce it in subsequent years to its former level.

One of the well-known phenomena of Mono and Owens Lakes is that they are excessively mineralized, the evaporation leaving the salts in the water. The result is that water that flows into the lakes as fresh and pure as it is possible to be, coming direct from the snows, quickly becomes brackish and unpotable; nor can it be used for irrigation or any other purpose, except that in a limited way the salts have been abstracted at Owens Lake. This lake has a superficial area of 75 square miles, while Mono Lake is much larger.

Owens River has a length of about 150 miles. Its waters are made up altogether of the snow waters from the Sierras. The valley itself is from 2 or 3 to 10 miles wide, bounded by the Sierra Nevadas on the west and by Inyo Mountain range on the east, and sufficient water flows in the river to irrigate all this valley, with an overflow into Owens Lake, where it performs no useful service, to supply a city of 2,000,000 people with an ample quantity for domestic use.

It was to this source that Los Angeles turned when it was foreseen that there might in the course of its rapid growth be a shortage in the indispensable water supply.

THE MAN.

Having described the place, let us take a look at the man, because with every big job there is a big man to carry it out. In the case of the Panama Canal it is Gen. Goethals. In that of the Los Angeles Aqueduct it is William Mulholland. Unlike Goethals he did not have the advantage of early scientific training. William Mulholland is a scholarly man, with a diversified knowledge of the widest range, but his education and engineering skill were not gained in schools or colleges, but were acquired by constant reading and study under most unfavorable conditions. His Irish parents conferred upon him a vigorous and rugged physique, a fine sense of right and wrong, and a humorous and practical turn of mind. A remarkably retentive memory enabled him to hold the knowledge that his habits of uninterrupted study brought to him.

William Mulholland, born in Ireland 63 years ago, came to the United States when 20 years of age, and two years later he arrived in Los Angeles, not essentially different from any other poor Irish lad, with $10 in his pocket and abundance of good health, optimism, and ambition. His first work was in assisting in sinking artesian wells. Six months later he became a "zanjero," or ditch tender, for the Los Angeles City Water Co., which at that time had a lease of the city water supply and furnished the city with water for domestic use and irrigation. It was his duty to patrol the open ditch which served Los Angeles and keep it clear of weeds and impurities. The first three years of his employment he had a cabin in the upper reaches of the Los Angeles River bottom, where he lived alone, faithfully watching the zanja by day and reading and studying engineering

and other scientific books by night, reserving for sleep only such time as was necessary. He was advanced step by step until he became superintendent and chief engineer of the company. The growth of the city had rendered necessary a large equipment, and he supervised the job of reconstruction of the works. The lease of the water company having expired, the city resumed its control of the water system in 1902, and Mr. Mulholland was retained as chief engineer by the nonpartisan water board which was placed in control by the city.

A GIGANTIC ENTERPRISE FINISHED.

The completion of the Los Angeles Aqueduct marked the successful ending of one of the most gigantic struggles with obdurate nature in her most rugged aspects of mountain and desert and with powerful and subtle private interests for the possession of water that has ever been recorded in the world's history. The 10 aqueducts of ancient Rome were marvels of engineering skill and durability, but their construction stretched over a period of five centuries against the eight years that elapsed while the Los Angeles Aqueduct was building, and the length and dimensions of the ancient Roman aqueducts bear no comparison with those of that of modern Los Angeles. The longest of the Roman aqueducts was 62 miles, while the Los Angeles Aqueduct is 250 miles in length from the intake on Owens River to the city limits of Los Angeles. The irrigation aqueducts of the Inca Indians of ancient Peru, one of which was 360 miles long, are among the wonders of the world, especially so when it is considered that they were constructed by a people uninformed as to modern engineering science and its methods, but these undoubtedly exhausted centuries of time. The 350 miles of iron pipe line, 30 inches in diameter, which convey water across the arid plains of western Australia to the gold-mining districts of Kalgoorlie and Coolgardie, form one of the triumphs of modern constructive hydraulic engineering; but this construction, although in a hot and waterless country, was comparatively level, while the Los Angeles Aqueduct bores through miles of mountains of solid rock, crosses valleys on pillars of concrete in some places and through immense steel siphons in others, and is of vastly greater dimensions than the notable Australian structure.

A COMPARISON WITH THE CATSKILL AQUEDUCT.

The great Catskill Aqueduct to supply the city of New York is the only modern hydraulic enterprise intended mainly for industrial and domestic use that compares fairly with the Los Angeles Aqueduct. The New York Aqueduct crosses the Hudson far beneath the river bed, and furnishes the metropolis with less than 25 per cent greater quantity of water than does the California conduit at a cost, including its various reservoirs, of about $165,000,000. The Los Angeles Aqueduct is about twice as long, passes through an incomparably rougher country, and will cost when completed less than one-fourth as much as the great New York enterprise. The capacity of the Catskill Aqueduct is 500,000,000 gallons each 24 hours, while that of the Los Angeles Aqueduct is 265,000,000 gallons.

INCEPTION OF THE AQUEDUCT.

The present site of the city of Los Angeles was selected by its Mexican founders in 1781 because of its proximity to the Los Angeles River, from which it received its supply of water for domestic use and irrigation purposes. The waters of the river, a small stream ordinarily, but with an extensive drainage area, were granted in perpetuity to the "Pueblo de Nuestra Senora de Los Angeles"—the City of Our Lady of the Angels—by the Mexican Government. The first settlers numbered 44 humble pobladores or colonists from Mexico. They and their successors for the intervening 132 years, now comprising a city of a half million people, have drawn their supply of water—and very good water it is—from the Los Angeles River. The deep gravel deposits of the San Fernando Valley and of the coastal plain, gathering the saturation of centuries, constituted a reserve supply of importance.

The average rainfall at Los Angeles for a long series of years, as reported by the United States Weather Bureau, is between 15 and 16 inches. The seven seasons from 1893–94 to 1899–1900 were as a whole very dry, and yielded altogether but 68.77 inches of rainfall, or an average of 9.82 inches per year. The two seasons of 1894–95 and 1897–98 were average seasons, each with a record of over 16 inches; but the average of the other five seasons was but 7.16 inches. That this was no permanent condition, and that the pessimists who felt sure that "the climate is changing" were wrong, is evidenced by the fact that in the following seven seasons, from 1900–1901 to 1906–7 the total rainfall was 112.40 inches, or an average of 16.06 inches. During the "seven dry years," however, the flow of the Los Angeles River gradually decreased, while the population of the city and county increased very rapidly. The orange growers and other horticulturists and ranchers attacked the "reserves" by boring wells into the underlying gravels, and, by applying powerful gasoline pumping engines, secured an ample supply for their present needs, and very largely extended their area of irrigated orchards and cultivated lands. The season of 1903–4 was one of light rainfall—8.72 inches. A series of measurements made during several years by the United States Reclamation Service showed that the level of underground water had lowered very considerably. William Mulholland, chief engineer of the Los Angeles water department, in an address before the Sunset Club, an organization of men deeply interested in the welfare of the city, in the summer of 1904 set forth these important facts as to the diminution of the water supply, and the necessity of bringing in a largely increased quantity from an ample and unfailing source, if Los Angeles was to continue the great growth that it was then enjoying. He intimated that such a supply of pure mountain water had been found, and that as soon as options had been obtained for the purchase of the necessary water rights and lands the information would be made public.

GETTING THE "JUMP" ON LAND SPECULATORS.

Fred Eaton, a former city engineer, and subsequently mayor of Los Angeles, had spent some years of his earlier life in the Owens River Valley of Inyo County, and to his alert mind probably first occurred the idea of Owens River as a source of the permanent water supply of Los Angeles. He presented the subject to the board of water commissioners and to Chief Engineer Mulholland, and the latter was sent with Mr. Eaton to look over the ground. Upon his return Mr. Mulholland made a favorable report upon the project. It was then that a most venturesome thing was done by the board of water commissioners—an action which might be described as a "war measure"; one which a less courageous body of men, or one less firmly grounded in the sincerity of its own intentions and less sure of the final results, would not have ventured to do. Without other authority than their confidence that their action would subsequently be ratified by the people of the city, the board directed Mr. Eaton to obtain options on the excess waters of the Owens River and on all the lands in the valley that might be needed to carry out successfully the plan to divide the flow of the river, and transfer 20,000 miners' inches to the city of Los Angeles, 250 miles away. It was necessary that this delicate work of securing the options should be done by a private citizen, with as little publicity as possible, because if it had been known that the city of Los Angeles was the intending purchaser, the lands would have been advanced to a prohibitive price. Had the matter come regularly before the city council, this publicity would have been inevitable. Speculators would have secured options ahead of the city; prices would have gone skyward; and, in short, Los Angeles never would have received the water.

Fred Eaton, as one thoroughly acquainted with the valley and its people, was authorized to negotiate the options, and the water board advanced the amounts necessary to procure them. About 90,000 acres were optioned in this way, this acreage controlling about 260,000,000 gallons of water per day. In June, 1905, the public of Los Angeles was apprised by a simultaneous publication in the daily newspapers that it was the potential owner of 90,000 acres of land in Inyo County, 250 miles distant, and of a priceless right to a sufficient quantity of pure mountain water to supply amply a city of 2,000,000 people.

MONEY PROVIDED FOR THE WORK.

So well pleased were the people with the bold steps that had been taken by the water board, upon the recommendation of Chief Engineer Mulholland, that their action was confirmed by a popular vote in the ratio of 14 to 1 in September of the same year upon the question of authorizing bonds to the extent of $1,500,000 to pay for the 90,000 acres of land and water rights and for preliminary surveys and engineering investigations.

Chief Engineer Mulholland prepared the plans and estimates for the constructon of the adequct in 1906, and the city council authorized the employment of a board of three eminent hydraulic engineers to examine and report upon the whole project. This board consisted of John R. Freeman, construction engineer of the great Catskill Aqueduct of New York; James D. Schuyler, one of the engineers appointed by President Roosevelt to report upon the Panama Canal; and Frederick P. Stearns, former president of the American Society of Civil Engineers. They made a careful examination of the project, and on Christmas Day, 1906, they reported that they had been over the entire course of the proposed aqueduct, had examined Mr. Mulholland's plans and estimates, and they found them sound and practicable, and they agreed with his estimate of $23,000,000 additional as the cost of the aqueduct, exclusive of any expense for developing electric power. Six years was estimated as the minimum of time that would be required to conclude the work.

FIERCE ATTACK ON THE PLAN.

About this time there developed the fact that the aqueduct was not to be constructed without a bitter contest, all the more dangerous because the attack was from masked batteries. A half dozen or more projects sprang up, one after another, to supply Los Angeles with water from various sources at less cost than from Owens River. All these projects had been examined years before and found inadequate. There was delay after delay in fixing the time for the election on the issue of $23,000,000 of bonds. The report of the eminent hydraulic engineers was accepted by the great majority as conclusively in favor of the Owens River project, and finally the election was set for June 12, 1907. This was one of the most critical periods in the history of the aqueduct. A persistent and bitter campaign was made against voting the bonds, evidently inspired and fostered by powerful private interests. All sorts of arguments were used, often of a contradictory nature, but all intended to weaken the public faith in the enterprise. It was declared upon engineering authority that the cost of the aqueduct alone would be $50,000,000—more than twice Mr. Mulholland's estimate—and that it would bankrupt the city. The Owens River water was insufficient in quantity; it was impregnated with alkali; and it would all evaporate before reaching Los Angeles. It would take 20 years to construct the aqueduct instead of 6; the 50 miles of tunnels were impossible; and the gravity system of Mr. Mulholland was therefore impossible, and the water would have to be pumped over high mountains at prohibitive cost. To guard against the dangers from earthquakes two aqueducts would have to be built at enormous cost. Steel pipe throughout should be used instead of cement-lined conduits. Mulholland was a sagebrush engineer—he is now recognized as one of the great hydraulic engineers of the world—and he never had a diploma from any university or scientific school.

The Los Angeles Chamber of Commerce and other civic bodies, with a view to preventing a stampede of the people by these specious and adroitly presented objections, declared their belief in the Los Angeles Aqueduct and in Chief Engineer Mulholland's plan, and advised the people to vote the bonds. To the credit of the sound sense and courage of the people, they voted the $23,000,000 bonds, in spite of the vicious opposition, by more than 10 to 1; or, to be exact, by a vote of 21,918 to 2,128.

Legislative obstacles were encountered, however. The Government was asked to retain lands in the valley needed by the city, and this failing, a bill was introduced into Congress providing that in granting Los Angeles a right of way for the aqueduct over public lands the privilege should be confined to the conveyance of water for "domestic use." This restriction would have been fatal to the full use of the aqueduct. The Los Angeles Chamber of Commerce again took up the fight, and sent a committee of its leading members to Washington with Chief Engineer Mulholland and the city attorney to interview the President. Senator Frank P. Flint secured them an audience with President Roosevelt and the situation was frankly placed before him. The President took a friendly interest in what at once impressed him as a big, useful, and courageous enterprise, and his vigorous recommendation resulted in omitting the restricting clause, and Los Angeles was given a free right of way through Government lands under most liberal conditions.

The obstructors turned their attention to the State capitol, and an innocent appearing bill was introduced in the legislature at Sacramento providing for a minimum wage on all public work. Now, 80 per cent of the cost of the aqueduct was for labor. To have added 25 per cent would have increased the total expenditure $5,000,000. As $23,000,000 was the limit of bonded indebtedness of the city, this increase would have blocked the enterprise. The chamber of commerce and other public-spirited citizens went to Sacramento and succeeded in killing the objectionable measure.

These are some of the difficulties that Mr. Mulholland and his associates met, altogether unconnected with the physical and engineering obstacles, which were sufficient in themselves to have daunted less stout hearts.

LAYING OUT THE WORK.

The planning and the preparations for the building of the aqueduct were difficult and stupendous in their scope. Transportation facilities between Mohave and Owens Lake were confined to a rickety stagecoach. Water holes on the desert were 15 or 20 miles apart and water would have to be piped down from distant mountains. There was no timber for construction or fuel and, of course, no coal. Upon making up his estimates Mr. Mulholland found that the aqueduct would require a million tons of material and that 6,000 men would be necessary to complete the work within the time he had fixed. A railroad 120 miles long, from Mohave to Owens Lake, would be required to take the place of the stagecoach. Hundreds of miles of roads and trails must be built to make all parts of the work accessible. Cheap electric power must be installed for power shovels, dredges, and air compressors. The housing and feeding of the thousands of laborers and miners must be provided, with sanitary conditions. Telephone lines had to be installed for the full length of the work for communication with general headquarters at Los Angeles and all parts of the line.

A contract for transportation was made with the Southern Pacific Railroad Co., which provided that that corporation should build a standard-gauge railroad from Mohave, 144 miles north, to Owenyo, north of Owens Lake, where it would connect with the California & Nevada narrow-gauge road. This line was rapidly built in 1907.

There were 315 miles of roads and trails built and 150 miles of copper-wire telephone lines were installed, connecting the main office in Los Angeles with all parts of the work. Three hydroelectric plants were established, with a high-voltage transmission lines to convey the electric energy to the excavating machinery along the aqueduct and for lighting the many camps. Four water systems, with three reservoirs and 400,000 feet of pipe line, were made and used to convey pure water to the camps and places where needed.

THE AQUEDUCT CEMENT PLANT.

The proper quality of lime and clay to produce a good Portland cement was discovered at Tehachapi, and the city constructed a cement manufactory at an expense of $850,000. More than 1,000,000 barrels of cement were made and used in the work additional to that which was purchased from other cement manufacturers. This resulted in a large saving in freight and obviated delays from lack of cement in prosecuting the work.

CAREFUL PRELIMINARY WORK.

Two years were exhausted in finding the best and most feasible route, which was often changed by Mr. Mulholland and Mr. Lippincott for economic or other good reasons. Fourteen months were required for the enormous preparatory work which has been referred to. So that, with the exception of some work at the Elizabeth Tunnel and at the intake, the actual construction work on the aqueduct began in October, 1908. The wisdom of thorough preparation, even at the cost of considerable time, was fully vindicated by the rapidity and certainty with which it proceeded from that time.

THE AQUEDUCT.

The intake, which is constructed of concrete in the most solid and substantial manner, is situated 35 miles above the mouth of the Owens River to insure against the possibility of alkali solutions. Its elevation above sea level is 3,812 feet. The dimensions of the aqueduct vary greatly on different parts of the work, depending upon the physical nature of the country through which the water is passing. The first 22 miles is a canal, 62 feet wide at the water surface, 38 feet wide at the bottom, and 10 feet deep, uncemented, and at an elevation slightly higher than the river. This canal was excavated by three electric dredges.

At the Alabama foothills the aqueduct is conducted along the mountain side, passing Owens Lake on its western side and about 200 feet above the surface. This part of the aqueduct is concrete-lined, 30 feet wide, 12 feet deep, and 38 miles long to the Haiwee Reservoir, the first of the five great storing basins. This upper portion of the aqueduct to Haiwee Reservoir is the only portion uncovered. All the remaining conduit is covered with reinforced concrete slabs 6 inches thick. The conduit is lined with concrete from 8 to 12 inches thick.

South of Haiwee Reservoir the size and shape of the aqueduct vary considerably, and were determined by the topography of the country and character of the soil. The average size is 12 feet wide and 10 feet deep.

THE TUNNELS.

The enormous amount of work on the tunnels, their great length, and the rapidity with which they were driven are one of the most notable features of the aqueduct. All told, there are 150 tunnels on the line of varying length, from 100 feet to the great Elizabeth Tunnel, 26,870 feet, or over 5 miles long. All world records for tunnel construction were broken in this tunnel. The estimate of the board of consulting engineers was that one year would be required for preparation, four years for actual construction, and $1,913,000 as the cost. Work was begun simultaneously at both ends of the tunnel October 5, 1907, and 250 men were employed night and day in boring the mountain. An average rate of 11 inches per hour was made throughout, and the tunnel was completed February 28, 1911, in a period of three years seven and three-tenths months, and at a cost of $500,000 less than the estimate. It is the second longest water tunnel in the United States.

The total length of tunnels on the aqueduct is 52.035 miles, of which 43.129 miles are on the main aqueduct and 8.906 miles on the power system.

THE RESERVOIR SYSTEM.

There are five reservoirs on the line of the aqueduct, the largest being the Haiwee Reservoir, which is intended for storage, clarification, and regulating purposes. The capacity of the canal and cement-lined conduit leading to this reservoir is 500,000,000 gallons per day, about twice the capacity of the aqueduct below that point, and made so large for the purpose of carrying the excess flow in the melting season and accumulating a large reserve. The Haiwee Reservoir, which occupies a former channel of the Owens River, is now a large lake 7 miles long, with an area of 15 square miles and a storage capacity so large that in case of emergency it would amply supply the city of Los Angeles for a long period.

The Fairmont Reservoir is 127 miles south of the Haiwee Reservoir. Its purpose is for regulation rather than storage, its capacity being limited to 10 days' flow of the aqueduct. Its purpose is to regulate the flow into the Elizabeth Tunnel, through which the water will flow to the seaward side of the coast range. The reservoir covers a surface of 165 acres.

The Dry Canyon Reservoir is a small reservoir a few miles from the terminus of the aqueduct.

Two large reservoirs are constructed in San Fernando Valley at an elevation of from 1,100 feet to 1,200 feet above the city and are for the purpose of impounding the water just below the outlet of the aqueduct and to regulate the distribution. These two reservoirs mark the end of the Los Angeles Aqueduct proper. At the bond election, held April 15, 1913, the city voted $1,500,000 additional bonds, to construct a trunk line from these reservoirs, 28 miles to the city limits, where it connects with the city water mains.

CROSSING THE VALLEYS.

While the boring of the mountains for tunnels is sufficiently difficult, the task of carrying a great flow of water across the valleys is little less so. In many instances it is much more difficult. In some places this crossing the valleys was done by building the great conduit of solid concrete, supported by columns and abutments of the same material. More frequently, however, the valleys are crossed by means of enormous steel siphons, with a diameter of from 7 feet 6 inches to 11 feet, built to stand a pressure up to 350 pounds per square inch. There are on the line 23 of these siphons, crossing as many canyons, with an aggregate length of 12.06 miles. The only rock siphon on the line, that at Sand Canyon, on trial failed to stand the pressure and has been rebuilt of steel.

AQUEDUCT WORK CLASSIFIED.

A classification of the work as it has been carried out, extending from the inlet gates to the outlet on the rim of the San Fernando Valley, includes the following construction:

Classification:		Length in miles.
Open unlined canal		23.802
Open lined canal		37.168
Covered conduit		97.641
Tunnels	42.003	
Power tunnels	8.906	
		51.809
Siphons, steel, and concrete		12.052
Flumes		.165
Reservoirs		7.870
Haiwee Reservoir tunnel outlet		.226
Haiwee by-pass		2.000
Power siphons		0.239
Power penstocks and tailrace		.700
Total length of aqueduct (to San Fernando)		233.672

GENERATION OF ELECTRICAL ENERGY.

Aside from the sales of water for domestic use and the surplus, which for many years will be large, for irrigation purposes, it is anticipated that the most prolific source of revenue with which to meet the principal and interest on the bonds which have been and will be issued for the construction of the Los Angeles Aqueduct, will be the sale of electric energy produced by the waters of the aqueduct in their descent from an altitude of 3,812 feet at the intake to its outlet in the San Fernando Valley, 1,461 feet above sea level. The construction of the power plant is an independent operation from that of the aqueduct.

In 1906 E. F. Scattergood, the aqueduct's chief electrical engineer, made an estimate of the cost of development of 37,000 horsepower delivered at the city boundary at $4,490,000. April 10, 1910, Los Angeles voted bonds to the extent of $3,500,000 for the purpose of partially developing the electrical power of the aqueduct, which eminent electrical engineers estimate at 120,000 horsepower, peak load. It is not the intention to develop the full amount at this time, but eventually, as the demand for power increases, as it inevitably must, plants sufficiently expansive to develop all the power possible will undoubtedly be put in.

The first electric-power plant is 47 miles from Los Angeles, at Clearwater Canyon. The water plunges from the mouth of Elizabeth Tunnel 935 feet down the precipitous side of the canyon upon the power-producing water wheels, whence the power is transmitted to the city over high-tension lines. The plant erected produces 37,500 horsepower, and it can be increased at this point by additional construction to a limit of 75,000 horsepower. After leaving the wheels of the first power plant the water is carried 7 miles along the rim of San Francisquito Canyon and dropped down 512 feet upon the wheels of a second power plant. A third power plant, to develop a maximum of 10,000 horsepower, can be built between the aqueduct outlet and the upper San Fernando Reservoir, and still another power plant, capable of producing 3,400 horsepower, will be placed on the main trunk line to the city at Franklin Canyon in the Santa Monica Mountains.

THE GREAT ENTERPRISE JUSTIFIED.

A little more than six years have elapsed since the completion of the Los Angeles Aqueduct proper—one of the most gigantic municipal water-supply enterprises of America and one of the world's greatest accomplishments in engineering. Has the faith of the people of that great Pacific coast city, as evidenced by an investment to date of $32,000,000, been justified by the results? The remarkable growth of the city, both in population and in commercial importance, gives the answer. The census of 1900, taken about four years before the enterprise was conceived, showed a population of 102,000. Due at least in considerable part to assurances of an unfailing, continuous water supply, the population grew to 319,198 by 1910, and had reached half a million by the time the aqueduct was opened; by 1919 it had reached 600,000; and to-day 1,500 homes are being built there each month.

Los Angeles is now the headquarters and capital center for several lines of commerce of much importance. The citrus-fruit industry is one of these. The shipments of citrus fruits during the present season will approximate 50,000 carloads, valued roundly at $50,000,000. Los Angeles is also the headquarters of the petroleum industry of California, most of the large oil districts being in the southern or southern-central parts of the State. The oil production approximates 100,000,000 barrels a year, and the southern California oils are used for most of the power plants of the Southwest and for the transcontinental railways west of the Rocky Mountains, and oil shipments are made in tank steamers to all parts of the world.

Under the stimulus of an ample water supply the manufacturing industries have been increased enormously. In 1913 the total manufactures of Los Angeles amounted to about $150,000,000. In 1918 they had reached a total of $374,000,000. In 1919 they had a value of $618,772,250.

The imports and exports of the harbor of Los Angeles also throw light upon the growing importance of the city. From the first year after the completion of the aqueduct proper the imports were:

1914	$5,049,897
1915	4,159,306
1916	5,462,810
1917	8,043,242
1918	9,773,432
1919	16,165,628

The exports show still more marked progress:

1914	$2,069,983
1915	2,632,532
1916	4,341,553
1917	7,592,170
1918	7,625,390
1919	15,509,911

Thus, in the five years succeeding the opening of the aqueduct, imports through Los Angeles had increased by 220 per cent and exports by 649 per cent.

Among the great lines of business in Los Angeles is the unique one of the production of moving pictures. The climatic and atmospheric conditions are peculiarly adapted to the taking of moving pictures, and the Los Angeles Chamber of Commerce recently published some figures on the subject, showing that 80 per cent of all the photographed screen plays produced in the United States are produced in and about Los Angeles. There are 40 large plants engaged in making pictures about the city and its suburbs, the plants themselves being valued at more than $12,000,000, and their pay rolls showing the employment of 10,000 people, earning more than $20,000,000 a year. Their output is estimated at a valuation of $50,000,000.

Recently there has been established in Los Angeles one of the largest rubber-tire manufacturing plants in the United States, involving the expenditure of many millions of dollars. The establishment of this great enterprise there was based upon many considerations, one that was deemed vital being the abundant water supply. One of the requirements of this tire plant is large quantities of long-staple Egyptian cotton, and

many thousands of acres are producing this high-grade cotton in the Imperial Valley of California, in the Salt River Valley of Arizona, and in some parts of San Joaquin Valley, also in California. The locating of all these great industries has been influenced wholly or partly by the building of the Los Angeles Aqueduct.

Thus it will be seen that the adjustment here asked is for the furtherance of a great public work, one which benefits not alone the city of Los Angeles—for it is by no means there alone that the total imports and exports I have mentioned are consumed or produced—but all the surrounding country and, indeed, the whole Nation. The industrial development and progress made possible by this great work already are seen to redound to the advancement of all our people, and this profit they all will continue to reap increasingly. As my colleague [Mr. ELSTON, of California] has well said in his report on the bill, "This is not a money-making enterprise for private advantage. Thirty-two millions of dollars expended upon this great public improvement are represented by the bonds of the city of Los Angeles, and it is to meeting this financial undertaking and to the maintenance and improvement of the aqueduct that any money derived from it by the city is applied." [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'CONNELL, on account of the serious illness of his wife.

To Mr. BELL, for three days, on account of illness.

To Mr. KENNEDY of Rhode Island, on account of sickness.

To Mr. HAMILTON, on account of sickness in his family.

To Mr. BROWNE, indefinitely, on account of illness in his family.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that at the close of business on Wednesday afternoon the House recess until 8 o'clock in the evening for the purpose of taking up bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that at the close of business Wednesday afternoon the House take a recess until 8 o'clock in the evening. Is there objection?

Mr. GARD. Reserving the right to object——

Mr. BLANTON. I reserve the right to object.

Mr. MONDELL. Mr. Speaker, it is not at all material to me what evening we take up the Private Calendar. I think that many Members think it important that we have an evening for this class of business very soon. But at the suggestion of a number of Members I desire to modify my request and make it Thursday evening instead of Wednesday.

Mr. GARD. Reserving the right to object, does the gentleman intend to follow the Calendar Wednesday work on Calendar Wednesday?

Mr. MONDELL. I think I shall at the proper time ask to dispense with Calendar Wednesday.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

Mr. BLANTON. If the regular order is demanded, I shall have to object. I would not have objected if I could have had a chance to ask a question and have some understanding.

The SPEAKER. The gentleman from Texas objects.

DEATH OF SENATOR BANKHEAD.

Mr. HEFLIN. Mr. Speaker, it becomes my sad duty to announce to the House the death of Hon. JOHN H. BANKHEAD, the senior Senator from Alabama. At a future day I shall ask the House to set apart a day for the purpose of paying tribute to the life and public service of Senator BANKHEAD. I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN HOLLIS BANKHEAD, a Senator of the United States from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 18 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect the House do now adjourn.

The resolutions were agreed to.

ADJOURNMENT.

Accordingly (at 3 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 2, 1920, 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 Acting Secretary of the Interior, transmitting report in connection with certain lands forming a part of Camp Lewis, Wash., and formerly part of the Nisqually Reservation; to the Committee on Indian Affairs.

2. A letter from the Secretary of War, transmitting list of leases granted by the Secretary of War during the calendar year 1919; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 10187) to change the place of holding the United States district court for the western division, northern district of Illinois, and for maintaining the clerk's office therein, reported the same with an amendment, accompanied by a report (No. 695), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 12848) repealing certain powers of the President in respect to fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODYKOONTZ: A bill (H. R. 12849) to amend the Federal reserve act by providing a rate of interest on reserve balances in Federal reserve banks; to the Committee on Banking and Currency.

By Mr. WELLING: A bill (H. R. 12850) to establish the standard and decimal divisions of weights, measures, and coins of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. BRITTEN: A bill (H. R. 12851) to prevent open conflict between various State and Federal officers; and to allay the present unrest of labor in every State of the Union; and to ameliorate the supreme disgust in the District of Columbia, so apparent in the embassies and legations of practically every foreign power on earth; and to make constitutional the so-called national prohibition act; to the Committee on the Judiciary.

By Mr. HASTINGS: A bill (H. R. 12852) authorizing the superintendent for the Five Civilized Tribes of Oklahoma to approve oil and gas leases made by the individual restricted members of said tribes, and providing for an appeal to the Secretary of the Interior in contested cases; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 12853) authorizing the Postmaster General to investigate conditions arising from contracts in star route, screen wagon, and other vehicle service, prior to June 30, 1918; to the Committee on the Post Office and Post Roads.

By Mr. HUSTED: Resolution (H. Res 478) directing the Director of the Federal Board for Vocational Education to transmit certain facts to the House of Representatives; to the Committee on Education.

By Mr. HASTINGS: Joint resolution (H. J. Res. 305) to amend a certain paragraph of the act entitled "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, 1921," approved February 14, 1920; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12854) granting an increase of pension to Benjamin F. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12855) granting an increase of pension to Reason H. Treadway; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 12856) granting an increase of pension to Elijah W. Knowland; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 12857) granting an increase of pension to Robert N. Barton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12858) for the relief of the heirs of W. W. Parrish; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 12859) granting an increase of pension to William M. Parry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12860) granting a pension to Alfred W. Marks; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 12861) for the relief of Thomas C. Steenwerth; to the Committee on Claims.

Also, a bill (H. R. 12862) for the relief of James A. McErlain; to the Committee on Claims.

By Mr. O'CONNELL: A bill (H. R. 12863) granting an increase of pension to Margaret M. Frazier; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 12864) for the retirement of Clarence Cappel; to the Committee on Naval Affairs.

By Mr. THOMAS: A bill (H. R. 12865) granting an increase of pension to John W. Ramey; to the Committee on Pensions.

By Mr. WELLING: A bill (H. R. 12866) for the relief of Emma Kiener; to the Committee on Claims.

PETITIONS, ETC.

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

1977. By Mr. ASHBROOK: Petition of International Molders' Union, of Newark, Ohio, against the Graham-Sterling sedition bill; to the Committee on the Judiciary.

1978. By Mr. BRIGGS: Petition of the Commercial Association of the counties of Bryan and Brazos, Tex., favoring the Sheppard bill regarding highways, etc.; to the Committee on Roads.

1979. By Mr. CARSS: Petition of citizens of Duluth, Minn., favoring the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

1980. By Mr. CULLEN: Petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1981. Also, petition of the Argonne Post, No. 107, Veterans of Foreign Wars of the United States, urging the passage of the Royal C. Johnson bill, etc.; to the Committee on Ways and Means.

1982. By Mr. DALLINGER: Petition of the Edward Everett Hale Chapter, Unitarian Laymen's League, and the members of the South Congregational Church Society, of Boston, Mass., indorsing the Dallinger daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

1983. By Mr. DOWELL: Petition of residents of Des Moines, Iowa, favoring the bonus for ex-service men; to the Committee on Ways and Means.

1984. By Mr. JAMES: Petition of the Norway Post, of the American Legion, in favor of adjusted compensation; to the Committee on Ways and Means.

1985. By Mr. JOHNSTON of New York: Petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1986. By Mr. KENNEDY of Iowa: Petition of sundry citizens of the first congressional district of Iowa, protesting against conscription and compulsory military training; to the Committee on Military Affairs.

1987. By Mr. LONERGAN: Resolutions of the Mothers' Club of South Glastonbury, Conn., approving appropriation of $2,500,000 for interdepartmental board for social hygiene, and of $328,000 for control of venereal diseases; to the Committee on Interstate and Foreign Commerce.

1988. Also, resolutions of the Chamber of Commerce of Willimantic, Conn., approving the expenditure of $200,000 by the Department of the Interior for the investigation of power generation, transmission, and distribution in manufacturing communities; to the Committee on Interstate and Foreign Commerce.

1989. By Mr. MICHENER: Petition of citizens of Ann Arbor, Mich., relative to conditions created by Japan and existing in Korea, etc.; to the Committee on Foreign Affairs.

1990. By Mr. NEWTON of Missouri: Petition of a number of citizens of St. Louis, Mo., against the method employed by the St. Louis postmaster in the conduct of his office; to the Committee on Expenditures in the Post Office Department.

1991. Also, petition of a number of citizens of St. Louis, Mo., protesting against the method employed by the St. Louis postmaster in the conduct of that office; to the Committee on the Post Office and Post Roads.

1992. By Mr. O'CONNELL: Petition of the Fuchs-Lang Manufacturing Co. and the H. D. Roosen Co., both of New York, favoring release of Government employees; to the Committee on Appropriations.

1993. Also, petition of Joseph Ullman (Inc.), the Republic Bag & Paper Co., and the P. Pastene Co. (Inc.), of the city of New York, relative to maintaining the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1994. Also, petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1995. Also, petition of Thomas P. Hendry, secretary Federal Employees' Union No. 126, Albany, N. Y., favoring increased bonus for Federal employees; to the Committee on Appropriations.

1996. By Mr. ROWAN: Petition of the Jamaica Board of Trade, relative to the national highway act; to the Committee on Roads.

1997. Also, petition of the Massachusetts Federation of Churches, relative to Ireland, etc., to the Committee on Foreign Affairs.

1998. Also petition of A. B. Tubbs, of New York City, protesting against the sedition bill, etc.; to the Committee on the Judiciary.

1999. Also, petition of the Joseph Ullman Co., of New York City, relative to the Bureau of Foreign Commerce, etc.; to the Committee on Appropriations.

2000. Also, petition of Nicholas Engel and George E. Gregory, of New York City, favoring the passage of Senate bill 3792; to the Committee on Military Affairs.

2001. Also, petition of Model Brassiere Co., Brooklyn, N. Y., favoring military training; to the Committee on Military Affairs.

2002. Also, petition of H. J. O'Grady, secretary Michael Davitt Branch, Friends of Irish Freedom, to safeguard the liberty in our Liberty bonds; to the Committee on Ways and Means.

2003. Also, petition of the Fuchs & Lang Manufacturing Co., favoring curtailment of Government expenditures, release of surplus Federal employees, and reduction of taxes; to the Committee on Appropriations.

2004. Also, petition of sundry citizens of New York City, urging relief of the starving people of the Far East; to the Committee on Foreign Affairs.

2005. By Mr. SANFORD: Petition of 35 civil-service employees in Albany, N. Y., favoring the Lehlbach-Sterling bill; to the Committee on Reform in the Civil Service.

2006. By Mr. TAGUE: Petition of Ala A. Rosenthal, Boston, Mass., favoring increased appropriation for foreign trade; to the Committee on Appropriations.

2007. Also, petition of Chipman Harwood & Co., Boston, Mass., for increase of appropriation for foreign trade; to the Committee on Appropriations.

2008. Also, petition of commander Bunker Hill Post, No. 26, American Legion, Charlestown, Mass., indorsing soldiers' bonus; to the Committee on Ways and Means.

2009. By Mr. VAILE: Petition of the Sagebrush Post, No. 68, the American Legion, Brush, Colo., favoring additional bonus for soldiers of the World War; to the Committee on Ways and Means.

SENATE.

TUESDAY, *March 2, 1920.*

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

Almighty God—

Our birth is but a sleep and a forgetting;
The soul that rises in us, our life star,
Hath elsewhere its setting and cometh from afar;
Not in entire forgetfulness and not in utter nakedness,
But trailing clouds of glory do we come from God, who is our home.

Such is the intimation of immortality. To-day we are brought to face once more the great question of life's final issue. We are called upon to mourn the loss of one of the eminent statesmen in this country, a man whose character was forged in the furnace of civil conflict, tested in the glare of public office, refined and beautified and glorified in the service which he rendered to our common country.

We thank Thee for the embodiment of all the elements of greatness that Thou thyself hast inspired in the leaders of our people. We pray that Thou wilt ever raise men to take the places of those who fall and to stand for the unchangeable principles of Thy Holy Word.