

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

FRIDAY, February 25, 1916.

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

Almighty God, our heavenly Father, Thou hast made known unto us the way of life. Thou dost not rule from Thy far-off throne but by the spirit of grace and truth in the hearts of men. Thy law is the law of life. Thou dost not command but inspire. Thou dost not limit but lead. Thy rule is the rule of onward progress and success and glory for human life. The letter killeth; the spirit maketh alive. We come to Thee at the beginning of this day to ask for the spirit of truth and life in the hearts of Thy servants. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, February 21, 1916, when, on request of Mr. STONE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House 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. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 788) permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The message further announced that the House had passed a bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota;

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes; and

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Mrs. Inez Rice Keller, of New York City, N. Y., praying for the maintenance of the rights of American citizens on the high seas, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial from Patrick Henry Winston, president of the American Independence Union, of Los Angeles, Cal., remonstrating against the creation of a diplomatic situation which may result in war with Germany, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of the Woman's Peace Party of Andover, N. H., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 29, International Brotherhood of Paper Makers, of Berlin, N. H., praying for an eight-hour working day for all manufacturers of paper for the Government, which was referred to the Committee on Printing.

He also presented a petition of Local Council No. 92, Knights of Columbus, of Manchester, N. H., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union, Granite Cutters' International Association of America, of Redstone, N. H.; of the Federation of Labor, of Cleveland, Ohio; of the International Brotherhood of Maintenance-of-Way Employees, of Detroit, Mich.; and of Iron City Central Trades Council, of Pittsburgh, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of New Hampshire, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Somersworth, N. H., remonstrating against the enactment of legislation to abridge the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Camp No. 4, National Indian War Veterans, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to veterans of the Indian wars, which was referred to the Committee on Pensions.

He also presented a petition of the chamber of commerce of Washington, D. C., praying for the enactment of legislation to regulate street improvements in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Captain Alfred E. Hunt Camp, No. 1, Department of Pennsylvania, United Spanish War Veterans, of Philadelphia, Pa., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. KERN (for Mr. SHIVELY) presented petitions of sundry citizens of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. SHIVELY) presented a petition of the Michigan City Tanning Co., of Michigan City, Ind., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. FLETCHER presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that better military protection be given the Pacific coast, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Branch, International Longshoremen's Association, of Buffalo, N. Y., praying that liberal appropriations be made for the improvement of the Great Lakes, which was referred to the Committee on Commerce.

Mr. MYERS. I present a petition of the teacher and pupils of the Big Arm School, Mont., in favor of an adequate appropriation for the Flathead reclamation project, in that State. I ask that the petition be printed in the RECORD with the name of the first signer.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES:

We, the undersigned members of the Big Arm School (district No. 65, Flathead County, Mont.), do respectfully petition the President and Congress of the United States that an appropriation of \$1,000,000 be granted by this session of Congress for work on the Flathead irrigation project for the ensuing year, and thus commence the redemption of the implied contract with the original settlers.

Respectfully submitted.

M. P. ELDER, Teacher
(And many others).

Mr. MYERS. I also present a letter in the nature of a petition from James Harbert, chairman of the irrigation committee of the Polson Chamber of Commerce, asking for an appropriation of \$1,000,000 for the Flathead reclamation project in that State. I ask that the letter be printed in the RECORD with the signature of the signer.

There being no objection, the letter was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

POLSON, MONT., February 19, 1916.

To the PRESIDENT AND CONGRESS OF THE UNITED STATES,
Washington, D. C.:

I beg to submit for your consideration the following facts advertent to the million-dollar appropriation that we are asking from the present session of Congress for the Flathead Irrigation project.

The Joseph Dixon bill passed in March, 1909, providing for the formal opening of this reservation, carried an appropriation of \$250,000 to irrigate the allotted lands of the Indians and the unallotted irrigable areas to be disposed of under acts of Congress. At the special invitation of the Government, men and women from almost every State and Territory in the Union came here and entered upon these lands in good faith, expecting the Government to carry out its expressed and implied promises made to them at the time they entered upon these lands. After six years of watchful and prayerful waiting, many of them broken in health and fortune, this project is now about 25 per cent completed, and at the present rate that appropriations are being made it will require 25 years to complete this project.

The treatment accorded to the settlers upon this project has been manifestly unfair and not in accordance with the promises and pledges made them at the time they entered upon these irrigable lands. There is no more meritorious project in the whole Reclamation Service than the Flathead, and it is clearly the duty of the Government to come to the assistance of both the white man and the Indian and irrigate their lands and make it possible for them to provide a living for their families and meet the payments under their contracts. There is absolutely no justification for the dilatory methods that the Government has prosecuted in reference to this project, and the lands will amply stand for all expenditures, providing the work is carried on in a businesslike, expeditious, and economical manner. The irrigable lands of the Indian are just as valuable to him without water as to the white man, and as a result of the Government's failure to carry out its promises to these people at least half of the unit holders have been forced to abandon their lands and their homes stand upon the prairie to-day as monuments dedicated to the memory of the inefficiency and the inability of a great Government to carry out its pledges to its people.

I maintain that it is criminal that these people should be permitted year after year to watch their crops dry up in the burning sun, while there is water in abundance almost in front of their very doors, flowing unused every hour of the day to the great Pacific Ocean. I am sure that Congress does not realize the great hardships and privations that these people have undergone to maintain their homes. The methods of the Government are resulting in the confiscation of the settlers' rights and their property, and it appears to me that the treatment accorded these people has not been in compliance with the doctrine and principles of our Constitution granting equal rights and justice for all.

I feel that our people have a grievance that is well warranted, and that their contentions are based on some considerable degree of equity and justice. There are no more patriotic people in the world to-day than the men and women who came here to cast their fortunes upon this reservation, and there are no people that would more gladly respond to the call to arms, and more cheerfully shoulder the musket and go to the front and fight in defense of their country than would the people under this project, and we feel that in view of the promises of the Government and the patriotism that invades our people that it is only fair that the Government should make some attempt to ameliorate the intolerable conditions which exist upon this reservation.

Our country is semiarid in character, and while thousands and thousands of acres in the foothills are annually yielding bountiful crops unaided by irrigation, as the rainfall in the mountains is far greater than on the prairie lands, and is aided by subirrigation which is constantly seeping from the mountain sides, however, in order to successfully grow crops on the irrigable portion of the reservation it is necessary to have water, as the rainfall is insufficient to justify the growing of good crops. It appears that some of our Congressmen, while not opposing this reclamation scheme, have bitterly fought our appropriation on the ground that they did not favor the manner of financing this reclamation scheme, claiming that it was not fair to use the Indian's money to irrigate the white man's land, while in some instances they themselves did not have clothes and the proper necessities of life. As far as the unit holders are concerned it is immaterial to them how this project is financed and from whence the money comes so long as the Government carries out its promises made them and irrigates the land, and while the powers at Washington are discussing the best and most correct method of financing this proposition, our settlers are looking on and starving to death during the interval. It is a good deal like two men standing on the river bank watching some fellow struggling in the water and while they are devising the best means of saving him he drowns, and to-day while the Government is trying to devise the best means of financing this project our people are being starved out and forced to abandon their homes.

Now, Mr. President and Congress, we believe it is your duty to come to the assistance of these people and grant them this large appropriation that they are asking, and make the money available at the earliest possible moment. This project has been properly authorized by law, and the sooner it is finished the sooner the Government and the Indian will be reimbursed for the moneys expended. It appears to me that the reasons for asking for this appropriation are quite obvious, and in view of the foregoing facts I would most respectfully urge and recommend of the President and Congress that an appropriation of not less than \$1,000,000 be granted for this project at the present session of Congress, that the work may be expedited and carried forth in a businesslike manner.

Respectfully submitted.

JAMES HARBERT,

Chairman Irrigation Committee, Polson Chamber of Commerce.

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

He also presented petitions of sundry citizens of White County and Drew County, in the State of Arkansas, praying for the enactment of legislation to grant pensions to Confederate veterans and widows of Confederate soldiers, which were referred to the Committee on Pensions.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of certain changes in the so-called cotton futures act, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Texas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Austin, Tex., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Smithville, Tex., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

He also presented petitions of sundry citizens of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. ASHURST. I present a short resolution of the Arizona Farm Improvement Association, regarding congressional free-seed distribution. I ask that it may be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolution of Arizona Farm Improvement Association.

CONGRESSIONAL FREE-SEED DISTRIBUTION.

Be it resolved, That the Arizona Farm Improvement Association does not favor the congressional free distribution of seeds as now carried on, inasmuch as the seeds are usually of poor quality and distributed in a wasteful and unscientific manner; and be it further

Resolved, That the Senators and Representatives of Arizona in the Congress of the United States be asked to use their influence to have the appropriation hitherto made for this purpose designated for other and more useful purposes, as follows: That the sum of \$250,000 be divided among the various State agricultural extension divisions to be used for the employment of marketing specialists and otherwise for the solving of the farmers' marketing problems.

Resolved, That copies of this resolution be published in the Arizona Farm Improvement News and elsewhere, and that copies be sent to our Senators and Representatives in Congress and the Secretary of Agriculture.

J. C. NORTON, President,
Arizona Farm Improvement Association.
STANLEY F. MORSE, Secretary,
Arizona Farm Improvement Association.

JANUARY 11, 1916.

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

He also presented memorials of sundry citizens of Wyoming, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wyoming, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented memorials of sundry citizens of Ohio, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lorain, Ohio, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Arcanum, Ohio, praying for the nonmotorization of rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Ohio, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

Mr. STERLING presented a petition of sundry citizens of Mitchell, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Dakota, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which were referred to the Committee on Education and Labor.

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

Mr. NORRIS. I present memorials signed by nearly 1,000 citizens of Nebraska, remonstrating against an increase in armaments. I ask that the memorials be received and referred to the Committee on Military Affairs.

The VICE PRESIDENT. The memorials will be referred to the Committee on Military Affairs.

Mr. SMITH of Georgia. I desire to present a letter from Col. Barnett, of Indianapolis, Ind., commending the suggestion that vocational education be introduced among the troops in the Regular Army, together with resolutions passed upon the same subject by the Indianapolis Chamber of Commerce. I do not

ask that they be read, but I do ask that they be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the letter and resolutions were referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

INDIANAPOLIS, IND., February 22, 1916.

Hon. HOKE SMITH, United States Senator,
Washington, D. C.

DEAR SIR: As chairman of the military committee of our chamber of commerce and a retired officer of the United States Army, I take this opportunity to write to you in regard to your military educational Regular Army bill which you introduced. The principal is just what I have advocated for some time in connection with the Regular Army. The part that I favor more strongly than any other part is the vocational educational feature. That feature will eventually be connected with our Regular Army, for it is right, and the Army has plenty of time for it and to perform all the military duties that it does perform at this time or ever has since I have known the Army. It will get a better grade of recruits and build up reserves.

On the 14th of last October we passed a resolution embracing the vocational idea through our chamber of commerce, a copy of which I inclose herewith. Our people would not object to a Regular Army of 250,000 men or more if this educational feature was connected with it, as it would be a school proposition and would stop deserting and give the men an incentive to do something and be somebody.

Very respectfully, your obedient servant,

JOHN T. BARNETT,
50 North Delaware Street.

The following recommendations are made by the military affairs committee, with the approval of the board of directors of the Indianapolis Chamber of Commerce.

Your military committee respectfully makes the following suggestions as worthy to be considered in connection with plans for national defense:

We believe that while there should be a reasonable increase in the Regular Army, provision should also be made for the acquisition, as rapidly as possible, for an adequate reserve force of trained and disciplined men, who can be called to the colors in time of war. As a means for the acquisition of such a reserve force we suggest the following:

1. Furnish each of the principal Army posts of the country with a complete equipment of shops and machinery such as are used in the various manual training, vocational, and technical schools of the country, together with a corps of competent instructors.

2. Provide that while a soldier shall receive all necessary training and instruction in the duties and discipline of a soldier to receiving instruction in some trade or vocation, by means of which he may earn a livelihood when he shall have left active service.

3. Extend the term of enlistment to at least six years, but provide that each soldier may, at any time after one year from the date of his enlistment, be released from active service and transferred to the reserve force, on his own application, on showing that he has not only become proficient in the duties of a soldier and that his record as such is good, but that he has also acquired sufficient knowledge of some particular trade or vocation to enable him to support himself by its pursuits, he being liable, however, to be called to the colors at any time during his term of enlistment in case of war.

4. We also renew our recommendations heretofore made for an increase in the capacity of West Point and the establishment of additional military schools, and again call attention to the need of a very large increase in the number of commissioned officers, and recommend that steps should be immediately taken to secure a sufficient number of trained and educated men for such positions, so that each department of the service and each unit of the Army shall at all times have its full complement of officers, with a sufficient excess to permit the detail of all officers necessary for the instruction of a National Guard and for military instruction at the several educational institutions of the country.

Supplementing the foregoing, your committee urges that immediate steps be taken to secure the active support of all Indiana Congressmen for the pending War Department measures, as amended by the Association of Military Schools and Colleges, entitled "An act to establish United States reserve corps officers' training schools."

5. Your committee also recommends, through the same channel, that steps be taken to require all land-grant colleges now receiving annual appropriations from the Government, to organize departments for instruction in military science and discipline where no such departments have heretofore been organized, and that all such colleges shall be required to conform to such uniform instruction and such standards as may be prescribed by the Secretary of War.

We respectfully recommend that a copy of the foregoing be furnished to each of our Senators and to each of our Representatives in Congress, and that they be urged to use their utmost endeavors to secure the substantial incorporation of said ideas into any law that may be enacted to provide for national defense.

Mr. PHELAN presented a petition of the Manasseblock Tanning Co., of West Berkeley, Cal., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Richmond, Cal., praying for the enactment of legislation to provide a fixed price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of Panama Pacific Lodge, No. 5, American Association of Iron, Steel, and Tin Workers, of South San Francisco, Cal., praying for the printing of the report of the Committee on Industrial Relations, which was referred to the Committee on Printing.

He also presented a petition of the Shasta County Promotion and Development Association, of Redding, Cal., praying for an appropriation for the completion of the proposed Lower Pit River project, California, which was referred to the Committee on Public Lands.

Mr. BRANDEGEE presented petitions of sundry citizens of East Norwalk, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Stamford, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

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

He also presented a memorial of sundry citizens of Minonk, Ill., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Harvel and Canton, in the State of Illinois, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Branch, Knights of Columbus, of Murphysboro, Ill., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of St. Paul's Episcopal Church, of Alton, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. GRONNA presented petitions of sundry citizens of North Dakota; Boston, Mass.; Shreveport, La.; Pittsburgh, Pa.; Detroit, Mich.; and New York City, N. Y., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying that the Government offer mediation to the belligerents in Europe, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Bismarck, N. Dak., remonstrating against the enactment of the so-called proposed cold-storage legislation, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying for the adoption of certain changes in the postal laws, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions from 226 citizens of Porto Rico, representing churches, colleges, etc., praying for prohibition in the island of Porto Rico, which were referred to the Committee on Pacific Islands and Porto Rico.

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

Mr. CUMMINS presented memorials of sundry citizens of Iowa, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. WORKS presented a memorial of sundry citizens of Reedley, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Long Beach, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. KENYON presented memorials of sundry citizens of Iowa, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Saengerbund of Dubuque, Iowa, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of East Des Moines, Iowa, praying for Federal compensation for the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Association of Shenandoah, Iowa, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. OVERMAN presented a petition of sundry citizens of Buncombe County, N. C., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

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

He also presented petitions of sundry citizens of Wilmington, Dover, Milford, Clayton, Felton, and Cheswold, all in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

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

Mr. DILLINGHAM presented a petition of sundry citizens of Springfield, Vt., praying for the enactment of legislation to lower the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented memorials of sundry citizens of Minnesota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a petition of the Association of Collegiate Alumnae, of Duluth, Minn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Brainerd, Minn., praying for the enactment of legislation to relieve the congested condition of ocean freight, which was referred to the Committee on Commerce.

Mr. LODGE presented a petition of sundry citizens of Boston and Lynn, in the State of Massachusetts, praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented a petition of sundry citizens of Howard County, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Calumet, Mich., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ann Arbor and Grand Rapids, in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Men's Association of Mount Clemens, Mich., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Farmers' Institute Association of Newton Township, Mich., remonstrating against a further extension of rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Commerce of Pontiac, Mich., praying that appropriations be made for the improvement of the inland waterways for the use of naval vessels, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Commerce of Pontiac, Mich., praying for the adoption of certain amendments to the so-called seamen's act, which was referred to the Committee on Commerce.

He also presented a petition of the West Chemical & Paint Co., of Springport, Mich., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Detroit and Port Huron, in the State of Michigan, praying for the enactment of legislation to provide an indefinite leave of absence to superannuated employees in the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented petitions of sundry citizens of Taunton and Rockland, in the State of Massachusetts, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Rockport, Mass., praying for the restoration of the duty on paving blocks to 50 per cent, which was referred to the Committee on Finance.

He also presented a petition of the General Society of the Sons of the Revolution, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Joseph P. Sanger Camp, No. 15, United Spanish War Veterans, of Lynn, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Holyoke, Mass., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Newton Center, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the New England Dry Goods Association, of Boston, Mass., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Worcester, Mass., praying for a readjustment of the compensation allowed railroads for transporting the mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of Colville, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of Lake Grange, No. 3, Patrons of Husbandry, of Seattle, Wash., remonstrating against the creation of a system of rural credits, which was ordered to lie on the table.

He also presented a petition of the Evangelical Lutheran ministers of the Washington State Conference, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

DAMS ACROSS SAVANNAH RIVER.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 157) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912. I call the attention of the junior Senator from Georgia [Mr. HARDWICK] to the bill.

Mr. HARDWICK. This is a local bill, and it will take but a moment. I ask unanimous consent for its present consideration.

Mr. STONE. The understanding and order—for it was the order of the Senate—adopted yesterday, I will read:

That when the Senate closes to-day's session it adjourn until noon to-morrow, and that no business whatever shall be transacted except ordinary routine morning business, and that at the close of that business the Senate will resume the consideration of the unfinished business.

Mr. SMITH of Georgia. Ordinary routine business, by unanimous consent, when a report of a committee is made on a local measure of this sort, we can dispose of. This is a measure that can not be passed later than the 29th of this month.

Mr. HARDWICK. I hope the Senator from Missouri will not insist on an objection.

Mr. STONE. If it will not lead to any discussion—

Mr. SMITH of Georgia. Not a word.

Mr. HARDWICK. Not a word, I assure the Senator.

Mr. STONE. I have no objection.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to give the consent of Congress for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, as amended by act approved June 3, 1912, until three years from the date fixed in the amending act for its completion, to wit, February 28, 1919.

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

THE TUDOR CO.

Mr. ROBINSON. From the Committee on Claims, I report back adversely the bill (S. 4290) for the relief of the Tudor Co., and I submit an adverse report (No. 180) thereon. I ask unanimous consent for its present consideration, and also that the report and accompanying letter from the Auditor for the State and Other Departments be printed in the RECORD.

There being no objection, the report and accompanying letter were ordered to be printed in the RECORD, as follows:

Mr. ROBINSON, from the Committee on Claims, submitted the following adverse report, to accompany S. 4290:

The Committee on Claims, to whom was referred the bill (S. 4290) for the relief of the Tudor Co., having had the same under consideration, report said bill adversely and recommend that the same be indefinitely postponed.

The attention of the committee has been called to the fact that, although this claim was payable upon presentation to the Treasury Department, its presentation to Congress and its reference thereby to the Court of Claims, under the Tucker Act, findings therein having been certified to Congress, render it necessary to move that an adverse report on the claim be made by the committee to the Senate before the department will feel justified in certifying the claim for payment. Because of the above reasons, your committee recommends that the bill be adversely reported and indefinitely postponed.

TREASURY DEPARTMENT,
Washington, February 2, 1916.

JOHN RAUM, Esq.,

Stewart Building Sixth and D Streets, Washington, D. C.

Sir: Replying to yours of the 21st ultimo, addressed to the Secretary of the Treasury, presenting claim of the Tudor Ice Co. for payment of the 1.529334 + per cent installment upon a judgment of the second class rendered in their favor by the Court of Commissioners of Alabama Claims against the Geneva award, and due under the provisions of the decision of the Supreme Court in One hundred and twenty-seventh United States, page 51, I have to say that although this claim was payable upon presentation to the Treasury Department, its presentation to Congress and its reference thereby to the Court of Claims, under the Tucker Act, and findings therein having been certified to Congress, render it necessary to move for an adverse report on the claim by the Committee on Claims of the Senate and the dismissal of the claim by the Senate before the department will feel justified in certifying the claim for payment.

The adverse report may state that it is based upon the fact that as soon as the claim is withdrawn from Congress the Treasury will at once certify it for payment in the sum of \$1,553.13 out of a fund on hand for that purpose, this office having reported to the Court of Claims that the Tudor Ice Co. is entitled to be paid that sum.

Respectfully,

E. D. HEARNE, Auditor.

The VICE PRESIDENT. The question is on the indefinite postponement of the bill.

The bill was postponed indefinitely.

IMPORTED MEXICAN PEAS.

Mr. SIMMONS. From the Committee on Finance I report favorably with an amendment the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos," and I submit a report (No. 173) thereon. I call the attention of the Senator from Arizona [Mr. ASHURST] to the report.

Mr. ASHURST. The bill just reported by the Senator from North Carolina [Mr. SIMMONS], the chairman of the Committee on Finance, is a very short bill, and I ask for its present consideration. First I ask that the bill be read.

The VICE PRESIDENT. Is there any objection?

Mr. SUTHERLAND. Let the bill be read first.

The SECRETARY. The committee reports in favor of striking out all after the enacting clause and inserting:

That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzos, wheat, barley, and other grains and seeds may be stored, cleaned, repacked or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzos, wheat, barley, or other grains and seeds, and the waste material and by-products incident to cleaning or otherwise treating said imported grains and seeds, may be withdrawn for domestic consumption upon the payment of the quantity so withdrawn of the duty imposed by law on such garbanzos, wheat, barley, and other grains and seeds in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

Mr. BORAH. Mr. President, is the bill up for consideration?

The VICE PRESIDENT. The Chair was about to inquire whether there is any objection to the present consideration of it.

Mr. BORAH. I, perhaps, would not have any objection to its consideration if I could have a word of explanation from the Senator, but it is a long bill and seems to be of some importance.

Mr. STONE. Mr. President—

Mr. ASHURST. If it is to lead to any discussion I am perfectly willing to withdraw the request.

Mr. BORAH. I do not say that it will. I can not tell from the reading of the bill.

Mr. ASHURST. I can explain it in about a sentence or two.

The bill I originally introduced provided that garbanzos, which are very edible peas grown on the western coast of Mexico, may be shipped into Arizona for cleansing for reshipment—

Mr. LODGE. Mr. President, I rise to a question of order. I see printed on the calendar the unanimous-consent agreement of yesterday:

Ordered, That on Friday, February 25, 1916, during the morning hour, no business whatever shall be transacted, except the ordinary routine morning business, and that at the close of that business the Senate will resume the consideration of Senate bill 3331, the unfinished business.

Mr. ASHURST. The Senator from Massachusetts is correct, and I withdraw the request for the immediate consideration of the bill.

The VICE PRESIDENT. The bill goes to the calendar.

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4263) to satisfy certain claims against

the Government arising under the Navy Department, reported it without amendment and submitted a report (No. 181) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1068. A bill relating to desert-land entries (Rept. No. 178); and

S. 1086. A bill authorizing Ponca City, Okla., and the board of education of said city to convey certain lands (Rept. No. 179).

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1064. A bill to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska (Rept. No. 175);

S. 1067. A bill to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes (Rept. No. 174);

S. 3685. A bill granting certain lands to the State of Alabama for use of the insane hospital for the colored (Rept. No. 177); and

S. 3764. A bill to consolidate certain forest lands in the Florida National Forest (Rept. No. 176).

Mr. BECKHAM, from the Committee on Claims, to which was referred the bill (H. R. 4530) for the relief of Michael F. O'Hare, reported it without amendment and submitted a report (No. 182) thereon.

Mr. GALLINGER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble, reported it with amendments and submitted a report (No. 184) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 3283) to give a legal status to a dam constructed in the Red River of the North at Fargo, N. Dak., reported it without amendment and submitted a report (No. 185) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 52) to convey the thanks of Congress to Capt. Thomas Moore, master of the Alaska Steamship Co.'s steamer *Cordova*, and to the officers and crew, and also to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for the prompt and heroic services rendered by them in rescuing the survivors of the United States revenue cutter *Tahoma*, reported it with an amendment and submitted a report (No. 186) thereon.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, reported it with an amendment and submitted a report (No. 187) thereon.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 797) for the relief of John E. Woods, reported it without amendment and submitted a report (No. 190) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, reported it without amendment and submitted a report (No. 188) thereon.

Mr. SMITH of Maryland. I ask that Order of Business No. 118, being the bill (S. 3023) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, be taken from the calendar and postponed indefinitely.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. LANE, from the Committee on Indian Affairs, to which was referred the bill (S. 4451) to prohibit the sale of intoxicating liquor to Indians; to provide penalties therefor; to amend chapter 109 of volume 29, United States Statutes at Large, the same being an act of Congress approved January 30, 1897, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. STERLING, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3203. A bill granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes (Rept. No. 167); and

S. 3263. A bill to amend an act entitled "An act to provide for an enlarged homestead (Rept. No. 163).

Mr. LEE of Maryland, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 540. A bill for the relief of Fred B. Balano (Rept. No. 169);

S. 1372. A bill for the relief of the heir or heirs of John Howard Payne (Rept. No. 170);

S. 1425. A bill for the relief of D. M. Carman, representing the estate of Luis R. Yango, deceased (Rept. No. 171); and

S. 3388. A bill for the relief of the estate of John Stewart, deceased (Report No. 172).

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, submitted a report (No. 189), accompanied by a bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

- S. 83. Joseph Wessler.
- S. 89. Charles A. Myers.
- S. 90. William Peters.
- S. 91. Floyd E. Driskel.
- S. 97. George Beals.
- S. 99. Omar E. Brown.
- S. 114. Anson Meyers.
- S. 115. Joseph D. Sovern.
- S. 573. Virginia Watson.
- S. 629. James Conway.
- S. 653. Henry Dussault.
- S. 862. James C. Larimer.
- S. 959. Lizzie Breen.
- S. 1122. George Milholland.
- S. 1124. Cyreneus Rodgers.
- S. 1346. James M. Freeman.
- S. 1506. John A. Smith.
- S. 1510. Caleb St. Clair.
- S. 1651. Carrier Thompson.
- S. 1703. James G. Royse.
- S. 1775. Dennie Dixon.
- S. 1804. Julia P. Denny.
- S. 1827. Louisa M. Fletcher.
- S. 1895. William Bradley.
- S. 2074. Samuel A. Greenlee.
- S. 2238. Caroline Heywood.
- S. 2265. John A. Avirett.
- S. 2284. Andrew Houlihan.
- S. 2399. Edward J. Gainan.
- S. 2476. John P. Todd.
- S. 2534. Sarah Warnack.
- S. 2546. Frank McCabe.
- S. 2596. Grant E. Getchell.
- S. 2601. Clifford T. Cheek.
- S. 2660. Edward J. Cuzzort.
- S. 2721. Louise M. Swift.
- S. 2726. Joseph C. Chilton.
- S. 2728. Elizabeth J. Burt.
- S. 2780. Edward Lenfesty.
- S. 2834. Edward D. Smith.
- S. 2951. Williamson S. Wright.
- S. 2960. Paul F. Busch.
- S. 3112. Emer A. Robbins.
- S. 3150. Michael H. Spaulding.
- S. 3176. Benjamin Kelsey.
- S. 3229. Joseph A. Nolan.
- S. 3237. Fred Lamke.
- S. 3288. Robert F. Seawell.
- S. 3317. Curt Seay.
- S. 3323. John T. Krenek.
- S. 3324. Sophronia Neel.
- S. 3623. Samuel C. Cochran.
- S. 3624. James A. Saurbaugh.
- S. 3638. Frank L. Simpson.
- S. 3643. Viola C. McConville.
- S. 3655. Bertha Z. Smith.
- S. 3671. Elizabeth W. C. Allen.
- S. 3903. Elie Jones Quinby.
- S. 4238. Joseph H. Cote.
- S. 4469. Maria L. Dougherty.
- S. 4546. Eliza J. Salmon.

Mr. FLETCHER, from the Committee on Printing, to which was referred the bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the

distribution of Government publications, reported it with amendments and submitted a report (No. 183) thereon.

CLAYTON ANTITRUST LAW.

Mr. FLETCHER. From the Committee on Printing I report back favorably a resolution to print the Index Digest of the Clayton antitrust law. This request was for the printing of 1,000 extra copies of the digest, which the committee did not favor. I ask that the resolution be read.

The resolution (S. Res. 109) was read, as follows:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on February 12, 1916, entitled "Index Digest of the Clayton Antitrust Act," be printed as a Senate document.

The VICE PRESIDENT. The resolution will go to the calendar.

THE NATIONAL BANK ACT.

Mr. FLETCHER. From the Committee on Printing I report the following resolution, which I ask to have read:

The resolution (S. Res. 110) was read, as follows:

Resolved, That the pamphlet submitted by the Senator from Oklahoma [Mr. OWEN] on December 13, 1915, entitled "The National Bank Act as Amended, The Federal Reserve Act, and Other Laws Relating to National Banks," be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. The resolution will go to the calendar.

MISSISSIPPI RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back two bridge bills and ask that they be put on their passage. First, I report back favorably without amendment the bill (H. R. 10238) granting the consent of Congress to Interstate Bridge Co. to construct a bridge across the Mississippi River, and I submit a report (No. 191) thereon.

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

Mr. GALLINGER. I object.

The VICE PRESIDENT. The bill will go on the calendar.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., and I submit a report (No. 192) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. ASHURST:

A bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.; to the Committee on Indian Affairs.

By Mr. HUSTING:

A bill (S. 4656) relating to the sale or grant of public lands by the United States and reserving certain rights therein; to the Committee on Public Lands.

By Mr. SHIELDS:

A bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee; to the Committee on Commerce.

A bill (S. 4658) granting a pension to G. F. Hudson (with accompanying papers); and

A bill (S. 4659) granting an increase of pension to Thomas Pemberton; to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4660) to increase the efficiency of the medical service at the Washington Asylum and Jail in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. SMITH of Maryland:

A bill (S. 4661) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 4662) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 4663) for the survey and allotment of lands now embraced within the limits of the Fort Belknap Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment; to the Committee on Indian Affairs.

A bill (S. 4664) providing for additional homestead entries in certain cases; and

A bill (S. 4665) providing for enlarged homesteads in forest reserves and for additional homesteads; to the Committee on Public Lands.

A bill (S. 4666) providing for the enlargement of the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 4667) for the relief of James Duffy; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 4668) for the relief of the estate of Ransom Cunningham, deceased (with accompanying papers); to the Committee on Claims.

By Mr. HARDWICK:

A bill (S. 4669) for the relief of the estate of Anton Borchert, deceased; to the Committee on Claims.

By Mr. TOWNSEND (by request):

A bill (S. 4670) for the relief of C. L. de Muralt; to the Committee on Claims.

By Mr. WORKS:

A bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.; to the Committee on Public Lands.

A bill (S. 4672) granting a pension to Susan C. Tate (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4673) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

A bill (S. 4674) authorizing issuance of patent for certain lands to Lewis F. Koch; to the Committee on Public Lands.

By Mr. CATRON:

A bill (S. 4675) granting a pension to Antonio Armenta (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 4676) for the relief of Annie A. Preston; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 4677) to provide for the exchange of the present Federal building site in Maquoketa, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. POINDEXTER:

A bill (S. 4678) granting an increase of pension to John E. Madison (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4679) granting an increase of pension to John A. Wise (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4680) granting an increase of pension to Lida M. Gosnell; and

A bill (S. 4681) granting a pension to Benjamin Hill Meadows; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4682) to purchase an oil painting entitled "Our Glory—the Battleship Oregon"; to the Committee on the Library.

By Mr. CLAPP:

A bill (S. 4683) giving jurisdiction to the Court of Claims in the matter of the Chippewa Indians in the State of Minnesota with reference to Fond du Lac lands; to the Committee on Indian Affairs.

A bill (S. 4684) granting an increase of pension to John J. Buckley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4685) granting an increase of pension to John Elliott (with accompanying papers);

A bill (S. 4686) granting an increase of pension to Horatio N. Merritt (with accompanying papers);

A bill (S. 4687) granting an increase of pension to Delano Myers (with accompanying papers); and

A bill (S. 4688) granting an increase of pension to Jonas H. Evans (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 4689) granting an increase of pension to James Welsh; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4690) granting an increase of pension to David Ham (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4691) granting an increase of pension to Charles H. Dorman (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4692) granting an increase of pension to Catherine E. Stamp; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4693) granting an increase of pension to Nathan W. Fitz-Gerald (with accompanying papers); and

A bill (S. 4694) granting a pension to Arthur Kavanagh (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 4695) authorizing the Secretary of War to make certain donations of cannon and cannon balls; to the Committee on Military Affairs.

A bill (S. 4696) granting an increase of pension to William C. Pope (with accompanying papers); and

A bill (S. 4697) granting an increase of pension to Catharine M. Dunham (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4698) authorizing the Secretary of War to make donation of condemned cannon and cannon balls to the Grand Army of the Republic, Pomeroy, Wash., to be placed on the courthouse lawn; to the Committee on Military Affairs.

By Mr. LANE:

A bill (S. 4699) granting a pension to Bridget E. Williams; to the Committee on Pensions.

By Mr. KERN (for Mr. SHIVELY):

A bill (S. 4700) for the relief of William H. Richhart; to the Committee on Military Affairs.

A bill (S. 4701) granting a pension to David Simpkins;

A bill (S. 4702) granting an increase of pension to William A. Rusie;

A bill (S. 4703) granting a pension to Sarah C. Kinsley;

A bill (S. 4704) granting an increase of pension to Luther D. Whitten;

A bill (S. 4705) granting a pension to Florence Vanscoyk;

A bill (S. 4706) granting a pension to William Smith;

A bill (S. 4707) granting an increase of pension to Wilson McConnell;

A bill (S. 4708) granting an increase of pension to Jardin Brison;

A bill (S. 4709) granting an increase of pension to David Small; and

A bill (S. 4710) granting an increase of pension to Ephraim J. Smith; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4711) to increase the efficiency of the United States Military and the United States Naval Academies and to increase the number of graduates therefrom by the immediate establishment of a one-year united service school in the Middle West.

Mr. POMERENE. The bill relates to the Military Academy and to the Naval Academy. I judge it would be appropriate that it be referred to the Committee on Military Affairs.

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

By Mr. JAMES:

A bill (S. 4712) for the relief of W. G. Anderson (with accompanying papers); to the Committee on Claims.

A bill (S. 4713) granting an increase of pension to Harriette H. Kelly (with accompanying papers); and

A bill (S. 4714) granting an increase of pension to Leona B. Hauke (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4715) granting an increase of pension to Stephen Rice; to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 105) for control and distribution of the flood waters of the Rio Grande; to the Committee on Irrigation and Reclamation of Arid Lands.

A joint resolution (S. J. Res. 106) to authorize and direct the Secretary of War to cause to be made examinations and surveys of the navigable rivers of Texas and streams tributary thereto and report plans to prevent floods from and conserve and promote navigation on the same; to the Committee on Commerce.

A joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

By Mr. MARTIN of Virginia:

A joint resolution (S. J. Res. 108) directing the Commissioners of the District of Columbia to withdraw their petition in the Supreme Court of the District of Columbia concerning the widening of Cathedral Avenue and Woodley Road (with accompanying papers); to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate \$20,000 for the purchase of a site at Cheyenne, Wyo., and the erection thereon of a building for use as a weather observatory, 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.

Mr. CATRON submitted an amendment proposing to appropriate \$68,950 for the support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate \$590 to erect at Fort Benton, Mont., a monument to the memory of John Mullan, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,500 to improve the last 8 miles of the road between Billings, Mont., and East Rosebud Lake, Garden County, Mont., and lying within the Beartooth Forest Reserve, 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 appropriate \$75,000 to improve the road between Gardiner, Mont., and Livingston, Mont., being the main-traveled road to the Yellowstone National Park, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$26,000 for the purchase of a tract of land known as the Macauley Ranch, adjoining the United States Army post at Fort Missoula, Mont., for the use and benefit of that post as a target range, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

TRAVEL ON ARMED MERCHANT SHIPS.

Mr. GORE. Mr. President, I offer the concurrent resolution which I send to the desk, and ask that it be read and go over one day under the rule.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 14) was read, as follows:

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and

Whereas the United States is happily at peace with all of the belligerent nations; and

Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and

Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and

Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guarantees of respect and inviolability; and

Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and

Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should, in behalf of their own safety and the vital interest of the United States, forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be issued or renewed by the Secretary of State or by anyone acting under him to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

The VICE PRESIDENT. Under the rule, the resolution goes over one day.

Mr. STONE. I ask the Senator from Oklahoma, in reference to his resolution, is his request that it be referred to the Committee on Foreign Relations?

Mr. GORE. No; my request was that the resolution go over for the day under the rule.

Mr. STONE. The Senator's request is that the resolution lie on the table?

Mr. GORE. Yes, sir. I wanted the resolution to take the regular course, under the rule, that all resolutions other than joint resolutions go over for one day. My purpose is to come within that rule under the regular order.

Mr. STONE. Let the resolution lie on the table then.

THE RIGHTS OF CONGRESS.

Mr. JONES. I submit a Senate resolution, which I ask may be read and lie on the table.

The VICE PRESIDENT. The resolution submitted by the Senator from Washington will be read.

The resolution (S. Res. 108) was read, as follows:

Whereas this is a government of the people, by the people, for the people, and not of any individual, by any individual, or for any individual; and

Whereas it is contrary to the fundamental principles of our Government that the people should be involved in war through the decision or by the act of any one man; and

Whereas the Constitution of the United States of America expressly provides that "The Congress shall have power to declare war, to raise and support armies, and to provide and maintain a navy"; and

Whereas the act of declaring war should not be merely the ratification and confirmation by Congress of the judgment and decision of a single man but should be the sober judgment and mature decision of the people through their representatives in Congress upon the causes and justification for such declaration; and

Whereas an assault upon the national honor would be a justification for a declaration of war; and

Whereas no one man is the sole custodian of the Nation's honor; and

Whereas the issue of war is too momentous and fraught with too grave consequences to the people to be decided by any one man; and

Whereas the people of this country are not seeking war and do not desire to be led into it, but, if involved, would be united as one man in support of the Government; and

Whereas by the arbitrary act or demand of its Chief Executive the people may be placed in a situation from which they can not withdraw without humiliation and be involved in war for causes the justice of which they have not been permitted to pass upon: Therefore be it

Resolved, That it is the sense of the Senate of the United States of America that any issue claimed to affect the national honor should be referred for its decision to the Congress of the United States, and no ultimatum should be sent to any belligerent power and no severance of diplomatic relations be brought about by Executive action until after the advice and consent of Congress.

Mr. STONE. Mr. President, I ask that the whereases and the resolution may lie on the table.

The VICE PRESIDENT. That was the request of the Senator from Washington.

Mr. STONE. I beg pardon.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

HEIRS OF RICHARD SHAW.

Mr. MYERS submitted the following resolution (S. Res. 111), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

COMMISSION ON CHILD POVERTY.

Mr. KENYON submitted the following resolution (S. Res. 112), which was referred to the Committee on Education and Labor:

Whereas proper preparation of our country for national defense demands the creation of conditions favorable to the birth and growth of healthy and sane men and women; and

Whereas recruiting officers of the military and naval service of the United States have reported that more than 50 per cent of the young men applying for enlistment are defective physically or mentally, or both; and

Whereas officers connected with other departments of the Federal Government have reported that widespread child poverty prevails in our country; and

Whereas child poverty, which may be defined as insufficient food and clothing and habitations detrimental to human life, is certain to produce weak, defective, and delinquent adults; and

Whereas this is the richest country in the world, blessed with abundant natural resources and a power of production unequalled in the history of the human race; and

Whereas child poverty and the consequent increase of unfit adults in the United States are due to conditions within the scope of legislation, and present a problem which should engage the attention of the Congress of the United States: Therefore be it

Resolved by the Senate, That the President of the United States appoint a commission of seven to inquire into child poverty, its extent, and its effect on the manhood of the Nation, its effect on the military and naval power of the Nation, and to make recommendations for legislation to abolish the conditions which produce child poverty and delinquent and defective adults.

Resolved further, That the commission include three surgeons, one from the military service, one from the naval service, and one from civil life, to serve without compensation.

UNIFORM STATE LAWS.

Mr. FLETCHER. Mr. President, I present a communication addressed to the Senator from New Hampshire [Mr. HOLLIS], chairman of the subcommittee on land-mortgage loans of the Joint Committee on Rural Credits, by S. R. Child, chairman of the legislative committee of National Conference of Commissioners on Uniform State Laws, which I ask to have printed as a public document.

Mr. SMOOT. Mr. President, I did not hear the request of the Senator from Florida.

Mr. FLETCHER. I present a communication from the chairman of the legislative committee of National Conference of Commissioners on Uniform State Laws, addressed to the chairman of the subcommittee on land-mortgage loans of the Joint Committee on Rural Credits, the Senator from New Hampshire [Mr. HOLLIS], which I desire to have printed as a public document. I ask that the matter go to the Committee on Printing. I am not asking that it be acted upon at this time.

Mr. SMOOT. Very well.

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

RURAL CREDITS IN NORTHERN FRANCE.

Mr. FLETCHER. Mr. President, I also present a report from the Hon. John Ball Osborne, American consul at Havre, France, on credit organizations for the farmer and tradesman in northern France, made in July, 1913, which I desire to have printed as a public document. I ask that the report be referred to the Committee on Printing for action.

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

M'CLINTIC-MARSHALL CONSTRUCTION CO. (S. DOC. NO. 344).

Mr. OLIVER. Mr. President, on the 24th of June, 1914, Congress passed an act directing Gov. Goethals of the Panama Canal Zone to investigate the claims of the McClintic-Marshall Construction Co. against the Isthmian Canal Commission for extra compensation for constructing the lock gates for the Panama Canal. I have received a copy of the report upon the investigation of this claim, sent to me by Gov. Goethals, which I ask may be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. I should like to ask the Senator if there are any illustrations in the report.

Mr. OLIVER. There are no illustrations. There is a great deal of matter in the report, but no illustrations.

The VICE PRESIDENT. The report will be printed, and referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

H. R. 6918. An act to relieve Congress from the adjudication of private claims against the Government was read twice by its title and referred to the Committee on the Judiciary.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 14, and agree to the same.

THOMAS S. MARTIN,
F. E. WARREN,

Managers on the part of the Senate.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,

Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

The VICE PRESIDENT. Morning business is closed; and, under the order of the Senate, the Chair lays before the Senate Senate bill 3331.

Mr. POMERENE. I move that the Senate proceed to the consideration of executive business.

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

Mr. BANKHEAD. I ask what is the motion?

The VICE PRESIDENT. That the Senate proceed to the consideration of executive business. The question is on that motion. [Putting the question.] The Chair is unable to decide. All in favor of the motion will rise. [A pause.] Those opposed will rise. [A pause.] The motion is carried, and the Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 1 hour and 12 minutes spent in executive session the doors were reopened.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. JONES. Mr. President, on yesterday I had reached the point of the consideration of the amendment proposed by the Senator from Montana [Mr. WALSH], which really was the main purpose of my rising to discuss the bill on yesterday.

The provision in the bill, as it is now, reads as follows:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War.

And then it provides for taking into consideration the benefits to the Government and the grantee.

The amendment of the Senator from Montana proposes to strike out the words "based upon its value as land," and empowers the Secretary of War to make such charges as he may consider reasonable. He may determine these charges by the value of the land that is taken, base them upon the land, or he may determine these charges by the amount of power developed, regardless of the character of the land or the value of it or the amount of it that is taken. He may base the charges upon the power developed, no matter how little or how great that development may be. He can fix any charge that he sees fit to make; and this is the proposition that I wish to discuss for just a little while.

This, I may say, is really the crux of the whole controversy with reference to water-power legislation. The question of giving to some Secretary or some administrative officer the power to fix such charges as he may deem proper has been, in my judgment, the real source of trouble and the real cause of the delay of legislation. If we can reach a proper conclusion with reference to this matter, I do not think there will be so much difficulty in adjusting the other questions. But there are those who insist upon vesting in some Secretary this almost unlimited power and who do not seem to be willing to make any concessions or have any legislation unless their ideas in that respect can be embodied in the legislation. In my judgment, to insist upon legislation of that kind is to defeat any legislation we may pass. If we put in a provision of that character, it will prevent the development of any of the water-power resources of the country.

The Senator from Tennessee [Mr. SHIELDS] pointed out very clearly and very fully the great importance of legislation on this subject, the great resources that are lying undeveloped, and the great things that we hope may be done if this legislation is enacted. I can not add anything to what he said in that respect, but I do want to take a concrete example in our State that will show exactly what can be done, and will also show what varied developments can take place in connection with one of these dams.

Priest Rapids form a complete bar to navigation in the Columbia River in the State of Washington about 500 miles from Portland. By the construction of a dam 90 feet high, 400,000 horsepower can be developed at the low-water stage, which occurs in the wintertime, and 1,200,000 horsepower at high-water stage, which is in the summer, when water is needed and can be used for many different purposes. This power would furnish the electrification for half a dozen transcontinental railway lines crossing the mountains to the coast. Great nitrate plants would be established, manufacturing thousands of tons of fertilizer for our farming lands and producing an abundant supply of nitrates so much needed as a means of national defense. Immediately tributary to this power development are 300,000 acres of land more fertile and productive when irrigated than the famed Nile, and these lands can be watered from the river by pumping, and cheap power could be furnished by pumping water from underground sources upon three or four hundred thousand acres more.

Mr. President, this is a very conservative estimate that I have given with reference to the lands that may be irrigated from

this one point. There are many who figure that at least a million acres of this land, and possibly more than that, can be irrigated from this one source.

Mr. WORKS. Mr. President—

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

Mr. JONES. Certainly.

Mr. WORKS. I should like to ask the Senator whether or not that is a navigable stream?

Mr. JONES. Oh, yes. The Columbia River is navigable.

Mr. WORKS. It has been assumed by a good many people here that we could not divert water for irrigation from a navigable stream. We know very well out West that that is frequently done, especially in the case of high water.

Mr. JONES. Yes.

Mr. WORKS. How would the water be utilized or reserved in this case? Would it be carried into storage reservoirs?

Mr. JONES. No; it would be pumped out of the river by power generated here. By pumping water about 400 feet one body of land 150,000 acres in extent can be reclaimed. Then there are other tracts that can be reclaimed in the same way. I will say to the Senator from California that there is practically no limit to the development that can take place because of the amount of water in the river. With all the possible prospective needs of navigation, there is still an abundance of water at the low-water flow to permit it to be taken out upon these lands without in any way interfering with navigation.

The backwater from the dam would secure continuous navigation for 300 miles farther to the north and almost to the Canadian line. With the building of the dam and the construction of the necessary locks, the Columbia River will be navigable for a distance of almost 1,000 miles from the sea. The electrification of the railways will save thousands of tons of coal annually and greatly increase transportation facilities.

The reclamation of these desert lands means the establishment of towns and cities, the building of electric lines, the production of millions of dollars' worth of farm produce, and, above all, the building of homes for thousands and even hundreds of thousands of happy people. From 10 to 20 acres of these lands when carefully cultivated will support a family in luxury. These lands are now practically worthless. When settled upon, reclaimed, and cultivated, they will be worth a quarter of a billion dollars. The waters of the Columbia River have been going unvexed and unused to the sea for untold centuries, disturbed only by the murmur of the rocks over which they roll. These lands are almost as barren as the sands of Sahara and have been storing up the wealth of the sun for countless ages and producing nothing but sagebrush and supporting nothing but coyotes, jack rabbits, and sage hens.

To construct the dam, put in the locks, build the structures, and install the machinery necessary to develop the maximum amount of power will cost about \$30,000,000.

It is a gigantic enterprise, with great risk and stupendous possibilities. There is no prospect of the Government undertaking it, even if it were desirable for it to do so. Private capital is said to be ready to undertake it if reasonable opportunity is given. If I controlled this great project, with all its attendant possibilities, if you controlled it, we would be eagerly seeking some one to develop it.

We would welcome capital to undertake it. We would offer all sorts of inducements to anyone who would begin it. Instead of imposing burdens we should be offering bonuses. Why can not we act in the same way as the agents of those who do control it, but will not develop it? What stands in the way? No one can put in this great dam without a permit from the Government. This power rests in the National Government in the interests of navigation and interstate commerce. Conserve these and its interests and power really end. The building of a dam sufficient for navigation purposes alone would leave the greater and more important possibilities untouched. In the exercising of the power over navigation or interstate commerce it is wise that every possible development be promoted and encouraged. If the Government can secure ample navigation without cost to itself, is it not most unwise not to do it? To use a common expression, "It should jump at the chance." The construction of this dam will overflow about 10,000 acres of land, which must be acquired by whoever constructs it. About 130 acres of this is public lands. They are practically worthless as they are now. Much of it might not even be needed for a reasonable and practicable development. The Government, in the interests of the public, wants the highest development, and these lands are needed. What would be the reasonable and the wise thing for the Government to do? What would you and I do? We would say to capital, "Come; put in your dam, furnish us the locks for

navigation, and you can use the measly 130 acres for nothing," and we would blush at the niggardliness of the offer. That is what the Government ought to do, and that is the course which we, as its agents, ought to take. Instead, we are haggling over what we should charge for the use of this land. We assume that we are granting a most valuable right when giving capital a chance to invest in this enterprise.

The Senator from Nebraska [Mr. NORRIS] the other day suggested that the Government in disposing of these valuable rights ought to get something out of it. Mr. President, it has not been the policy of the Government to endeavor to get revenue out of its public land. We have granted free millions and millions of acres of our land to homestead settlers. Why? Not because the lands were not valuable but because we wanted them improved, because we wanted them developed, because we wanted them converted into homes, and we felt that we could well afford for the prosperity of the country and for the development of its wealth and resources to donate these lands free to men who would go upon them and build up homes and cultivate them. Now, Mr. President, why should we not give a similar encouragement to the man who is willing to take his money and risk it in some of these great enterprises that mean so much to the country? As I pointed out, here are thousands of acres of public lands around this great possibility that are a waste, unsettled upon, unproductive, absolutely valueless. By the putting in of those dams the man who uses his money to do it makes it possible to develop these great resources. If we were willing, as we have been willing, to encourage the homesteader to go out on barren lands and develop them and build homes, why should we not also be willing to encourage capital to go into these great enterprises and develop them and make it possible for more homesteaders to secure homes and add greater wealth to the country? And especially, Mr. President, when we have provided the agencies all over this country in every State insuring to the consumers of this power reasonable prices, efficient treatment, and also providing that these men shall not get an exorbitant profit upon the money invested.

As a matter of fact, the favor is all the Government's and the risk all capital's. We get our navigation, and capital can get no more than a reasonable profit or return, and it may get less. If capital could do as it pleases after it gets this project, there might be some excuse for our imposing special burdens and restrictions upon it. It can not, however, exact exorbitant charges for its power. It has no one at its mercy. It can not amass an inordinate profit. Our public-service commission has full control over the rates and service, and it is charged with the duty of seeing that the rates are reasonable and just and the service efficient. The commission may not be perfect, but its members are just as competent and just as honest as any Federal officer or bureau chief, and it is directly under the eyes of the people interested, responsible to them, and can be depended upon to guard their interests as effectively as anyone else, if not more so. But it is said capital does not object to a charge for the use of the land, and the Senator from Montana said the other day that capital is ready to invest in these enterprises and is willing to pay a reasonable charge for the lands used. That is true. Why is capital willing to submit to this charge? Because it does not have to pay it. Who will pay it? The consumers of the power. When you insist on a charge for the use of the land, you insist upon placing a tax or burden upon every consumer for giving capital permission to make this great improvement.

I can not see the justice of saying that we will insist upon capital paying for the valuable privilege which we give at the risk of its money in these great enterprises when as a matter of fact whatever we charge must come out of the people who consume the power that is developed. I protest against it not in the interests of capital but in the interests of the consumers. The men who will pull the sagebrush, level the ground, build the ditches, and make homes on these sandy, hot, sagebrush plains will have enough burden to bear and enough charges to pay without having to pay for those worthless 130 acres of public lands overflowed by the building of the dam.

Mr. WORKS. Mr. President—

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

Mr. JONES. Certainly.

Mr. WORKS. Is it not a fact that the amount which would be charged against the corporation would be charged up as a part of the operating expenses each year, so that the consumer would be called upon to pay back the total amount each year?

Mr. JONES. That is true.

Mr. WORKS. And not to pay interest as in the case of capital invested?

Mr. JONES. That is true. I am glad the Senator called my attention to that point. I fear the interests of those to whom I just referred are overlooked by many who would shape this legislation. A prominent business man of my State who thinks a charge should be exacted wrote me the other day as follows:

I do not agree with you that tax imposed by the Federal Government on water-power development is paid by the consumer, for the good reason that the State public service commission fix these rates or are able to fix them.

He overlooks the plain and obvious fact that in fixing rates the public service commission must allow for all reasonable and necessary expenses. This charge is a certain and fixed expense and must be allowed in fixing rates just the same as the expense of labor. If no charge is made, then the expense to be allowed is that much less and the cost to the consumer is that much less. I may be very dull, but for the life of me I can see no justification from the people's standpoint for making any charge for the use of public lands necessary in the development of these great works.

Mr. President, Secretary Garrison, the late Secretary of War, made a statement before a committee a short time ago investigating this matter, and he has stated this proposition very clearly. I shall not take the time to read it to the Senate, but I ask permission to insert it as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SHALL A FEDERAL CHARGE BE LAID UPON THE PRIVILEGE?

Aside from any question of Federal authority that may be thought by some to be involved, in my judgment, and as a matter of policy, this question should be answered in the negative. Many who have the cause of conservation at heart have heretofore urged, and doubtless will urge again, that any legislation for the development of water power on the navigable streams should provide for the Federal levy of a charge for horsepower for the privilege. The reasons thus far advanced for the proposition do not appear to me to be sound. In the first place, it must be remembered that merely because the Federal Government makes, or ought to make, such a charge for the development of water power in streams running through the public domain, it does not follow at all that such a charge should be levied upon the development of water power in the navigable streams. The situations are basically different. In the case of navigable streams the Federal Government owns neither the water nor the bed of the stream; its power comes from a right to say what obstructions may or may not be placed in the stream. Upon a navigable stream the Government owns nothing, has nothing to sell, whereas the Government owns the power site itself upon the public domain.

Those who advocate the levying of such a charge first assigned as their purpose the accumulation of a fund to be devoted to the further improvement of navigation. This, it seems, has been abandoned, and the contention now made is that by means of this charge the Federal Government can more effectively exercise its control over the development. I have heretofore said that in my judgment the State should be left free to impose such taxes, charges, and excises as it might see fit to impose upon the property and the business authorized by the grant. I can see no sufficient reason, as a matter of policy, to justify the levying of an additional charge by the Government of the United States. The Federal Government does not qualify the grantee nor give him the primary authority to engage in the business. The property of the grantee is private property, situated within a State. The title is a title under local law, and the protection of the property comes from the local law, and not from the Federal Government. If such a Federal charge were levied, its only effect, so far as I can see, would be to increase the rates and charges to the ultimate consumer, for it can not be doubted that such fixed charges have to be shifted to the consumer, and directly so where there is public regulation and control.

I fail to appreciate how the levying of a Federal charge could render more effectual a proper Federal control in this connection. I know it has been argued that such a charge is necessary to take up the "slack," meaning thereby the difference in production cost between steam electric and hydroelectric energy. This assumes that there is a substantial difference which, at least at the present stage of development, may be doubtful, but excepting that there will generally be a difference in favor of hydroelectric energy, it does not follow that a regulatory commission, out of respect for the rights of property or otherwise, is bound to fix a rate that would enable the more expensive producer to continue his production. I see nothing in the cases, or in principle, requiring the State in the fixing of rates of service of electric energy to shut its eyes to the cheaper cost of production, but, on the contrary, if such a regulatory commission were not permitted to fix a rate, in view of the reasonable elements of valuation of a cheaper cost of production of a hydroelectric plant, or was limited in its regulatory power by the more expensive elements of production cost by steam, then regulation would be a delusion and the people could enjoy no advantage from the great natural resource of water power. I find no case where a State commission has accepted any such idea. On the other hand, a reference to the latest textbooks and cases on the valuation of the property of public-service corporations for rate-making purposes indicates that where the question in one form or another has come before the public-service commissions any theory that would permit the cheaper hydro company to take advantage of a steam company's cost of production has been denied.

Of course, if the two methods were upon a competitive basis in the same community and there was a substantial difference in the cost of production, cheaper production would prevail and finally exclude its competitors. This must be the result of natural and unassisted competition. The practical result would be, and it seems ordinarily must be, a monopolization of power, but subject to public control. Also, the hydroelectric producer will be compelled to purchase or erect a steam auxiliary of his own. There are very few streams whose flow is so constant and dependable as to permit of the development of hydroelectric energy without the assistance of steam plant. Fixing a rate for hydroelectric energy has to take into consideration this means of

auxiliary production. In any event, it seems to me, to contend for a Federal charge to consume such difference of cost production is only to proceed upon the principle that no advantage can flow to the ultimate consumer from the cheaper production due to a natural resource.

IN THE CREATION AND IMPROVEMENT OF NAVIGABLE CAPACITY AND NOT IN A MONEY CHARGE LIES THE GREAT FEDERAL BENEFIT.

To assume that the Federal Government will get no direct benefit, or will get less than it ought to get of such benefit, if it does not impose a charge upon the development of water power, is to ignore one great reason for and one great useful result of the development of power on the navigable rivers, namely, the creation and improvement of navigable capacity without expense to the Federal Government. That such development must give such a result is not a matter of speculation; it is a certainty. Such must necessarily be the result, and the larger and more general the development of power the greater will be the creation and improvement of navigation.

Power dams which create the head must necessarily result in the formation of pools available for slack-water navigation. Locks at the dam, which should be constructed by the grantee where it is equitable to impose such a condition, will connect up the pools with navigable reaches below, and thus the power development will result in creating not only isolated stretches of navigability above the dam, but may be made to create an extended and continuous navigable capacity, and without expense to the Federal Government.

The desirability and wisdom of river improvement by such means can not be open to question. A necessary national achievement can thus in a great measure be accomplished without resort to the Federal Treasury. It seems to me that those who look for returns for the Federal privilege can not fail to find it in this direct benefit to the Nation.

Mr. JONES. I concede, Mr. President, that we have not only the power but the right to impose a charge for the use of this land based upon the land and its value. Whether we should do it or not is a matter of policy about which we may differ. This land belongs to the National Government. Congress has the power and right to provide for its disposal. We can sell it outright or make a fixed charge for its use. The determination of this charge ought to be a simple matter, but the real controversy is over the method of determining it. The Senator from Montana and those who agree with him insist that the charge for the land should be determined by the power developed and imposed upon the power. We insist that it should be placed upon the value of the land itself and charged against the land. The power developed is within the jurisdiction of the State, and when we tax this power we invade that jurisdiction. By basing the charge upon the land we exercise the national sovereignty without invading the State's sovereignty. We have the power to tax the electric energy, but we have not the right to do it. By saying we have the power to do it I simply mean that we can say we will not grant any permit to build any dam unless a condition of this kind is put in.

If the Nation disregards the rights of the State because it has the power to do it, how can it expect the citizen to respect the law or the strong to regard the weak? Such a course is, in my judgment, most unwise as well as unwarranted by law or legal right.

Mr. WORKS. Mr. President—

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

Mr. JONES. Certainly.

Mr. WORKS. The Senator proposes to confine the charge to the value of the land, but there is a good deal of controversy as to what is to be taken into account in determining the actual value of the land. I have one concrete case in mind, where that question arose in my State, where a tract of land covering several hundred acres was peculiarly fitted for a reservoir site, with an excellent place for a dam below it. A suit was brought to condemn it. The land was practically worthless for any ordinary purposes, but the supreme court held in that case, and I think the Supreme Court of the United States has held, that the uses to which the property might be devoted should be taken into account. In that case the owner of the land got several hundred thousand dollars for land that was practically worthless.

Does the Senator think it would be wise to make any such charge upon that basis? Take the case he has already cited, where the land for reservoir purposes would be of immense value with the things that could be done, as stated by the Senator, by putting in a dam or other necessary diverting works. That might impose an immense charge upon the consumer.

Mr. JONES. I do not think it would be wise, but I admit we have the right to do even that. I do not think it would be wise. My position I have stated two or three times. I do not think we ought to put any charge upon it at all.

I further most seriously object to the plan of the Senator from Montana and those who agree with him, in that they would leave to the determination of an administrative officer the policy to be followed in levying this charge, not only to the amount but as to the manner of its levy. They would say to the Secretary, "Make a charge if you think it wise, and you fix the amount and you say how it should be determined." This is wrong. It is the

duty of Congress to say whether or not the charge should be levied. It is our duty to determine how it should be arrived at, and it is our duty to fix the amount as nearly as possible. We are the legislative body. The policy to be followed by administrative officers should be settled by us. We know what we want to do, or we should know, and we should do it. The responsibility is ours, and we should discharge it. If we want the charge based upon the power developed, let us say so. If we want it based on the land, as it should be, let us say so. If we want it based on the power, we should fix the amount, or, at least, the maximum amount that the administrative officers may impose. If we want these enterprises undertaken, let us not place it within the power of an administrative officer to stifle them.

Mr. President, I said awhile ago that I agree with the Senator from Montana that capital is not objecting to this charge. It is willing to pay it, because it takes it out of the consumer. What capital does object to, however, is the uncertainty that rests in giving to an administrative officer unlimited power with reference to fixing the charges and determining the policy of levying them, and all that sort of thing. If we pass this law with a provision in it, as there will be, with the amendment of the Senator from Montana adopted, there will not be any investments under this act.

Mr. WORKS. Mr. President—

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

Mr. JONES. Certainly.

Mr. WORKS. The Senator has stated, as I understood him, more than once that the corporation will not object to this charge; but might there not be a case where the charge would be such that it would be impossible to operate the plant?

Mr. JONES. Certainly.

Mr. WORKS. Thereby making the prices to the consumer prohibitory.

Mr. JONES. Certainly; that is true.

Mr. WORKS. So there may be a good reason why the corporation itself should object.

Mr. JONES. That is true. Of course they say, "We will not object to a reasonable charge."

Now, I want to give you an example of administrative rate making or charge fixing. I want those who think that the administrative officers will put low charges and make it easy for the consumer to notice this example that I will submit to you.

In 1906 we passed an act granting a permit to the Pend Oreille Development Co. to build a dam across the Pend Oreille River, in the State of Washington, and set out the conditions under which it should be built. They were not able to get the work started within the time limit fixed. Then in 1907 we passed an act extending the time for beginning the work, and still they were not able to get to work. In 1912 we passed another act extending the time further. They had all their plans and specifications prepared, and these were satisfactory to the Secretary of War. It was found, however, that they would have to overflow some public lands unreserved and some in a forest reserve. So they had to go to the Secretary of the Interior and the Secretary of Agriculture to get permits to use these lands. This illustrates what would happen if we had a provision in this bill such as has been tried to be inserted in it, giving the Secretary of the Interior jurisdiction along with the Secretary of War.

The Secretary of Agriculture and the Secretary of the Interior absolutely refused to grant any permit to use this land under the laws that we had passed, except upon certain conditions. They worked over the matter all winter, and finally got an agreement that the people representing the capital to build the dam thought was reasonably satisfactory. They thought they could get the money and do the work under it, and they made this agreement. It was signed and we had it printed as a public document. I suggest that it might be interesting to those who are interested in this matter to look at that document. It is Senate Document No. 147, Sixty-third Congress, first session. They fixed a sliding scale, similar to that suggested by the Senator from Nebraska [Mr. NORRIS] yesterday, to determine the payments that these men should make to the Government. The possible power development at that point was 110,000 or 112,000 horsepower. About 200 acres of public land were necessary to be taken. Now, here are the charges that had to be paid to the Government upon a full development of that water power by these people if they carried it out. If they sold their power at less than 2 mills a kilowatt hour the charge for horsepower would be 5 cents, or \$27.50 per acre for the use of this public land. If they sold their power for 2 cents and over per kilowatt hour the charge per acre would be \$2,750 a year.

They tell me that the charge here in Washington City per kilowatt hour for power is 10 cents. I am told that by those who

claim to know. I do not know anything about it. The highest charge that they contemplate here is 6 cents per kilowatt hour. If this were the charge made for the use of this power, what is the rental that they have to pay to the Government per year for this land? It would be \$24,750 an acre per year. That is a sample of administrative departmental fixing of rates to be charged for the use of power.

Let me call attention to the fact that in this permit they provide "that in determining said total annual receipts there shall be included for any electric energy used by the permittee at a price which shall not be less than 2 cents per kilowatt-hour." This would indicate that they thought that possibly that was about the minimum rate at which this power could be furnished. What would be the charge per acre based on that? It would be \$2,750 an acre, not a nominal sum to say the least of it, and I think the consumers would have to bear the burden of that.

Then they provide here that "unless otherwise authorized by the Secretaries, the maximum price at which electric energy developed by or transmitted from the power project may be disposed of to customers or consumers shall not exceed 6 cents per kilowatt-hour." In other words, they thought possibly they would sell their power at 6 cents. I called your attention to what the tax would be—over \$24,000 an acre per year at that charge.

I should like to place in my remarks the table in this permit fixing the compensation to be paid to the Government and the computation that has been made as to the price that would be paid per acre on these various charges.

The PRESIDING OFFICER. That will be done, without objection.

The matter referred to is as follows:

SEC. 8. No compensation for the permission given will be required prior to the year 1923; but on or before the 1st day of February in each year, beginning with 1924, the permittee shall pay, by certified check to the order of the Secretary of the Interior, or in such other manner as the Secretaries may direct, an amount calculated from the total capacity of the power site at rates per horsepower per year varying directly as the square of the average price for electric energy charged to customers and consumers of the permittee as determined in subsection (c) hereof and varying inversely as the square of the proportional development of the power site, as shown by the following table:

When the average price in cents per kilowatt-hour charged by the permittee is as shown by this column.	If the percentage of development of power site is—						
	Over 90.	90 and over 80.	80 and over 70.	70 and over 60.	60 and over 50.	50 and over 40.	40 or less.
	Then the rates of compensation to the United States per horsepower per year will be as shown below.						
0.2 and less.....	\$0.05	\$0.06	\$0.08	\$0.10	\$0.14	\$0.20	\$0.31
0.3 and over 0.2.....	.11	.14	.18	.23	.31	.45	.70
0.4 and over 0.3.....	.20	.25	.31	.41	.56	.80	1.25
0.5 and over 0.4.....	.31	.39	.49	.64	.87	1.25	1.95
0.6 and over 0.5.....	.45	.56	.70	.92	1.25	1.80	2.81
0.7 and over 0.6.....	.61	.76	.96	1.25	1.70	2.45	3.82
0.8 and over 0.7.....	.80	.99	1.25	1.63	2.22	3.20	5.00
0.9 and over 0.8.....	1.01	1.25	1.58	2.03	2.81	4.05	6.33
1.0 and over 0.9.....	1.25	1.54	1.95	2.55	3.47	5.00	7.81
1.2 and over 1.....	1.80	2.22	2.81	3.67	5.00	7.20	11.25
1.5 and over 1.2.....	2.81	3.47	4.40	5.74	7.82	11.25	17.60
2 and over 1.5.....	5.00	6.17	7.82	10.00	13.80	20.00	31.25
3 and over 2.....	11.25	13.87	17.58	22.95	31.25	45.00	70.40
4 and over 3.....	20.00	24.70	31.25	40.80	55.60	80.00	125.00
5 and over 4.....	31.25	38.60	48.80	63.80	86.80	125.00	250.00
6 and over 5.....	45.00	55.60	70.40	91.80	125.00	180.00	281.25

Price paid per acre on these various charges.

If the average price received for the power per kilowatt-hour is—	The Federal charge per horsepower would be—	The annual rental per acre of Government land would be—
2 mills or less.....	\$0.05	\$27.50
2 to 3 mills.....	.11	60.50
3 to 4 mills.....	.20	110.00
4 to 5 mills.....	.31	170.00
5 to 6 mills.....	.45	247.00
6 to 7 mills.....	.61	335.00
7 to 8 mills.....	.80	440.00
8 to 9 mills.....	1.01	555.00
9 to 10 mills.....	1.25	687.50
10 to 12 mills.....	1.80	990.00
12 to 15 mills.....	2.81	1,545.50
15 to 20 mills.....	5.00	2,750.00
2 to 3 cents.....	11.25	6,187.50
3 to 4 cents.....	20.00	11,000.00
4 to 5 cents.....	31.25	17,187.50
5 to 6 cents.....	45.00	24,750.00

Mr. JONES. Mr. President, there is no reason why the charge, whatever it may be, should not be the same in connection with any project. Capital gets no advantage from it, be-

cause under the laws of the State its profits can only be reasonable and just, no matter what the charge may be. I will say frankly—and in this some of my friends may not agree with me—but I will say frankly that I would join with the Senator from Montana rather than see legislation fail upon a provision fixing a maximum charge for the use of the land, possibly 25 cents a year per horsepower, which I understood him to say the other day had been reported and agreed to by the Public Lands Committee in connection with the bill relating to power development on nonnavigable streams.

I would simply agree to that as a basis for determining what should be paid rather than to have no legislation. If we could fix the amount at a reasonably low rate and make it definite and certain, then I can not see any more objection to it in principle than there is to charge for the value based upon the land.

The Senator from California called attention a while ago to some circumstances where it was based upon the land where the charge might be high because of the peculiar circumstances and the peculiar value of the land for certain purposes. That is true. So, when I am willing to make a concession of even this kind I do not think I am conceding really the principle for which I contend, that we should not make any charge except for the use of the land, and it ought really to be based upon the land.

Mr. WALSH. Mr. President—

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

Mr. JONES. I do.

Mr. WALSH. I am very glad to say that rather than that the legislation should fail I would see the thing go through with the Senator's view.

Mr. JONES. I was satisfied that would be the view of the Senator from Montana based on that.

In any event, however, we should determine the policy to be followed and fix the rates to be charged as nearly as may be. We know what is wanted and what is needed. Let us do it. It is our duty to protect and promote the people's interests. It is for the administrative officers to execute the laws we pass and those laws should be so framed as to leave nothing to be done but their execution. Administrative officers can not be blamed for seeking power. We should be blamed for abdicating. Administrative officers can not be blamed for seeking to determine policies. We are to be blamed for encouraging them to do so. They are not to be blamed for making or asserting policies. We are to be blamed for not doing so ourselves. This has gone a long way. This administrative branch of the Government has almost as much, if not more, influence over legislation and policies than the legislative branch itself. We are told by departmental officers that we can do this or we can not do that. A departmental officer said a few days ago that we could not pass a certain bill if we put a certain provision in it or unless we put a certain provision in it. They come here not to give us information but to tell us what to do and what not to do. I do not criticize them for it. They have a right to congratulate themselves upon their power and influence. We ought to be ashamed of ourselves. We are to blame for this state of affairs, and the only way to correct it is for us in the laws we pass to declare our will, to fix the policies we want followed, and specify what we want done. When a question is up for legislative solution, instead of saying, "This should be done in accordance with rules and regulations to be fixed by the Secretary," if we will determine ourselves how it should be done, even if it takes time and study, we will soon gain the respect of the people that we should have and administrative departments of the Government will discharge their true functions.

The effect of the adoption of the amendment proposed by the Senator from Montana would be to give the Secretary unrestricted power in the fixing of charges. The real purpose was advanced by Mr. Pinchot and others a few years ago, but not much has been said of it lately. The Senator from Nebraska frankly stated it yesterday for the first time in this debate. What is the purpose? Not revenue. That is unimportant. Its purpose is regulation. That sounds good. We have regulated capital and big corporations, and wisely, and so anything that is called regulation is looked upon with favor, but what does it really mean in this instance? The Secretary is to be given authority to regulate the development and disposal of water power and electrical energies by imposing a tax upon its production. Miraculous! Who ever heard before of regulation by taxation? For whose benefit? Of course it is claimed that it will ultimately benefit the consumer. If any consumer can figure out how it will benefit him to put a tax on the power he must buy, he will certainly have cause for rejoicing.

What is really proposed is equalization and not regulation. They propose to raise to the consumer the price of cheap power to the level of costly power. That does not sound so well

as regulation, but that is what they propose to do. This was frankly stated yesterday by the Senator from Nebraska. He cited an example, saying that if there is a plant that cost \$10 and there could be put in under this bill a plant that would cost \$5, we ought to put on a tax to raise it up to the level of the \$10 production.

If a field is occupied now by a plant that must expend \$50 per horsepower in production and a plant could be put in under this bill to cover that field that could produce power at \$30 per horsepower, they propose to put a tax of \$20 per horsepower on that produced by the new plant, so that it can not undersell the established plant. This power is in the interests of property rights instead of consumption and means one of two things: Either no new plant will be put in and the existing plant will continue to monopolize the field and the consumer get no relief or the new plant will charge the same as the old and the consumer will still "pay the piper."

Mr. WALSH. Mr. President—

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

Mr. JONES. Certainly.

Mr. WALSH. While the Senator is discussing that feature of the question let me put to him this concrete situation: As he is aware, the Milwaukee Railroad are now operating 115 miles on their main line by electricity, and by the 1st of June they will be operating 450 miles by electricity. The other competing lines, the Northern Pacific and the Great Northern, will, of course, want to operate electrically, if they can, in order to meet the competition that they must encounter from the Milwaukee road. There is a power site, we will say, that is available for the use of both of the other roads, the Great Northern and the Northern Pacific; both of them are asking for that site, and it is awarded to the Great Northern. The Northern Pacific must continue operating at the present high cost, while the Great Northern will be operating at 33½ per cent less than that cost. How can you regulate freight rates in that condition of affairs?

Mr. JONES. How can you regulate them by putting a tax on it?

Mr. WALSH. You would require the Great Northern to pay such an amount as would in a way equalize and take up the difference or you would drive the other institution out of business absolutely.

Mr. JONES. I do not think you would drive the other out of business. They are not going out of business now when there is no tax put on, and I think we could regulate rates so that those roads that do not have electrical power could charge, of course reasonable rates over their lines. They may lose some business, but that is one of the inevitable results of competition and of cheaper production, cheaper power, and cheaper ways of handling commerce. We ought not to raise the Milwaukee's rates and charges to its shippers simply to keep them on the same level with the shippers who have to use the Great Northern and the Northern Pacific, for in such case the consumers would not get any benefit from the development of our national resources; it would not amount to anything to them whether they were developed or not. We might probably get a little bit for the Treasury, and yet nothing at all commensurate with the difference that the people of the country would have to pay in increased rates. This is the ideally perfect working of this proposed system. Its actual working would more likely be as follows: Instead of putting on a tax of \$20 a tax of \$5 will more likely be imposed, and the company will put in its pocket the other \$15 and the consumer will still whistle to keep up his spirits. This is regulation by taxation under the name of conservation.

In the example supposed by the Senator from Nebraska yesterday he said that if there is a power plant that must charge \$10 for its power, and if another one was put in under this bill that would furnish power for \$5, the Government ought to exact a dollar, and he said that the company producing at a low rate would probably raise their rate to about \$9.50, so as just to undersell the other company, and that then the Government ought to exact a dollar. Well, suppose it exacted a dollar. Would we permit this other company to take the other \$3 or \$4 above the cost of production? Yet that would be about the actual practical workings of the system proposed for a regulative purpose, and that is the only basis on which I am discussing this now.

But what of the power of the State commission over rates? Would it be prevented from putting the rates of the new plant upon a just and reasonable basis regardless of the cost to the old plant? Surely not. Would the Senator from Nebraska contend that, under the example suggested by him, a public service commission of a State ought to permit the company that pro-

duces power at \$5 a horsepower to charge up to \$10 because it cost another plant \$10 to produce it?

It would reduce the rates to a reasonable and just compensation and the old plant would be put out of business and the purpose of the so-called tax regulation would be defeated as a regulator. It would be a failure and the net result would be an unnecessary burden upon the consumer.

I hope the full significance of this proposal to the consumers will be grasped by them. It proposes to compel them to pay the same price for cheaply produced power that they must pay now for costly power. It means no benefit to them. This may be conservation, but deliver me from it. It is not the conservation that the people desire.

In connection with that, Mr. President, I want to insert—I shall not take time to read it unless some Senator should desire it read—a statement from Commissioner Halford Erickson, of the Wisconsin railroad commission, discussing this very point, and also a statement from Mr. A. H. Foote, former president of the National Tax Commission, discussing the same subject.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

Commissioner Halford Erickson, of the Wisconsin Railroad Commission, on this point says:

"This brings us to that feature in local regulation which often finds expression in a rental charge or a toll upon the earnings of the utility over and above the regular tax assessment. Such rental or toll is sometimes spoken of as a sort of profit-sharing plan * * * and is often pointed to as an example of wise local regulation and as something to take the place of other regulation. Closer analysis of the facts from an economical and social point of view indicates quite clearly that this toll is in effect a tax levied upon other than sound principles of taxation and that it is an unwise burden upon the service of the utility.

"The primary reason why franchises are granted to public utilities is to promote the welfare and comfort of the public as users of the utility service rather than the subservance of the interest of the public as taxpayers or because these utilities become a source of revenue. These propositions appear to be sound. If this is the case * * * then it follows that the operation of the utilities and the regulation of the same should also be in the interest of the taxpayers * * *. If the taxpayers and the users of the service were the same persons, and if there also was a close relation between the amount thus paid as taxes and the use made of the service, then it would make but little difference whether the toll was levied or not; but this is not often the case * * *. Tolls become as much a part of the cost of service as the taxes levied in the ordinary way. Taxes are based on the ability to pay, and this ability is measured either by the value of the property or by the income.

"The toll in question is levied without reference to these principles. It is placed in a lump sum upon a service where it must be borne by those who use this service in proportion to the use they make of it, whereas in the street railway field the users are largely made up of workers. This toll also falls on those who are least able to bear it."

Mr. A. H. Foote, former president of the National Tax Commission, says:

"If the purpose of those who advocate a franchise tax is to secure the best possible results for the people from the operation of the franchise granted, their proposition is unsound, because a franchise can not be taxed without adding the amount of the tax to the cost of service rendered. In exercising its reserved right to regulate rates the State must take into consideration this tax addition to cost, as the rates it fixes or approves must cover all costs of ownership and operation and yield a reasonable profit. For this reason a tax on a franchise is not a tax on the corporation, but is a tax on the users of the service it renders. * * * It is the method of plucking feathers from a goose without exciting a perceptible squawk. In fact, by reason of being inadequately informed or by being misunderstood, a franchise tax is a tax demand made by users, or rather by political vote seekers. It is a form of indirect taxation that has no proper place in the economical policy of intelligent, honest-minded, and self-governed people."

Mr. JONES. But, Mr. President, this is not all. Under the plea of regulation would be enthroned an administrative despot. You place in the hands of the Secretary the power to make and unmake business, the power to favor this company as against that company, the power to advance this community and retard that community, and you open the door to all sorts of graft and corruption. This was frankly stated by the Senator from Nebraska, although not exactly in these words, but the examples which he pointed out fully warrant these conclusions.

We will not have a corrupt or ignorant Secretary, but very little of this work would be done by the Secretary if he were given the power. No Secretary could look after the details. He would depend upon subordinate and special agents. They would generally be honest, but their experience would be slight. They would not be able to get at the real cost of production, and sharp managers would deceive them, and the result would be unjust and unwise action by the Secretary. A dishonest agent could very easily connive at fraud and deception. He could very easily submit a high estimate of the cost for a small share of the profit and no one be any the wiser. No, Mr. President; the people do not want such a law as that. They do not want such power, having such possibilities and purposes, placed in the hands of any administrative officer, and no administrative officer should desire such power, especially when he must depend so much for

his action upon others. Those who propose this plan do not intend such consequences, but I can see no escape from them.

Mr. WALSH. Mr. President—

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

Mr. JONES. I do.

Mr. WALSH. Before the Senator passes from that point, Mr. President, I should like to address a question to him. Does not the bill as it stands repose in the Secretary of War this extraordinary power?

Mr. JONES. Well, it does to a certain extent; I admit that; but I desire the Senator to remember that I said that personally I should like to see that provision entirely cut out. We have put a limitation on, and if we can make the limitation any more definite or any more certain, I want to do it; but we do say in the bill that the Secretary of War, in determining these charges, must base them upon the value of the land. If the Senator from Montana can suggest anything more definite to meet my views, I shall be glad if he will do so, and I will offer it. Personally, however, I should like to see that cut out entirely, but I am willing to accept this much as a compromise in order to get some legislation.

Mr. WALSH. Mr. President, I recognize the unfortunate necessity of reposing in some officer of the Government the power to say, as between two contesting applicants, which one of them shall have the privilege; but that inheres in the nature of the thing, does it not? The Senator has not proposed any plan by which that may be avoided.

Mr. JONES. I think, Mr. President, that we have a much more restricted plan in the bill than it would be if the Senator's amendment should be adopted. That is what I am contending, and my argument now is going more to the proposition of putting a tax on for the purpose of regulating than to anything else.

Mr. WALSH. The question I arose to present to the Senator was whether the argument he is now making is not equally applicable to the whole theory upon which the bill is built?

Mr. JONES. No; I think not, because we have tried to fix it. We have laid down certain limitations which, construed in a reasonable way and in any but an arbitrary way by the Secretary, I think fix a pretty definite rule by which to determine the charges.

Mr. CLAPP. Mr. President—

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

Mr. JONES. Yes.

Mr. CLAPP. As I understand the Senator, of course the weak point in government is that oftentimes-necessary twilight zone of discretion which can not be entirely eliminated, but the more thoroughly it can be eliminated, the more automatic law can be made, the better; and what the Senator is contending for in this bill is reducing the zone of discretion to the minimum just as far as that can be done.

Mr. JONES. That is it exactly, stated much better than I could state it.

There is, to my mind, another serious objection to such a provision. The policy being followed in fixing rates, both as to the basis and the manner, is left entirely to an administrative officer, who changes with every administration and many times oftener. The administration of a law should be stable and uniform; but with this power reposing in the Secretary, the policies put into effect by one Secretary may be along one line and along an entirely different line under another Secretary, according to the views held by the different individuals. Take the provision in the bill as it is now. No Secretary can follow the law and change the basis of fixing the rates from the land to something else. If he goes from the land as the basis of fixing the rates under the bill as it is now drawn, he violates the law; and we do not have any right to assume that any Secretary will do that; but, under the provision as it would be if the amendment of the Senator from Montana were adopted, one Secretary may base the charge on the land taken, while another may base it on the power developed. One may think he ought not to use it as a regulator; another may think he ought to do so. One policy will be applied to-day, another to-morrow. One at this plant, and another at that plant. The Secretary will be charged with favoritism here and with corruption there, and the whole system be brought into discredit. Surely this is not desirable. I can not believe that Congress will be so careless of its rights and duties as to legislate in this way.

Mr. President, I now come to the very point which the Senator has suggested. The provision of the bill is not as definite as I would like, but it declares the legislative purpose to be to fix the charge for the use of the land upon the value of the land itself, and directs the Secretary of War to take into account the

benefits to the Government as well as to capital. This practically indicates that no charge should be made, because it is hard to conceive of public lands being taken of the value of the locks that may be required for navigation. It also seems to be the policy under the policy of fixing the tax for the use of the land on the power developed to fix the tax at what it is thought capital can bear, regardless of the amount of land taken. Under the Columbia River project 10,000 acres will be overflowed, of which only 130 is public land. How would they arrive at the charge to be fixed? They will charge just the same as if the whole 10,000 acres were public land. That is what they did in the agreement to which I have referred with reference to the Pend d'Orielle. There was not any discussion or consideration given to that agreement with reference to the amount of land taken or with reference to the value of the land taken, but it was all upon the power that might be developed. That is unfair, unjust, and unreasonable. It is a stand-and-deliver proposition pure and simple.

Mr. President, this legislation is proposed in the hope of getting something done under which capital will invest in these great enterprises. It is proposed in the hope that we can secure actual conservation by the use of great natural resources that are now unproductive and not used. The members of the committee have made concessions here and concessions there, not only to each other but to the sentiment which they know to exist throughout the country with reference to the provisions that should be placed in laws of this character.

This bill is not a perfect measure, and I want to say for myself—and I am satisfied that it is the sentiment of the whole committee—that any amendments which may be proposed which will help to accomplish the objects and the purposes with reference to these great enterprises which everybody desires undertaken, will be welcomed to this bill. We have been animated in the preparation of this measure with the same spirit as that stated by Secretary Garrison before the committee, and I wish to close by simply reading what he said:

In my judgment, however, the most potent influence against the enactment of beneficial legislation has been the honest apprehension that in the encouragement of development we might concede too much, might yield that which the future would show to have been a harmful and improvident gift; might, by the improvident creation of a definite and settled relation between Government and grantee, tie the hands of Government and prevent it from making hereafter the most of a magnificent resource in the interest of all the people. But mere apprehension will no longer justify nonaction. The facts should be known to us to-day. The country calls for action. Nonaction can not be excused by the plea that we, whose duty it is to act, are afraid to trust ourselves to act. There is a demand for legislation. We must honestly examine such apprehension as we may have in the light of facts and of reason. If they are without substance we must abandon them. * * * The subject, viewed from whatever angle, is one of such vast importance to the country as a whole, that we can not evade it, but must approach it free from illusions and preconceptions and without the timidity which is born of undue apprehension. We must approach it and study it with the hope and desire of accomplishment. Theories concerning it must be tested in the light of experience and sound common sense. * * * We can not, as fair-minded and reasonable men, desirous of accomplishing a great good, fail to agree upon the means to be employed when we are all agreed as to the great result that ought to be achieved—namely, the beneficial development of water power.

Mr. President, that is the spirit which has animated the committee in framing this bill and reporting it to the Senate in the form we have done.

Mr. CLAPP. Mr. President—

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

Mr. JONES. I do.

Mr. CLAPP. In the press of other matters I have not had the time to examine this bill as carefully as I should like to do. So I ask what provision, if any, is made in the bill for the termination of the right or license or permit or whatever you may be pleased to call it?

Mr. JONES. I will answer that by reading the provision of the bill.

Mr. WALSH. Mr. President, I desire to say, for the information of the Senator from Minnesota, that there will be some discussion of an amendment addressed to that feature of the bill, and doubtless it will engage the Senator's attention at that time.

Mr. JONES. I read from the bill:

Sec. 5. That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from and after the date of the completing and putting into commercial operation of the initial installation required by the Secretary of War, as provided in section 9 of this act, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

Then section 6 follows. I could read that right here, if the Senator would like to have me do so.

Mr. CLAPP. I should like to have it in the Senator's speech. I have a purpose in wanting it there.

Mr. JONES. Very well; I shall read section 6. It is as follows:

Sec. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made.

And then it goes on with the definition of "fair value," and so forth.

Mr. BANKHEAD. Mr. President, before the Senator takes his seat, I should like to ask him a question or two. My recollection is that he made a statement with reference to the Columbia River and the power that might be developed there under the provisions of this bill. I understood him to say that a dam erected there, perhaps 100 feet high—

Mr. JONES. Ninety feet high.

Mr. BANKHEAD. Ninety feet high would produce—what amount of power?

Mr. JONES. Four hundred thousand horsepower at low-water stage and 1,200,000 horsepower at high-water stage, or during the summer time.

Mr. BANKHEAD. I understood the Senator to make a statement as to the distance the river would be improved for navigation by the construction of this dam, which was about a thousand miles, I think he said.

Mr. JONES. I said that by the construction of this dam there would then be navigation in the Columbia River for a distance of about a thousand miles. Perhaps it might be well to explain that; otherwise it might be misunderstood. We have navigation now in the Columbia River up to Priest Rapids. Then for, I think, 75 miles or more there is not any navigation, because there are some rapids. By the building of this dam, those rapids would all be overcome, and then we would have navigation nearly on to the Canadian line.

Mr. BANKHEAD. That is what I understood. Now, the question I want to ask the Senator is this: There is obstruction to navigation; there is a great navigable river cut in two in the middle, if I may so express it, by shoals. The construction of this dam 90 feet high would give complete navigation.

Mr. JONES. Without expense to the Government.

Mr. BANKHEAD. Without expense to the Government. Now, the point I am coming to is this: How long will it be, in the judgment of the Senator, before the Government of the United States will undertake the improvement of the river at its own expense?

Mr. JONES. Why, Mr. President, I see no prospect at anything like an early day of the Government undertaking it. It will be years and years and years before it is done, if it ever is done.

Mr. BANKHEAD. Another question. If the Government should undertake this development for navigation purposes they would, of course, construct, instead of one dam 90 feet high, three or four dams 20 or 25 feet high for navigation only. That is the rule. The Government never constructs high dams when they are only providing for navigation; but the rule of practice and of common sense is that such dams shall be only 20 or 25 feet high. I do not know of any dam in the United States for navigation that is over 22 feet high. Now, to construct these dams for navigation would absolutely for all time destroy the possibility of a power development at that shoal, would it not?

Mr. JONES. I think it would.

Mr. BANKHEAD. In the Senator's judgment, would not power development and the results that would follow it be much more beneficial to the people of that section and the whole country than the navigation of the river itself? Would it not bring more beneficial results?

Mr. JONES. Oh, yes; because there is not very much need for navigation, at least along a hundred miles or more, unless we can get water out on these lands for irrigation purposes; and this is about the only way in which it can be done.

Mr. BANKHEAD. Then the improvement of that rapid, the construction of a power dam, the erection of manufactories of different sorts, the irrigation of lands, and the production of crops would create an immense amount of commerce that would

go over the river made navigable by the construction of this dam; would it not?

Mr. JONES. Yes, sir.

Mr. BANKHEAD. That is what I wanted to get clearly in my mind. I did not know, but I had that impression.

Now, another question: Is it the Senator's opinion that under the provisions of this law, practically as we have drawn it, capital can be induced to make that power development and make that navigation improvement in connection with each other?

Mr. JONES. I am assured, by men who claim to know, that they know capital that will go into this enterprise if this bill is passed; and not only this one enterprise in my State, but this other enterprise in the case of which I read from the permit awhile ago, where they can develop 110,000 or 112,000 horsepower. I am assured that they have capital ready to go into that enterprise also. What these capitalists expect to do more than anything else is to build great nitrate plants to take nitrogen from the air and make fertilizer out of it, and also develop those things that are necessary in the manufacture of ammunition, and which, if we need to prepare, as so many are talking about now, will be one of the best elements of preparation that we can make.

Mr. BANKHEAD. Would not the Senator from Washington regard it as a legislative crime for the Government of the United States to destroy that power and its possibilities simply by an attempt on the part of the Government to improve the river for navigation?

Mr. JONES. I think we would be justified in using that language.

Mr. KENYON. Mr. President, before the Senator takes his seat I wish to state that I have been unable to be here during all of the Senator's speech; but, referring to the question asked by the Senator from Minnesota [Mr. CLAPP], I do not know whether the Senator from Washington has discussed section 6 or not.

Mr. JONES. No; I did not discuss it. The Senator's colleague [Mr. CUMMINS] asked me yesterday afternoon with reference to the fair-value proposition. I suggested to him that I had not given that subject a great deal of consideration, but that the Senator from Tennessee [Mr. SHIELDS], who has charge of the bill, is especially qualified to speak with reference to that.

Mr. KENYON. I should like to ask the Senator—because he has better knowledge, I am sure, on these questions than I have—

Mr. JONES. Not with reference to that; I doubt it.

Mr. KENYON. But the Senator has with reference to the general subject, because he comes from a State where, perhaps, it has required more study, though the question is one which is important to my State also. But does not section 6 practically amount to a perpetual franchise?

Mr. JONES. I think it does. I stated that yesterday. I discussed that proposition just a little. I think it does.

Mr. KENYON. The contracts that would be made might extend over such a period of time that the Government never would recapture the property, as provided in section 6.

Mr. JONES. Oh, I think that even if the Government should recapture, the Government would have to carry out those contracts.

Mr. KENYON. That might embrace trolley lines, the electric lighting of towns, and so on.

Mr. JONES. Yes; that is true.

Mr. KENYON. And the Senator does not believe that the Government ever would do it, does he?

Mr. JONES. Well, I doubt it.

Mr. KENYON. Take the Keokuk Dam. The amount of money that it would cost to recapture that property would be up in the millions—perhaps \$20,000,000.

Mr. JONES. Yes.

Mr. BANKHEAD. The Keokuk Dam has a perpetual charter.

Mr. KENYON. I know the Keokuk Dam has a perpetual charter; but assuming that the Keokuk Dam, or some similar dam, might be constructed under this bill, it might just as well be a perpetual charter, might it not?

Mr. JONES. I stated yesterday, and I will state now, to indicate my position, that I think it ought to be. I do not think we ought to put any limit in here at all, for this reason: We have in practically every State of the Union a public-service commission that will see to it that the charges are reasonable and just, as nearly as any administrative officer can see to it, and that the service is efficient. If that be true, I do not see any object to be gained by changing the ownership or limiting the time. If the rates are just and reasonable for 50 years, if they are just and reasonable for 100 years, if they are just and reasonable for 1,000 years, why should any change be made or what advantage

can be gained by it? Then, too, I think, as the Senator from California suggested the other day, that it is very important, especially in irrigation matters, that the right shall be perpetual. A man who gets a water right for his land does not get a water right for 10 years or for 25 years. He does not want a water right for any limited time. He wants it forever, because whenever the water stops all the value goes out of his farm, and his improvements are wasted, and all that sort of thing.

So, in the interest of permanency and stability and prosperity, I should prefer to see no limit at all where we have these public-service commissions. I would not be in favor of this unlimited grant if they were permitted to charge whatever they saw fit to charge, as they used to be permitted to do; but now that we have our regulative commissions, I can see nothing to be gained by having a limited period.

Mr. KENYON. I am glad the Senator is so frank about that, as he is about everything else, and admits that this bill practically gives a perpetual franchise.

Mr. JONES. I think it does.

Mr. SHIELDS and Mr. CLAPP addressed the Chair.

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

Mr. JONES. I yield to the Senator from Tennessee.

Mr. SHIELDS. I do not agree that this bill gives any perpetual franchise.

Mr. JONES. The Senator understood me to say "practically."

Mr. SHIELDS. I understand that the Government at any time after 50 years can give notice and by proper proceedings take over the plant. I shall discuss that question and the proper construction of the section in regard to it when we reach the amendment offered in regard to it. I do not wish to do so now, while we have under consideration the amendment of the Senator from Montana in regard to entirely a different matter.

Mr. JONES. I do not think there is any difference between the Senator and myself. The terms of the bill, of course, make it a fixed term; but practically, as the Senator says, I think it is a perpetual grant.

Mr. KENYON. The bill prescribes a fixed way of recapture which can not practically be carried out.

Mr. JONES. I would not say that it can not be carried out, but it probably will not be carried out.

Mr. CLAPP. It makes the grantee subject to the laws of the State.

Mr. JONES. Absolutely.

Mr. CLAPP. And that is one of the conditions of the grant. Under section 8, the grantee forfeits the rights if it violates the conditions; so that it can only be said to be practically permanent so long as the grantee complies with those provisions that relate to Federal regulation and also relate to State regulation.

Mr. JONES. Oh, yes; that is true.

Mr. WALSH. Mr. President, in closing the debate on my amendment—for I take it that all has been said that Senators desire to say with reference to it—I think I may, with entire propriety, recall to the minds of the Senators the exact purport of this amendment. It is to strike from line 22, on page 6, the words "based upon its value as land."

Mr. President, this amendment presents no question of the propriety of adopting a leasing system, with respect to any rights that are acquired under the act, rather than a system under which grants in perpetuity, alienations in fee, are made. The bill itself propounds the leasing system, both with respect to the right to place dams in navigable streams and with respect to occupying any portion of the public lands. The bill provides, not that the permittee shall have the right perpetually to occupy the stream, but that he shall have the right to occupy it for a limited period of 50 years. It provides that if public lands are to be occupied they shall not be occupied perpetually by the permittee, but only for the period of his permit. So that the amendment, as I suggest, does not present the question of the wisdom of that system as a whole at all. Furthermore, it does not at all present the question as to whether, with respect to the public lands that are to be occupied, if any shall be occupied, any charge is to be made or is not to be made; for the bill contemplates that a charge is to be made for this right. The amendment simply presents the question of the principle upon which the charge is to be made in the case of public lands occupied for the limited period of the franchise.

My esteemed friend the Senator from Colorado [Mr. SHAFROTH], who introduced the discussion of the matter on the part of those opposed to the amendment, found opportunity to hang upon this discussion the presentation of his views concerning the wisdom of the leasing system, and we listened to his

well-known views with respect to that. It is in a way a digression, Mr. President. The Senator from Colorado insists that if any permission is to be given to occupy the public lands at all, that permission should not be given for a limited period, but that the lands should be conveyed away. The Senator's view is that we ought to get rid of the public lands without very much regard to how we get rid of them, or to whom we get rid of them, or upon what terms we get rid of them, so that they will pass into private ownership and become subject to taxation by the States. He urges that view very often.

In that connection the Senator from Colorado stated that the hopes which some of us entertain that development would take place under this bill, or something like it, might be judged by the fact that a year and a half ago we passed a bill which contemplated the leasing of the coal lands in Alaska; and he advised the Senate, as he did on a previous occasion, that that hope was doomed to disappointment, because after the lapse of a year and a half no one had ever come forward to take a lease upon the coal lands of Alaska.

Mr. President, the question is so important in many phases that I called up the Commissioner of the General Land Office to get accurate information upon that subject. The Senator from Colorado has stated the facts exactly. No one has ever come forward; no leases have been made. But no leases have been made, Mr. President, because no leases have ever been offered. The necessary surveys have not yet been made so as to afford an opportunity to invite people who might lease.

I send to the desk the letter of the commissioner, and ask that it may be read.

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

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 23, 1916.

Hon. T. J. WALSH,
United States Senate.

MY DEAR SENATOR: In response to your recent inquiry by telephone with respect to the matter of leases on the Alaska coal lands, under the Alaska coal-leasing act of October 20, 1914, I beg to advise that, as you recall, the act in question requires that the Secretary of the Interior shall cause said lands to be surveyed and laid out in leasing blocks; said act also authorizes the President to set aside certain areas as a reserve for Government use. Under the circumstances, therefore, the first thing to do under this act was to get the land surveyed. Consequently, necessary surveying parties went into each of the three principal coal fields, namely, Bering River, Matanuska, and Nenana, as early as weather conditions would permit last spring. The land surveyors were accompanied by topographic surveyors; and in two fields, the Matanuska and Bering River, they were accompanied by coal-mining engineers. The field work was all completed during the last summer season. The preparation of the necessary plats and field notes is now going on at Juneau as rapidly as possible, and we expect to have all of them in hand here within a few weeks.

In the meantime the two coal-mining engineers were given advance photographic copies of topographic sheets and survey plats, so that they could go ahead with the work of making up their reports and laying out the blocks of land for leasing purposes. These two men are here at present, and have their reports practically ready to present to the Secretary of the Interior.

In the meantime, also during the past summer, much attention was given by the different bureaus of this department to the matter of formulating satisfactory coal leases and regulations, all of which has been done, so that immediately the field notes are received here from Juneau the department will be in a position promptly to issue coal regulations and information for the leasing of coal lands in Alaska.

You will recall that section 10 of the coal-leasing act provides for free-use permits on small tracts for local consumption. Regulations and forms under this section were issued shortly after the act was passed, and I inclose herewith a copy. Advices have reached this office of operations being conducted under such permits in 10 cases.

From the above you will note that, so far as the larger leasing operations are concerned, the department has not up to date been in a position to grant a lease on any Alaska coal lands or to consider any application, though there have been numerous requests for information, in this connection.

Yours, very truly,

CLAY TALLMAN.

Mr. WALSH. Mr. President, to get back to the amendment before us for consideration, the bill provides that the amount of the charges which the Secretary of War shall exact on account of the use or occupancy of any public lands that may be required in connection with any of these projects shall be determined by him upon the basis of the value of the land to be occupied. In other words, he is to ascertain what the value of the raw land is. That is to be the capital, and on that capital the Government is to receive, as I assume, a reasonable interest return. I suppose probably 5 per cent will be regarded as reasonable. The Senator from Washington [Mr. JONES], who seems to have originated this part of the bill, or at least it conforms to his idea, introduced at the last session a bill which contemplated determining in that way the price to be paid.

The amendment contemplates striking that out and leaving it entirely in the discretion of the Secretary of War to require the

payment of such annual charges or other amount as to him may seem wise. Thus, Mr. President, he will have an opportunity to provide in the permit, if he sees fit to do so, that an annual payment shall be made of so much per horsepower developed or developed and used; in other words, to base the charges upon the amount of power which is produced in connection with the lands that are to be used.

It is between these two plans that the Senate is required to make choice in the amendment which has been proposed by me.

It is perfectly clear that those who are opposing the amendment offered by me are opposing it because they fear that by it an undue burden will be put upon the power companies seeking these privileges; that is to say, that they will be too heavily burdened, and that the imposition of that burden upon them will arrest the development of these water-power projects, the speedy utilization of which is the earnest desire of all those, including myself, who hope to see this legislation enacted.

The Senator from Washington [Mr. JONES] is quite frank about the matter. He does not want any charge at all to be exacted for the use of these lands. He would give the power company seeking this permit the use and occupancy of all the public lands it needs without any charge at all; and if a charge is going to be made, he is perfectly frank to say—and I admire and respect him for it—that he wants to tie down the Secretary of War as far as he can, so that the charge shall not be anything of any considerable consequence.

Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] presents this matter in an exceedingly persuasive way, and the argument made by him is entitled to most respectful consideration. He says:

If these lands were owned by a private individual and the power company desired to make use of those lands, it could go into court, condemn those lands, pay the actual value of the lands, and occupy them.

He further says:

The Government owns these lands in exactly the same way as a private proprietor owns the lands, and it should, therefore, be subject to exactly the same rules—

And that the public lands should be taken by the exercise of the right of eminent domain in exactly the same way and upon exactly the same terms as the lands of private owners.

Mr. President, that is a theory of the law which is now presented for the consideration of the Supreme Court of the United States. It is advanced by certain gentlemen whose views are entitled to very great respect in the State of Colorado that the State has the inherent power to exercise the right of eminent domain over all lands within its borders, even the lands belonging to the United States—the public lands—and that it can invest any corporation which it creates with that sovereign power to go out and take these public lands; in other words, that the State may say to any power company: "Go out on the public domain and occupy whatever power site you can find, and we will grant you the right to that site, paying to the United States only the actual value of it."

Mr. SHIELDS. Mr. President—

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

Mr. WALSH. Gladly.

Mr. SHIELDS. Do I understand that there is now pending a case involving that very question?

Mr. WALSH. I had a copy of the brief. It was presented to the United States District Court for the District of Colorado. My understanding is that it was denied, and that an appeal has been taken, and the case is now pending in the Supreme Court of the United States.

Mr. SHIELDS. Does the Senator know whether or not it has been heard?

Mr. WALSH. No; I am sure it has not.

Mr. SHIELDS. Then there is not any probability of its being decided very soon?

Mr. WALSH. No.

Mr. SHIELDS. Instead of putting in the bill a provision of the kind contained in it—that the Secretary of War may fix the charge upon the land, based upon its value as land, taking into consideration the benefits to the permittee as well as the benefits conferred upon navigation—if a provision were substituted authorizing the corporations of the States and the individuals making application under the provisions of this bill to condemn these public lands in a proceeding in eminent domain, would that relieve the objection of the Senator?

Mr. WALSH. Why, certainly not. I should say not. In the first place, I will say to the Senator from Tennessee that the Congress of the United States has never yet given permission to sue the United States in a condemnation proceeding.

Mr. SHIELDS. I am aware of that fact.

Mr. WALSH. I am sure the Senator is.

Mr. SHIELDS. But what I ask is, Would the Senator offer any objection to the substitution, now in this bill, of permission of Congress for these companies to condemn the land under the right of eminent domain?

Mr. WALSH. I should; yes, sir.

Mr. SHIELDS. The reason why I asked the question was that I thought the Senator concurred in the view expressed by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. WALSH. Oh, no; by no means. I was going to say that it is a very persuasive kind of an argument to make, but it is lacking in soundness. It is lacking in soundness, for this reason: Although the Government of the United States holds the title to these lands in a proprietary and not in a governmental sense, yet it does not handle the lands as a private owner handles his lands. I will say to the Senator that never in the history of our country has the Government of the United States awarded to the States the right to bring it into any court for the purpose of condemning to public uses any lands belonging to the United States. When we consider that that policy has been pursued since 1789 down to the present time—now 127 years—we may well believe that there is some good, sound reason why that should not have been done, or it would have been done a long time ago. The reason for it is that when the corporation invested with the sovereign right of eminent domain seeks to take the property of a single individual we have the case of the sovereign people on the one side—all the people of the State—demanding that the property be put to public uses, and a single individual selfishly demanding that he hold it for his own individual, private purposes.

But in the case of the Government of the United States we have quite a different situation. The Government of the United States does not hold its land as a private proprietor for the purpose of making money out of it. The Government of the United States represents the people of this great Nation with reference to its public lands, and you have the people of a State on the one side and the great constituency of the people of the United States on the other side, the people of the State demanding that it be put to a certain public use and the Government of the United States saying, "We do not think it wise to put it to the public use upon the terms that you propose."

Therefore, Mr. President, it is not correct at all to say that because the private individual must give up his lands for a cash value the Government of the United States is obliged to give up its lands for a cash price or to exact an annual return that is equivalent to the interest upon the cash price, because it will say, "We have a great public purpose to subserve; we do not think it wise in the interests of all the people of this Nation that we should let this land go at this particular time for the amount of cash that it will bring in the market. If you desire to do it, however, upon the terms which we prescribe, you are quite welcome to it."

So, Mr. President, we insist that the public policy as addressed to this particular measure is that the charge should not be made on the question of the actual cash value of the property at that time, but upon other and broader considerations of public policy.

Mr. BANKHEAD. Mr. President—

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

Mr. WALSH. I do.

Mr. BANKHEAD. The section of the bill under discussion, which provides that this land shall be valued or paid for according to its value as land, does not stop there at all. It goes further and says that—

In fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Now, I ask the Senator if, under the provision I have read requiring the Secretary of War to place the price upon all the lands according to their value as land and then authorizing him to place another price or another value according to the benefits conferred upon the grantee, he thinks it would be likely that a fair price or an exorbitant price, if you please, may be required under the provisions of this section?

Mr. WALSH. Mr. President, the question the Senator addresses to me is a very pertinent one. The Senator from Iowa [Mr. CUMMINS] asked the Senator from Washington [Mr. JONES] yesterday substantially the same question.

Mr. BANKHEAD. I want the Senator to answer mine.

Mr. WALSH. I shall be glad to do so. In other words, he asks whether the idea expressed in the language which I seek to strike out is not irreconcilable and inconsistent with the subsequent language. It will say to the Senator that it is my opin-

ion that it is, and therefore I want to make it harmonious by taking out the other language.

Mr. BANKHEAD. In other words, I fear the Senator from Montana would like to amend the bill so that it would be utterly worthless after it is passed from the viewpoint of those who are in favor of it.

Mr. WALSH. Oh, no; not at all, Mr. President, because I am in favor of this bill, and I am as earnestly desirous of seeing it passed as is the Senator from Alabama or any other Senator upon this floor. Mr. President, I desire to have it understood now that I do not intend to be charged as being an opponent of this bill if I am not willing to have it go through without dotting an "i" or crossing a "t," and that is the thing that is put up to us.

The Senator from Alabama awhile ago interrogated the Senator from Washington concerning the great power site at Priest Rapids. Mr. President, that is a wonderful resource. It is a magnificent power site. I presume, possibly with the exception of Niagara, there is not one like it in the United States. That is a great river. It comes clear up into my State; its headwaters traverse it for many, many miles. I want to see it opened to navigation. I want to see that great power developed. But that does not demonstrate that this is a good bill, either in its general aspects or in its details, and I shall continue my humble efforts, in my humble way, to get the bill to conform, if I can, to my ideas as to what a water-power bill should be.

We are constantly told, Mr. President, that this bill is necessary because water-power development has been arrested and this will start it on the way. I have no doubt it will; I am quite sure it will. But, Mr. President, it was said that the old bill was unworkable, and, therefore, we must take this bill. I do not concede that we are confronted with any such alternative at all.

It is suggested that no development will take place unless this bill goes through just exactly as it came from the Committee on Commerce, or that in some way or other development will be arrested if the amendment now proposed by me shall be adopted.

Mr. President, upon what basis is any such claim as that asserted, and how can it be maintained? Why were not plants constructed under the act of 1910? It is perfectly obvious why they were not constructed. It was not because the act of 1910 provided that the privilege should be granted for 50 years only. This bill adopts that view. It was not because the act of 1910 provided that a charge should be made for the privilege which it extended. This amendment here provides for the imposition of a charge. It was simply and plainly, Mr. President, because the Secretary of War was not authorized to grant a permit at all under the act of 1910 until first a special act was put through Congress, and it has been found impossible since that time to put an act through Congress because of the contending views of the extremists, the one claiming everything for the power sites and the other side imposing and insisting upon imposing impossible terms. I hope that we shall get into a frame of mind where we can get away from both of them and pursue some medium course which will at once protect the rights of the people and offer reasonable inducements to the investment of capital.

Mr. President, what obstacle will this amendment be in the way of the development of these powers?

Mr. CUMMINS. Mr. President—

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

Mr. WALSH. I do.

Mr. CUMMINS. I should like to put to the Senator from Montana the question that I asked a day or two ago of the Senator from Alabama [Mr. BANKHEAD], for I confess that there are in this part of the bill provisions which seem to me to be contradictory. Quoting from the bill I read:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War—

That seems to me to be a direct command to the Secretary of War that the charges shall be based upon the value of the site as land. But I find immediately afterwards this language:

and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Is it not true that the clause I have just read is entirely inconsistent with fixing the charge upon the basis of the value of the property as land? That is to say, it directs the Secretary of War to ascertain the value of the improvement to the public for the purposes of navigation, and I assume that in that way the charge might be not only reduced below the point of the value of the property as land but it might create a credit to the person to whom the permit is granted.

Then the Secretary of War must also take into account in fixing the charge the business of the grantee. I assume that

means that if it is likely the business will be very profitable the charge shall be great; if it is likely that the business will be unprofitable or little profitable, then the charge shall be low. That idea is emphasized by the next provision:

In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation, and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee.

If that means anything, it means that the charge shall be graduated according to the probable outcome of the enterprise.

I am unable to see why the Senator from Tennessee and the Senator from Alabama resist so strenuously the amendment offered by the Senator from Montana, when the bill itself provides that all these broader considerations must enter into the final judgment of the Secretary of War with regard to the charge to be made by the occupation of the land.

I suggest that to the Senator from Montana, for I have been unable to see the operation of these latter clauses if the sponsors of the bill intend that the charge shall be based entirely on the value of the property as land.

Mr. WALSH. Mr. President, I see no—

Mr. SHIELDS. May I ask a question?

Mr. WALSH. The question was addressed to me. I will be glad to yield to the Senator from Tennessee in a moment.

Mr. President, I can see no possible escape from the conclusion which is obvious from the remarks of the Senator from Iowa. The two present two directly divergent and antagonistic theories upon which to estimate the annual charge. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to ask the Senator from Iowa, if I understand him correctly, what his objection is to the words "based upon land" when he thinks the subsequent provision means the same thing?

Mr. CUMMINS. I must answer the Senator from Tennessee in this way: I think, myself, the interpretation of the statute would be precisely the same whether the amendment offered by the Senator from Montana is adopted or not. I think the bill itself—

Mr. SHIELDS. Then the Senator can see no reason for the Senator from Montana insisting on his amendment, or no further reason?

Mr. CUMMINS. I am unable to see its great materiality, because I believe that the bill does provide for other bases of fixing charges, just as the Senator from Montana would have it. But I shall nevertheless vote for the amendment offered by the Senator from Montana, because I do not believe in having inconsistencies or repugnancies in a bill.

Now, I ask the Senator from Tennessee: Suppose that a given site were before the Secretary of War and he should find that the value of the site as land was \$500, but he should also find that the benefits accruing to the people of the country from the improvement in navigation was \$1,000, what would the Senator from Tennessee do under those circumstances if he were Secretary of War?

Mr. SHIELDS. The Senator from Tennessee would charge the company for the value of the land for all the purposes for which it is valuable, and such are the provisions of this bill. It is subject to no other construction in my opinion. I am wholly unable to comprehend how it can be construed in any other way.

This provision that the charges shall be based on the value of the land as land prevents a broader construction which would enable the Secretary of War to charge for the water flowing in the stream and the power created by the improvement, in which the United States has no interest and can not justly or constitutionally charge for.

Mr. CUMMINS. But—

Mr. SHIELDS. I am not through. I should like to present an authority on this question to the Senate right at this time, if I may have the indulgence of the Senator from Montana.

Mr. WALSH. Certainly.

Mr. SHIELDS. It is the case of the United States against Chandler-Dunbar Co., which is so often cited to sustain the power of the United States to charge for water power. I may say here that it only applies to the facts of that case. The United States had built a dam and had purchased the banks and bed of the stream under a condemnation proceeding, and was therefore the riparian proprietor, and for those reasons had the right to charge for the excess power produced. In that case the Chandler-Dunbar Co. claimed various items as incidental damages to the remainder of this land. In the court below they were allowed them to the extent of some \$650,000. The Supreme Court disallowed nearly all of them. I wish the Senators in listening to this opinion to keep in mind

that the position of the United States in that case was directly the reverse of what it will be in a case under this bill. In that case here the Chandler-Dunbar Co. owned the land and the United States was seeking to condemn it. Under the provisions of this bill the land to be acquired belongs to the United States and the power company will seek, in substance, to acquire it. The rule that applies in favor of the United States when it condemns land ought to apply to it when a public-utility corporation proposes to acquire it for a public use.

Mr. CUMMINS. Might I make a suggestion there so that the Senator may consider it as he goes on with the case?

Mr. SHIELDS. After I read the case I will yield to the Senator.

Coming now to the award for the upland taken: The court below awarded to the Chandler-Dunbar Co. on this account—

(a) For the narrow strip of upland bordering on the river, having an area of something more than 8 acres, excluding the small parcels described in the pleadings and judgment as claims 95 and 96, \$65,000, less 7 per cent of that sum on account of Portage Street, which the court later found belonged to the United States and not to that company, \$60,450.

(b) For the small parcels covered by claims 95 and 96, \$25,000.

(c) For a half interest in lot on bridge property, \$338.

These awards include certain sums for special values. The value of the upland strip, fixed at \$60,450, was arrived at in this manner:

(a) For its value, including railroad side tracks, buildings, and cable terminal, including also its use, "wholly disconnected with power development or public improvement, that is to say, for all general purposes, like residences or hotels, factory sites, disconnected with water power, etc., \$20,000."

(b) For use as factory site in connection with the development of 6,500 horsepower, either as a single site or for several factories to use the surplus of 6,500 horsepower not now used in the city, an additional value of \$20,000.

(c) For use for canal and lock purposes, an additional value of \$25,000.

The small parcels constituting claims 95 and 96 were valued at \$25,000.

These two parcels seem to have been connected by a costly fill. They fronted upon deep water above the head of the rapids. They had therefore a special value for wharves, docks, etc., and had been so used. The gross sum awarded included the following elements:

(a) For general wharfage, dock, and warehouse purposes, disconnected with development of power in the rapids, \$10,000.

(b) For its special value for canal and lock purposes an additional sum of \$10,000.

(c) In connection with the canal along the rapids, if used as a part of the development of 4,500 (6,500) horsepower, an additional value of \$5,000.

The United States excepted to the additional value allowed in consequence of the availability of these parcels in connection with the water power supposed to be the property of the Chandler-Dunbar Co. and supposed to have been taken by the Government in this case. It also excepted to so much of the awards as constituted an additional value by reason of availability for lock and canal purposes.

These exceptions, so far as they complain of the additional value to be attached to these parcels for use as factory sites in connection with the development of horsepower by the Chandler-Dunbar Co., must be sustained. These "additional" values were based upon the erroneous hypothesis that that company had a private-property interest in the water power of the river, not possibly needed now or in the future for purposes of navigation, and that that excess or surplus water was capable, by some extension of their works already in the river, of producing 6,500 horsepower.

Having decided that the Chandler-Dunbar Co. as riparian owners had no such vested property right in the water power inherent in the falls and rapids of the river and no right to place in the river the works essential to any practical use of the flow of the river, the Government can not be justly required to pay for an element of value which did not inhere in these parcels as upland. The Government had dominion over the water power of the rapids and falls and can not be required to pay any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use. These additional values represent, therefore, no actual loss and there would be no justice in paying for a loss suffered by no one in fact. "The requirement of the fifth amendment is satisfied when the owner is paid for what is taken from him. The question is what has the owner lost, and not what has the taker gained." (Boston Chamber of Commerce v. Boston, 217 U. S., 189, 194, 195.)

Neither can consideration be given to probable advancement in the value of such riparian property by reason of the works to be constructed in the river by the Government or the use to which the flow of the stream might be directed by the Government. The value should be fixed as of the date of the proceedings and with reference to the loss the owner sustains, considering the property in its condition and situation at the time it is taken and not as enhanced by the purpose for which it was taken. (Kerr v. Park Commissioners, 117 U. S., 379, 387; Shoemaker v. United States, 147 U. S., 282, 304, 305.)

The exception taken to the inclusion as an element of value of the availability of these parcels of land for lock and canal purposes must be overruled. That this land had a prospective value for the purpose of constructing a canal and lock parallel with those in use had passed beyond the region of the purely conjectural or speculative. That one or more additional parallel canals and locks would be needed to meet the increasing demands of lake traffic was an immediate probability. This land was the only land available for the purpose. It included all the land between the canals in use and the bank of the river. Although it is not proper to estimate land condemned for public purposes by the public necessities or its worth to the public for such purpose, it is proper to consider the fact that the property is so situated that it will probably be desired and available for such a purpose. (Lewis on Eminent Domain, 707. Boom Co. v. Patterson, 98 U. S., 403, 408; Shoemaker v. United States, 147 U. S., 282; Young v. Harrison, 17 Ga., 30; Alloway v. Nashville, 88 Tenn., 510; Sargent v. Merrimac, 196 Mass., 171.) Boom Co. v. Patterson was this: A boom company sought to condemn three small islands in the Mississippi River so situated with reference to each other and the river bank as to be peculiarly adapted to form a boom a mile in length. The question in the case was whether their

adaptability for that purpose gave the property a special value which might be considered. This court held that the adaptability of the land for the purposes of a boom was an element which should be considered in estimating the value of the lands condemned. The court said, touching the rule for estimating damages in such cases:

"So many and varied are the circumstances to be taken into account in determining the value of property condemned for public purposes that it is perhaps impossible to formulate a rule to govern its appraisal in all cases. Exceptional circumstances will modify the most carefully guarded rule, but, as a general thing, we should say that the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community or such as may be reasonably expected in the immediate future."

In *Shoemaker against United States*, supra, lands were condemned for park purposes. In the court below the commissioners were instructed to estimate each piece of land at its market value, and that "the market value of the land includes its value for any use to which it may be put, and all the uses to which it is adapted, and not merely the condition in which it is at the present time, and the use to which it is now applied by the owner; * * * that if, by reason of its location, its surroundings, its natural advantages, its artificial improvement, or its intrinsic character, it is peculiarly adapted to some particular use—e. g., to the use of a public park—all the circumstances which make up this adaptability may be shown, and the fact of such adaptation may be taken into consideration in estimating the compensation." The court approved this instruction.

Now, those claims were disallowed as being incident to the land of the riparian proprietor. The position that is taken by the committee and by a good many others in the Senate is that the United States as a proprietor of lands lying along these navigable rivers can not claim anything for their land on account of such values as I have read and that were disallowed in that case, but there are certain values which can be considered in condemning lands of this character, and this provision provides for the allowance of them. In other words, whatever value the property has by its situation on the rivers should be considered by the Secretary of War and charged for, or, to state it in other words, the charge should be on the same basis as the value is fixed in an ordinary condemnation proceeding. That, it seems to me, would be just between the United States and the company proposing to make the development, and certainly the United States ought not to want to invoke a harsher rule. The object of taking the land is one for the public benefit, for a public-utility purpose. In fact, it ought to be donated when it is for a public use.

Now, I wish to read further from this case. I am not going to read it all, though it would be very instructive if I did. On page 80, in referring to another position insisted upon by the Chandler-Dunbar Co., that it was entitled to recover for the "strategic value," the court said:

The "strategic value" for which \$15,000 has been allowed is altogether speculative. It is based not upon the actual market value for all reasonable uses and demands but the possible worth of the property to the Government.

A "strategic value" might be realized by a price fixed by the necessities of one person buying from another, free to sell or refuse, as the price suited. But in a condemnation proceeding the value of the property to the Government for its particular use is not a criterion. The owner must be compensated for what is taken from him, but that is done when he is paid its fair market value for all available uses and purposes. (Lewis Eminent Domain, 3d ed., 706; *Maulton v. Newburyport Water Co.*, 137 Mass., 163, 167; *United States v. Seufert Bros. Co.*, 78 Fed. Rep., 520; *Alloway v. Nashville*, 88 Tenn., 510, 514; *United States v. Honolulu Co.*, 122 Fed. Rep., 581.)

The exception must be sustained.

Mr. President, the provision of the bill in question is somewhat in the nature of a condemnation proceeding. The power company is authorized to occupy it for a public use. The object of the provision proposed to be stricken out is to lay down the rule by which the Secretary of War shall be governed in fixing the charges which the power company shall pay. The United States owns the land, but has no interest in the water. It can charge for the former but not the latter. The Government should not charge a public-utility company for a thing it does not own. The object in placing the words in question in the bill is to make it emphatic that there shall be no charge for the water of the stream or the power produced by it. It is to exclude the inclusion of any value except that of the land. The charge can include every element of value which inheres in the land, but for nothing more.

Mr. CUMMINS. Mr. President, the position that is now taken by the Senator from Tennessee is perfectly understandable.

Mr. SHIELDS. I hope so.

Mr. CUMMINS. And the decision of the Supreme Court in the case from which he read is not difficult to understand; but there is a vast difference between the rule of law applied in the Dunbar case and the rule which is prescribed for the Secretary of War in the bill before us.

The Dunbar case was decided upon the general rules of law relating to the ascertainment of value, rules that are fairly well known; but the Secretary of War is required in the measure that we are now considering to be guided by certain other rules, not rules of the general law at all. It so happens, in my view of it, that the things the bill requires the Secretary of War to consider are the very things that were excluded in the Dunbar case. The rules which the Secretary of War is required to follow are a complete reversal of the general rules of the law respecting the ascertainment of value. I shall at a later time express my opinion with regard to the question of charging a grantee in order to secure a revenue for the General Government, but I am now interested only in the consistency of this part of the bill. It is provided in the bill that the Secretary of War must take into account the public benefits accruing from the use and occupation of the land to navigation. Would such benefits be taken into account in an ordinary condemnation suit? The Senator from Tennessee [Mr. SHIELDS] very well knows that they would not be.

Mr. SHIELDS. Mr. President—

Mr. CUMMINS. If we were to authorize simply a condemnation suit, in which the lands were to be valued in the way provided in the law, does the Senator from Tennessee think that, in order to reduce the value of the land that was to be taken from the Government, the individual could introduce evidence showing that the improvement would be of vast use to the country at large? I am sure he would not so contend. That is one of the things not precisely parallel, but generally parallel, with the items that were excluded by the Supreme Court in the ascertainment of value in the Dunbar case.

Again, the Secretary of War must take into account the business of the grantee. That means what the property is worth to the grantee for the especial purpose for which he desires to use it. He must take into account the probable profits of the grantee, the extent of the business, and from those sources of information ascertain what the grantee can fairly afford to pay to the Government for the land which is sought to be taken.

Mr. SHIELDS. Will the Senator yield to me for a correction?

Mr. CUMMINS. Wait until I close this sentence. That inquiry is prohibited under the Dunbar case and under the general law. A railroad in condemning the land of a private citizen would not be subject to testimony offered by the citizen that the railroad itself was very likely to be extremely profitable, and that it could therefore afford to pay a large amount for the land.

Again, in the last clause of the bill the court—which is the Secretary of War—is required to take into account how much money the entire improvement is to cost and how much it will probably cost to maintain it and, I assume, under the laws of competition, what the probable rate to be paid by consumers will be, all for the purpose of ascertaining how much this land is worth to the particular person or corporation which is to be permitted to occupy it.

If the Senator from Tennessee desires to limit the payment for public land to a value that would be ascertained in an ordinary condemnation proceeding, it will be necessary for him to very materially change the form of his bill. I am conscious, however, that I am trespassing on the time of the Senator from Montana [Mr. WALSH]. I only wanted to make it clear, so far as I can read the bill, that the Senator from Tennessee must grant the amendment of the Senator from Montana in order that the whole provision shall be consistent.

Mr. WALSH. Mr. President, I understood the question addressed to the Senator from Tennessee by the Senator from Iowa to be as to whether there is not an irreconcilable inconsistency between the language to which my amendment is addressed and the remainder of the provisions of the bill on that subject. No question was raised, as I understand, by the inquiry of the Senator from Iowa as to what should be the proper elements entering into the compensation to be rendered, but it was as to whether there is not an inconsistency in the language of the bill.

Mr. President, my idea about the matter is that if the language to which my amendment is addressed is excised from the bill it will present exactly the principle which I desire to see incorporated in that feature of the bill. If the idea represented by the Senator from Washington [Mr. JONES] is to find expression in the bill, then all of the subsequent language pointed out by the Senator from Iowa [Mr. CUMMINS] ought to be taken out. The two can not stand together.

Mr. SHIELDS. Will the Senator yield to me a moment?

Mr. WALSH. Of course, I will yield for a question, though I had hoped that I should have concluded before this time.

Mr. SHIELDS. I desire the Senator to yield merely for a statement. I understood the interrogatory of the Senator from

Iowa to be, whether or not the provision in question was inconsistent; and I answered distinctly that it was not, but that it was entirely consistent, and that the words which the Senator from Montana moves to strike out were inserted in order to make the subsequent words clearer and more explicit and to repel the idea of charging for the water power, which I understand to be the desire of the Senator from Montana. The United States has no power to tax the business and property of the power companies. The States have such power, and they should and will tax them. All charges of this kind should go into the treasuries of the States where they and their property are domiciled and situated.

Mr. WALSH. Of course, we need not proceed further on that line, only I understood the Senator from Tennessee to read from the opinion in the Dunbar case, to invite our attention to the rules there laid down for the purpose of determining the value of property in condemnation proceedings.

Mr. SHIELDS. I did that in order to show the necessity for the retention of the words which the Senator from Montana moves to strike out.

Mr. WALSH. Yes; but nothing will be found therein which will justify taking into consideration, in determining the amount that is to be paid, the benefit which will accrue to the Government by virtue of it nor any of the features referred to in the provisions of the bill subsequent to the language which I move to strike out, which is found on pages 6 and 7. That language presents an entirely different basis for the estimation of the charge, and, as I think, the proper basis. For instance, in determining the charge, the Secretary of War is directed to take into consideration "the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee."

The Senator from Alabama [Mr. BANKHEAD] the other day told us about a great work down in his State. In order to carry on that work, in order to get the permit at all, the permittee was obliged to make a very large expenditure of money—running into the millions of dollars almost, as I now recollect—not for his own good at all, not to assist him in the development of power, but in aid of navigation. So, Mr. President, when the permittee is required to make such heavy expenditures as that for the interest of the general public, very likely the charges that would be exacted of him by the Secretary of War would be very meager, if the Secretary of War made any charge at all; but we may very readily conceive that a permit of this character would be granted for the privilege of putting in a dam at some place where it would not be necessary to make improvements of that character at all, nor would a dollar have to be expended by the permittee that would not have direct reference to his own business and the generation of power. Under the language of the bill the Secretary of War, in fixing the charges, would take into consideration that the permittee was not obliged to expend a dollar for the public benefit, and that the whole thing was going to make the business of the permittee exceedingly profitable. In such a case the Secretary of War would put his charges up high. I think that would be the proper thing to do.

Again, Mr. President, on the next page it is provided that "in fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance." If the permittee is obliged to put an enormous amount of money into the work with the chances of a small return, the charges which he is required to pay will be small. If, on the contrary, the work requires an inconsiderable investment, comparatively speaking, and yet the returns promise to be very great indeed, the Secretary of War will take that into consideration.

But moreover, Mr. President, the Secretary of War is required to take into consideration "the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee. The Secretary of War will ask the permittee, "How much do you intend to charge for power?" Let us take, for instance, one of the great transcontinental railroads piercing the Sierra Nevadas—take the Union Pacific. Some one may want to get an opportunity to put in a dam in the Sacramento River for the purpose of developing power for the Union Pacific Railroad. The Secretary of War will ask, "How much are you going to charge the Union Pacific for this power?" The permittee will say, "I am going to charge \$30 a horsepower; they have agreed to pay that for it." The Secretary of War will say, "Oh, well, you will be making a nice profit on that and you can afford to contribute something to the general revenues; you can afford to pay a dollar a horsepower, then, for that. You will not have to spend a dollar on your work for the improvement of navigation, as they had to do down in Alabama. We caused those people down there to expend a million dollars for the public benefit in order that

they might enjoy their privilege. We will have to exact of you some kind of return for this privilege which you get."

Furthermore, Mr. President, the Secretary of War might easily provide a scale and say, "If your charge is going to be so much per horsepower, the royalty you will have to pay will be 25 cents a horsepower. If you charge \$5 per horsepower, the royalty will be 50 cents per horsepower." Thus the Secretary of War can graduate the charges that he makes by the charges that the company is going to make to the consumer. Those are proper matters to be taken into consideration by the Secretary in fixing the charges, and so the bill provides.

The Senator from Washington [Mr. JONES], however, says he will not stand for that at all, and that the bill is intended to deny to the Secretary of War any discretion of that kind whatever. The Senator says it denies to him that discretion by virtue of the language to which this amendment is addressed. The Senator from Washington—and I had hoped that he might at least do me the honor to listen to this part of my rambling address—asks, with perfect frankness, "what is the use of making a charge?" He says, "Whatever charge is made must go upon the cost of the thing; that the consumer must pay it"; and he asks what is the difference, even though the privilege is obtained for nothing, because in all the States the rates will be regulated by public-service commissions, and nothing more can be exacted than a reasonable return upon the money invested.

Why, Mr. President, even if that were true, even if the thing worked out exactly, even though it were done accurately, there is no sort of obligation that the power company that gets this permit shall go into the public-utility business nor itself become a public utility. A dam may be constructed by a private individual for private purposes. His charges will not be subject to public regulation in any way whatever. The Senator from Alabama [Mr. BANKHEAD], who wants this bill passed without a single amendment—

Mr. BANKHEAD. Mr. President, I have not said that, and the Senator from Montana has no right to assume that that is my position.

Mr. WALSH. Of course, if that is not the attitude of the Senator, I gladly withdraw the remark. He spoke, I thought, with some evidence—

Mr. BANKHEAD. The committee in charge of the bill have said all the time that they are willing to accept any amendment that will improve the bill.

Mr. WALSH. The Senator from Alabama seemed to feel that I was guilty of obstructive tactics, or something of that kind, in offering the amendments which I have prepared. The Senator from Alabama is exceedingly hopeful—and I sincerely trust that his hope may be realized—that under this bill some great corporation will go into his State and invest perhaps as much as \$10,000,000 in the development of a great power plant and nitrate works. I hope they will. We entertain that kind of a hope out in Montana as well. We trust that when the power companies and nitrate companies come to look over the field they will think our opportunities are a little better than they are down in Alabama; but, whether they locate in Alabama or in Montana, they will not be subject to public regulation in any way. A corporation takes out a permit and puts up nitrate works. How is that institution subject to regulation any more than a cotton factory, any more than the cotton mills in the State of my friend, the Senator from Connecticut [Mr. MCLEAN]? It is not subject to regulation at all; so that argument will not do. The great corporation engaged in that work will, of course, come before the Secretary of War and lay before him all its plans, and he will carefully examine into what prospects it has, what outlook there is for a market, what probable profits there will be in the business; and he ought to graduate his charges accordingly.

Mr. President, it is by no means true that no development has occurred under the act of 1910 because that act provided for a charge for the privilege which it accorded. As I said a while ago that act did not operate, because a permit could not be granted except in each individual case a special act of Congress were passed authorizing the construction of the dam. That the imposition of the charge was not what made the act inoperative is demonstrated beyond question or controversy by the fact that charges have been made under the administration of the forest-reserve law since 1900 without any trouble in development at all under that law. Since 1909, when the wholesale cancellation of permits for the construction of power sites within forest reserves was made, only about 15,000 horsepower has been developed. A permit was taken out the other day, even under the existing conditions, for a power plant in the State of Montana, the capacity of which was 1,000 horsepower. Small enterprises here and small enterprises there have been developed under permits

granted since 1909; but probably those general cancellations put an end to such development under existing law upon the forest reserves. Up to that time, Mr. President, it was generally believed that those permits would not be canceled; that they would go on indefinitely, or, at least, that they would not be canceled except upon the most earnest and sincere consideration and upon a perfectly good cause, and while they were operative charges were made just exactly the same, but development was not interrupted in the least degree. Up to 1909 there was 325,150 horsepower developed upon the public domain, although a charge was made in every single instance. The charge, it is true, was trifling. Even the Secretary of the Interior, who is the man so much to be dreaded in this matter, never imposed a charge during that time that seemed to afford any obstacle whatever to the development.

Mr. SHIELDS. Mr. President, I have no doubt the Senator's statement is correct about the quantity of power that has been developed.

Mr. WALSH. I have the figures right here.

Mr. SHIELDS. I have relied on the correctness of the statement of the Secretary of War that only 140,000 horsepower had been developed in all that time and upon the statement of the Secretary of the Interior in the circular letter which was read by the Senator from Nebraska [Mr. Norris], in which he said that under the act of 1910 there had been no development; that the matter was at a standstill; and unless more liberal legislation were enacted it would continue to be at a standstill and all these great resources would run to waste and the people be deprived of the benefit of cheap power for manufacturing purposes and the cheap products that follow cheap power.

Mr. WALSH. Mr. President, the Senator is proceeding upon an entirely erroneous assumption. I was not talking about the development under the act of 1910; I was talking about development on forest reserves under the authority given to the Secretary of Agriculture to grant leases upon the forest reserves.

Mr. SHIELDS. Then I misunderstood the Senator. I thought he was talking about navigable streams that come within the provisions of this bill. This bill only applies to navigable streams. The act of 1910 only applied to them. I am not informed as to the water power on the forest reserves.

Mr. WALSH. So that the Senator may understand the argument I make, I insist that the imposition of a charge, either for the lands themselves or for the privilege, will be no obstacle whatever to development, because for nine years that charge was made in all the permits granted for the institution and installation of power plants upon forest reserves; and, notwithstanding that charge was made, during that time—

Mr. SHIELDS. What amount of development took place during all these 15 years?

Mr. WALSH. No; the development commenced about 1900 and it ceased in 1909 because of the wholesale cancellations at that time.

Mr. SHIELDS. By Secretary Garfield?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Forty in one day?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Projects upon which millions of dollars had been expended?

Mr. WALSH. Of course, I shall not now enter into a debate as to the wisdom or the unwisdom, the justice or the injustice, of that act.

Mr. SHIELDS. I am simply speaking of the facts.

Mr. WALSH. I am speaking of the fact that water-power development on the forest reserves was arrested.

Mr. SHIELDS. For how long?

Mr. WALSH. Until the present day.

Mr. SHIELDS. Up to 1909 there was how much developed?

Mr. WALSH. There was 325,130 horsepower developed.

Mr. SHIELDS. Only 325,000 horsepower?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Out of 60,000,000 horsepower. Does the Senator think that was much of a development?

Mr. WALSH. The Senator ought not to get confused about this matter. There is not 60,000,000 horsepower on the forest reserves.

Mr. SHIELDS. There is, according to the estimates, 60,000,000 horsepower in the United States.

Mr. WALSH. Oh yes; but only a very small amount, comparatively speaking, in forest reserves.

Mr. SHIELDS. How much is there in the forest reserves?

Mr. WALSH. I can not say, but whatever there is, 325,000 horsepower on the forest reserves is a great big development.

Mr. SHIELDS. There are several million horsepower in the forest reserves.

Mr. WALSH. Undoubtedly.

Mr. SMOOT. Mr. President, I think there is about 42,000,000 horsepower in the Western States, and I will ask the Senator from Montana if the greater part of that is not in the forest reserves?

Mr. WALSH. I should say not, because there is 400,000 horsepower at Priest Pass, with possibly 1,200,000 more along the same river. I know there is 400,000 horsepower more at The Dalles, and I could easily refer to many other places. Take the Pend Oreille, about which I spoke here the other day, where the development amounts to 250,000 horsepower. That is not within a forest reserve.

Mr. SHIELDS. I have seen a statement of it, but I do not remember the precise amount. I know the horsepower on the forest reserves would run into the millions and that the development stated by the Senator was comparatively small and insignificant.

Mr. WALSH. Another great power site is the Big Horn, which is not in a forest reserve. But what is the difference? In that period there was 325,000 horsepower developed, with a charge attached to every one of them. What is the use of talking about a trifling charge of 10 cents a horsepower, or 25 cents a horsepower, or 50 cents a horsepower, or a dollar a horsepower, for that matter, being an obstacle of any consequence in the development of water power? We who live in the West know that it is not.

Mr. SMOOT. Mr. President, to get the exact figures as to the amount of horsepower in the Western States, I refer the Senator to page 200 of the hearings before the Committee on Public Lands of the United States Senate, in which it is stated that in the Western States there is 44,049,000 horsepower, and if I had the time to refer to the testimony of a number of witnesses, who, as I remember, testified before the committee, I think I could verify the statement that the greater part of that is on forest reserves.

Mr. WALSH. I might say, Mr. President, that if the development upon forest reserves had not been arrested in 1909 by wholesale cancellations, but had been allowed to go on as it was going on up to that time, it would have been demonstrated by this time, so that it would not now be open to discussion at all, that the mere matter of a charge was no substantial obstacle to the development.

Mr. SMOOT. Mr. President, in that connection I desire to say to the Senator that there has already been developed in the West, particularly in the Mountain States, more power than there is a market for. I take it for granted that the Senator will agree to that.

Mr. WALSH. I will not agree to it; on the contrary, I know that the opposite is true.

Mr. SMOOT. All I can say, Mr. President, is that the testimony before the Public Lands Committee shows that in California, I think, the amount of power produced to-day exceeds that which is used or called for by nearly 35 per cent. There is more developed in the State of Utah than is being used; there is more developed in the State of Nevada than is being used; there is more developed in the State of Washington than is being used; and I might go further and say there is more developed in some of the other States than is being used. It may be, so far as Montana is concerned, that there is a greater demand for power than the amount of power developed to-day can supply; but that is not the rule in the Western States generally.

Mr. WALSH. Mr. President, the idea the Senator has now advanced was presented by Mr. Merrill of the Forest Service in his testimony before the Public Lands Committee, and he elaborated the same idea before the Water Power Congress at Portland some time ago.

Mr. SMOOT. That is correct.

Mr. WALSH. But I am entirely unable to agree with Mr. Merrill's facts or with the conclusions he draws from them. On the contrary, Mr. President, I beg to say that the last great development in the State of Montana was at the Great Falls of the Missouri, where there was developed 90,000 horsepower. The president of the Montana Power Co. paid me a visit only two weeks ago, and told me that every pound of the power was now disposed of, and that they were proceeding to develop another new site in my State.

Why, Mr. President, the State of Washington is here asking the passage of this bill, or something like it, in order that it may develop the great power site at Priest Rapids, capable of producing 400,000 horsepower. Now, what is the use of talking about there being enough? Why, Mr. President, the gentleman who has contributed the best exposition of the necessity of

water-power development, of the enormous significance it has for the future of our country, is Mr. Henry J. Pierce, of Seattle; and he is haunting the corridors of this Chamber to-day begging for the passage of a sensible bill upon this subject that will enable him to develop the Priest Rapids power site.

Mr. FLETCHER. Mr. President, in reference to water powers on reservations, while I do not know that this has any direct bearing on the Senator's argument, as I recall, about 1908 quite a number of water-power sites were reserved or taken over by the Interior Department under the head of ranger stations and that sort of thing. I do not know whether they have ever been leased or not.

Mr. WALSH. I think the Senator is in error about that. A large amount of the area within the forest reserves was reserved for ranger stations, often, as many of us felt, without any justification whatever for such reservations. I regret to say that ordinarily these tracts thus reserved offered the highest kind of an invitation to people who would like to go there and homestead; and when they went they found that they were reserved for ranger stations. I think the reservation for ranger stations has been rather run into the ground; but I do not think it can be charged—at least, it never has been brought to my attention—that any power sites were thus reserved. Indeed, the law gave the right to reserve power sites for power-site purposes, and there would be no occasion to accomplish the end of their reservation under the claim that they were to be reserved for ranger stations.

Mr. FLETCHER. I did not remember that the law gave that power prior to 1908. My impression was that the reservations were being made under that name, on the ground of being ranger stations, but in reality because they were suspected to possess certain importance as power sites.

Mr. WALSH. That may be true.

Mr. FLETCHER. But I do not think the law at that time gave the right. I am not sure what has happened since.

Mr. WALSH. The Senator will understand that the Supreme Court has since decided that the President has the power to reserve for almost any cause he sees fit to reserve without the necessity of direct authorization by Congress.

Mr. NORRIS. Mr. President—

Mr. WALSH. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator cares to be interrupted for the purpose, I have here in the letter of the Secretary of Agriculture that we have recently had printed, I think the latest authority, in which he gives the amount of minimum and maximum horsepower in the national forests. He says:

The totals thus found—

This is from the investigation of the Geological Survey, he says—

The totals thus found for the United States—

That is, in the national forests—

exclusive of Alaska and of the purchased areas in the Appalachian, are 8,497,600 horsepower minimum and 16,784,500 horsepower maximum.

Mr. WALSH. I am very much obliged to the Senator for the information. I call the attention of the Senator from Tennessee to it.

Mr. President, not only is the fact that the imposition of a charge will not retard development demonstrated by the experience of the forest reserves, but there is additional proof of it; and I think that proof is found in the permit that was granted the Great Falls Water Power Co. to occupy, with its transmission lines and other works, certain portions of the public domain. This permit is set out in Senate Document No. 1008 of the Sixty-second Congress, third session, made a public document upon the suggestion of the Senator from Utah [Mr. SMOOT].

It will be understood that the Great Falls Water Power Co. was about to construct the great development at the Great Falls of the Missouri, of which I spoke a short time ago. The principal consumer of the power produced there was to be the Chicago, Milwaukee & St. Paul road. In order to effect the electrification of that road it became necessary to construct transmission lines across the public domain in many places, both within and without the forest reserves; and in order to acquire the right thus to construct the transmission lines it became necessary to acquire a permit from the Secretary of the Interior.

The permit is an exceedingly elaborate affair. It required the power company, as a condition of the permit, to pay into the Treasury of the United States an annual charge for the permission and the privilege which was accorded by it, and that charge was graduated upon the amount of power it produced.

The terms are expressed in article 4 of the permit, which is as follows:

The power company will pay annually, on or before February 1 in each year, by certified check to the order of the Secretary of the Interior, a rental charge at the rate of 5 mills (\$0.005) per thousand kilowatt-hours for all energy delivered by it over the lines for which right of way is hereby sought during the preceding calendar year of the decade beginning on January 1, 1913, whether said delivery is made to the railway company under the said contract or otherwise or to other takers; and during each decade thereafter a rental charge at such reasonable rate per thousand kilowatt-hours so delivered to said railway company and to said other takers as the Secretary of the Interior may fix before the beginning of each decade for such deliveries, respectively.

That is to say, not only was a charge exacted for the privilege that was granted, but it was provided that the charge should be readjusted every 10 years, and it did not arrest development. The Great Falls Water Power Co. was glad enough to get the permit upon these terms, and the work of development has gone on.

So I repeat that nobody need have any very great dread that water-power development is going to be arrested if we put in the hands of the Secretary of War the right to make a charge such as the conditions seem reasonably to demand, taking into consideration all of the facts to which the bill relates as it will stand if the amendment which I offer shall be adopted.

Mr. SMOOT. Mr. President, I desire to read from the testimony given by Mr. Merrill in the hearings before the Committee on Public Lands of the United States Senate on the water-power bill to show the estimated amount of horsepower in the forest reserves. I think I was well within the truth when I said that he had made the statement that the greater part of the western power to be developed was in the national forest reserves.

Mr. Merrill states as follows:

In States containing national forests (which includes all the Western States, together with Arkansas, Minnesota, and South Dakota) there is a total of 20,800,000 horsepower, or a total of 74 per cent of all within the United States.

The estimated total within the national forests is 11,700,000 horsepower, or 56 per cent of that within the above group and 42 per cent of the total within the United States.

Mr. NORRIS. Mr. President, will the Senator yield there?

Mr. SMOOT. Certainly.

Mr. NORRIS. I think those figures correspond very well with the ones that I gave here.

Mr. SMOOT. I did not hear the Senator give the figures.

Mr. NORRIS. What is the date of that testimony? I gave the minimum and the maximum, and the figures which the Senator has given are just about half-way between the two.

Mr. SMOOT. This testimony was given on Tuesday, December 22, 1914.

Mr. NORRIS. The statement I have, of course, is a little later, although from the same source.

Mr. SMOOT. It is from the same source?

Mr. NORRIS. Yes.

Mr. SMOOT. I simply read this, Mr. President, to show that the statement I made, without looking up the testimony of Mr. Merrill, was substantially correct.

Mr. NORRIS. The Senator, as I understand, had it a little bit larger than that. The Senator from Tennessee had it considerably higher than that.

Mr. FLETCHER. If the Senator from Utah will refer to the late document, No. 316, submitted in the letter of the Secretary of Agriculture January 17, 1916, he will find the precise statement as given by the Senator from Nebraska on page 18.

Mr. SMOOT. The Senator from Utah has not denied that. The Senator from Utah simply read this to support the statement he had made in answer to the Senator from Montana.

Mr. FLETCHER. I understood that the Senator was referring to testimony taken two years ago. This report is made at a later date.

Mr. SMOOT. I do not think there is any real discrepancy between the testimony of Mr. Merrill given in 1914 and the prepared statement of Mr. Merrill as published in the document from which the Senator is now reading.

Mr. Pierce, the gentleman referred to by the Senator from Montana, a leading citizen of the State of Washington, in the same hearing gives these figures:

North Atlantic States.....	4,910,000
South Atlantic States.....	5,107,000
North Central States.....	4,270,000
South Central States.....	3,342,000
Western States.....	44,049,000

Those were the figures from which I quoted when I made the statement of the maximum amount of power that could be developed in the Western States was 44,049,000 horsepower.

Mr. President, I desire to address the Senate briefly in relation to the amendment offered by the Senator from Montana,

to strike out the words "based upon its value as land" on page 6 of the bill, line 22.

The other day the question arose as to whether the Secretary of War had approved of this bill or of a similar bill, and at that time I made the statement that I thought he had. I find that in the hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives, Sixty-fourth Congress, first session, on the question of amendment of the general-dam act, the Secretary of War makes this statement under the head, "Shall a Federal charge be laid upon the privileges?"

Aside from any question of Federal authority that may be thought by some to be involved, in my judgment, and as a matter of policy, this question should be answered in the negative. Many who have the cause of conservation at heart have heretofore urged, and doubtless will urge again, that any legislation for the development of water power on the navigable streams should provide for the Federal levy of a charge for horsepower for the privilege. The reasons thus far advanced for the proposition do not appear to me to be sound. In the case of navigable streams the Federal Government owns neither the water nor the bed of the stream; its power comes from a right to say what obstructions may or may not be placed in the stream. Upon a navigable stream the Government owns nothing, has nothing to sell.

Those who advocate the levying of such a charge first assigned as their purpose the accumulation of a fund to be devoted to the further improvement of navigation. This, it seems, has been abandoned, and the contention now made is that by means of this charge the Federal Government can more effectually exercise its control over the development. I have heretofore said that in my judgment the State should be left free to impose such taxes, charges, and excises as it might see fit to impose upon the property and the business authorized by the grant. I can see no sufficient reason, as a matter of policy, to justify the levying of an additional charge by the Government of the United States. The Federal Government does not qualify the grantee nor give him the primary authority to engage in the business. The property of the grantee is private property, situate within a State. The title is a title under local law, and the protection of the property comes from the local law and not from the Federal Government. If such a Federal charge were levied, its only effect, so far as I can see, would be to increase the rates and charges to the ultimate consumer, for it can not be doubted that such fixed charges have to be shifted to the consumer, and directly so where there is public regulation and control.

And I might proceed, Mr. President, to read further the testimony under this heading, but I do not think it is necessary, because what I have already read states specifically the opinion of the Secretary of War.

Under the heading "In the creation and improvement of navigable capacity, and not in a money charge, lies the great Federal benefit," the Secretary says this:

To assume that the Federal Government will get no direct benefit, or will get less than it ought to get of such benefit, if it does not impose a charge upon the development of water power, is to ignore one great reason for and one great useful result of the development of power on the navigable rivers, namely, the creation and improvement of navigable capacity without expense to the Federal Government. That such development must give such a result is not a matter of speculation; it is a certainty. Such must necessarily be the result, and the larger and more general the development of power the greater will be the creation and improvement of navigation.

Mr. President, let us not deceive ourselves in this matter. Let us go right to the root of the amendment offered by the Senator from Montana and discuss the object of it and why it is offered. Before I state what I think the object of the amendment is I want to read an amendment that the Senator intends to offer if this amendment of his is adopted, for I have in my hand the bill, with all of the proposed amendments of the Senator interlined, and under a heading of subdivision (g) the Senator proposes to offer this amendment:

In cases in which no lands of the United States are to be occupied, that the grantee shall pay to the United States, for the rights acquired hereunder, such reasonable annual charges as may be fixed by the Secretary of War.

Mr. WALSH. Mr. President, I desire to say to the Senator that that amendment has already been offered, and the Senate has rejected it. That is to say, I offered a page in lieu of the entire page of which that forms a part, that being the feature that was really discussed. So the matter has already been passed upon. The Senator may not have been here at the time.

Mr. SMOOT. If it was discussed, Mr. President, I will say that I happened to be out of the Chamber at the time. But the object of the present amendment is that whatever charge is imposed for the occupation of the land shall be based upon the amount of horsepower developed, and the Senator from Montana would impose a charge for power developed on a navigable stream whether the Government of the United States is the owner of one foot of the land used or not.

Mr. SHAFROTH. Mr. President, I should like to interrupt the Senator for a minute. Is it not practically the same thing when he proposes to make an annual charge in excess of the value of the land? Is it not making an element of charge for the water, in which the Government of the United States has no more right than you have or I have? And is it not practically the same provision as is made with relation to the charge where there is some Government land lying contiguous to the stream?

Mr. SMOOT. It is exactly the same in principle. There is no difference whatever.

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

Mr. SMOOT. I yield.

Mr. NORRIS. I should like to call attention to the fact that no matter whether the Senator from Utah and the Senator from Colorado agree with the Senator from Montana and others like him or not, they will at least have to admit that that amendment is perfectly consistent with the amendment that is now pending and that has been offered by the Senator from Montana. The amendment now pending, if it should prevail, would give the Secretary of War authority to charge on the horsepower developed where public land was used, and the other amendment would give him like authority where public land was not used. I want to ask the Senator if he does not believe that is a fair statement?

Mr. SMOOT. Why, all of the amendments that have been offered by the Senator from Montana are to carry out the plan as stated by me. There is no question about that.

Mr. NORRIS. Nobody has disputed it, so far as I know.

Mr. SMOOT. I am not disputing it.

Mr. NORRIS. I thought the Senator from Utah, and likewise the Senator from Colorado, were trying to convey the idea that there was something inconsistent in these two amendments—the one that has been offered and the one that the Senator proposes to offer later on.

Mr. SMOOT. Oh, no. All the amendments offered by the Senator from Montana down to and including the bottom of page 6 of the bill lead to one and the same thing.

Mr. NORRIS. Yes.

Mr. SMOOT. They all have but one object. It is for the Senate to decide the question whether or not they want to authorize the Secretary of War to impose upon the power company an annual charge of so much per horsepower developed by the company.

Mr. NORRIS. That is the fundamental principle that is really involved, I think, in this amendment, and upon which there is a disagreement among us. I fully agree with the Senator from Montana that we ought to clothe the Secretary with such authority whether he uses public land or whether he does not. The Senator from Utah takes the opposite view, and, of course, those who drew this bill have taken the opposite view, and the entire theory of the bill is the opposite theory.

Mr. SHAFROTH. Mr. President, if the power is to be given by the Congress of the United States to the National Government to impose a charge for something that it does not own, does not the Senator think we ought to amend the Constitution so as to vest that power in the National Government?

Mr. NORRIS. If the Senator from Utah will permit me, in his time, to answer the Senator from Colorado—

Mr. SMOOT. Certainly.

Mr. NORRIS. I argued the question at some length yesterday. I do not know whether the Senator from Colorado was here or not. I do not care to go into the question again. I convinced myself, at least, that the amendment of the Senator from Montana ought to prevail. I think the Senator will get an answer to his question, however, if he will take this course.

If those who favor the bill as it is drawn agree with the Senator from Colorado that it is unconstitutional, then you can save a whole lot of valuable time by permitting the amendment to go in. If you think it does not have any legal effect, then do not oppose it so bitterly. If, as you think, we are going to sell something that we have not got, we can not hurt anybody, nor give any good title to it. If that be the theory, all you have to do is to concede, for the purposes of the argument, that these amendments may go in, and you will not hurt anybody. If we have not the right to make the charge, the charge will not be legal if we make it.

I can hardly believe that the Senators think that this kind of a charge would not be sustained by the Supreme Court, or they would not spend so much time and take such a deep interest, as all others do who believe in that theory, in preventing Congress from enacting a law to that effect.

Mr. SHAFROTH. Mr. President, the statement which the Senator has made as to whether the charge would be sustained by the Supreme Court is not in this case of effect, because the Government of the United States by simply saying, "We will not permit development; we will not enter into this contract; we will not give you the permission," of course can stop all development, and consequently it can, in effect, notwithstanding it is unconstitutional, notwithstanding it is illegal, in an extreme case perhaps force some person who would make something by reason of the investment to go on with it. But it will not produce a general development. That is the difficulty. We

are trying to get legislation here that will produce development and will not conserve these waters for future generations when every day they are going to waste.

Mr. SMOOT. Mr. President, I am opposed to the Government of the United States assuming powers within a State that rightfully belong to the State, and in so doing tie up many of the resources of the State. It seems to me that if this bill becomes a law in the shape in which the Senator from Montana desires it to pass, and if the so-called Ferris power bill, which affects all the Western States, becomes a law, there will be a conflict of authority between the Government and every State in which the provisions of the bills are operative.

The Senator from California the other day called particular attention to the powers vested in the public-utility commission of the State of California; and if the Ferris bill becomes a law as reported to the Senate and now upon the calendar, there is no question but what dual authority will exist and long-drawn-out suits in the courts will be the result.

Mr. President, I was going into a discussion of the Ferris bill to-day in connection with the discussion of the pending measure, as other Senators have done so, but I think I will wait until the Ferris bill comes before the Senate for consideration. As far as my State is concerned this bill would have no effect upon it whatever, because we have no navigable streams in the State; but it seems to me there is the same objectionable principle in this bill, if amended as the Senator from Montana desires it amended, as is in the Ferris power bill.

This is no new question, Mr. President. I was told some years ago that the development of water powers of the West would be held up until there was legislation by Congress in conformity with the views of the then Forester, and up to this time the prediction has been virtually carried out. I believe, Mr. President, if the country knew the true conditions as they exist, if it really knew the hardships which the Western States have had to bear under this policy there would be very few votes in either House of Congress to continue it or to place a further burden upon the people as the bill will place upon them if passed.

Mr. WALSH. Mr. President—

Mr. SMOOT. I yield to the Senator from Montana.

Mr. WALSH. Does the Senator feel that he has been derelict in the past 10 years in not calling the attention of the country to that condition?

Mr. SMOOT. It has been called to the attention of the Senate spasmodically at times when we had just about as many Senators in the Chamber as we have at this time. I really think, Mr. President, that the people of the Western States have been derelict in not calling the conditions existing to the attention of the country. They have had no publicity bureau, as have the proponents of this class of legislation. I think if the Western States had started eight years ago and called the attention of the American people to conditions as they have done in the last year, if conferences had been held as was held at Portland last year there would have been a different sentiment throughout the country from what there is to-day.

Mr. WALSH. I wish to ask the Senator how long he thinks it would take the western people to come to his idea about it?

Mr. SMOOT. I did not quite hear the Senator's question.

Mr. WALSH. How long does the Senator think it would take the people of the country to come into an acceptance of his idea about it?

Mr. SMOOT. I think just as soon as they were informed of the conditions they would come to it.

Mr. WALSH. Would the Senator like to continue that deadlock?

Mr. SMOOT. Mr. President, whenever a man comes up to me and says, "You have got to yield to what I desire, or if you do not, I will see that your every effort for advancement is blocked; you have got to conform to my idea or no development shall be had." I want to say to the Senator from Montana that if I feel that I am right I will never say, "Well, if I can not have a whole loaf, give me a half of one." I am willing to wait until there is a change of sentiment, and I would stand it as long as the other party could.

Mr. NORRIS. I will ask the Senator if that is not about what he said when he was at the convention in Portland, that he was going to stand on his feet until everything faded out of existence but that he would prevent the passage of what is known as the Ferris bill?

Mr. SMOOT. No, I did not say that. I said that I would do all in my power to secure its defeat. I said, however, that I thought more than likely the bill would pass, but I did not know exactly in what state, nor did anyone else know outside of the Secretary of the Interior, because I expected the bill to be made in conference and not on the floor of the Senate.

Mr. NORRIS. I would not misquote the Senator, of course, and I do not pretend to quote him, but the report of the convention that was held out there, as I remember, reported the Senator as saying that he would not permit that bill to pass under any circumstances as long as he could stand on his feet, or something to that effect. Now, is not that showing the same spirit the Senator says is shown on the other side by those who are opposed to the bill as he wants it?

Mr. SMOOT. I do not think it is the same spirit, Mr. President, because they are the ones assuming a power, and in doing so tying up the development of waters that absolutely belong to the State. The Government of the United States has no right whatever to the waters of the State.

Mr. NORRIS. I understand that is the Senator's idea, but the Senator does not mean to say that no one else can hold a different view and not be equally honest, does he?

Mr. SMOOT. Oh, not at all.

Mr. NORRIS. That is, those who favored the passage of the bill in the last Congress.

Mr. SMOOT. The Senator has not intimated such a thing.

Mr. NORRIS. Yes; but the Senator assumes that everyone who does not agree with him and favors something like the Ferris bill in the last Congress is trying to tie up the development of water power in this country.

Mr. SMOOT. They are not trying to do it. It has been done.

Mr. NORRIS. They have not passed the bill. There has not been any opportunity for development to take place under that bill, because it has never been passed.

Mr. SMOOT. If the Senator takes that position, he no doubt feels about the same as the Senator from Montana; I think the Senator from Nebraska feels that he is right, and that anyone who opposes his views is wrong.

Mr. NORRIS. No, Mr. President; I want to say to the Senator that while I feel I am right, and while I believe development would take place under the Ferris bill and would take place under this bill if the proposed amendment and other similar ones which will be offered along the line of the Senator from Montana were adopted, I have never taken the position that I wanted to stand as an obstructionist against the passage of any law unless I could get just what I wanted.

Now, the Senator must not classify those who are opposed to a bill as he wants it as being obstructionists. He may think we are. He is honest in his belief that if we do not have the bill as he wants it development will not take place. I have no objection to his holding that opinion, but it does not follow that we are any less sincere in desiring to bring about development or that we are any less honest in our convictions as to what would bring about development.

Mr. SMOOT. Mr. President, the Senator from Utah never said that under the bill if it is passed there would be no development. The Senator from Utah takes the position that the Government of the United States has no control whatever over the waters of a State, and it can not do indirectly what it can not do directly, and Government control over the waters of a State is what the Ferris bill undertakes to confer—

Mr. NORRIS. If the Senator's position is logical, then, no matter what we pass in Congress, it will not have any effect because we have not anything to do with it. So we had better not pass any bill, and water development will take place. Why has there not been development without a law?

Mr. SMOOT. Of course, we know why water power has not been developed. The Senator from Nebraska knows why it has not been developed. As soon as an application for a power site reached Washington the land applied was immediately withdrawn from entry.

Mr. CUMMINS. Mr. President—

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

Mr. SMOOT. Certainly.

Mr. CUMMINS. I want to get the viewpoint of the Senator from Utah a little more clearly. Is he in favor of the provisions of the bill as they are reported so far as this immediate point is concerned?

Mr. SMOOT. The bill is not satisfactory to me, but I would very much prefer the bill as it is drawn than as it would be if the amendment of the Senator from Montana were adopted.

Mr. CUMMINS. Let us see. May I ask another question along that line?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Does the Senator believe that in ascertaining the value of the property that is to be used in the improvement there should be taken into account the benefit or advantage of the people generally in navigation?

Mr. SMOOT. Mr. President, the Senator believes that the value of the public land that may be used for a power site

should be appraised in the same way as if the land belonged to a private individual, and the courts should decide its value in case of a dispute under the rules of law that have been so well established in the past.

Mr. CUMMINS. That is just the position taken by the Senator from Tennessee and it has a great deal of force in it, but I am trying to find out whether the Senator from Utah is opposing this particular amendment because he thinks that if it is defeated the value of the land will be determined in the way he has suggested.

Mr. SMOOT. No, Mr. President; that is not the object of the amendment, and that will not be the result. If the amendment of the Senator from Montana is adopted the result will be that the Secretary of War will have absolute power to charge whatever he sees fit upon the amount of horsepower that is developed.

Mr. CUMMINS. Suppose the amendment of the Senator from Montana is defeated and the bill is passed in its present form, does not the Senator from Utah think that in fixing the value of the land the Secretary of War can take into account the benefits of the people generally in navigation?

Mr. SMOOT. Yes; under the bill.

Mr. CUMMINS. And that the Secretary of War can also take into account the benefits to the grantee?

Mr. SMOOT. Under the bill he can.

Mr. CUMMINS. Does the Senator from Utah intend to support those provisions?

Mr. SMOOT. I would very much rather see those provisions out, but I very much prefer them to the bill if the amendment offered by the Senator from Montana is adopted.

Mr. CUMMINS. If those two provisions shall remain in the bill, what possible element of value can be considered if the amendment of the Senator from Montana prevails that can not be considered if it fails?

Mr. SMOOT. If the amendment of the Senator from Montana prevails, then it will not be a question of the value of the land at all. There will be no restriction whatever upon the power of the Secretary of War. He can lay an annual charge upon the water power developed annually; or, in other words, the real object of the amendment is that the Secretary of War shall have absolute control over the business or the corporation and fix an annual charge based upon the power generated.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Yes; I yield.

Mr. WORKS. As I understand the difference between these two propositions it is that one of them goes to the value of the land and the other goes to the value of the use of the water. One proposes to charge the people for the value of the land and the other proposes to fix a tax upon the water that is developed and supplied.

Mr. SMOOT. The Secretary of War says that the Government of the United States does not own the water and we all understand that to be true. He says there is nothing for the Government to sell.

Mr. CUMMINS. I understand perfectly that the Government does not own the water, but I hardly think the observation of the Senator from California is accurate. The bill provides for a way in which the Secretary of War shall fix the annual charge for the use of the land.

Mr. SMOOT. No; the bill does not provide for the annual charge.

Mr. CUMMINS. I beg pardon, whether an annual charge or a gross charge for the whole period, it does not make any difference.

Mr. SMOOT. In my opinion there is quite a difference.

Mr. CUMMINS. Not in principle.

Mr. SMOOT. It is in practice, however.

Mr. WORKS. The mistake the Senator makes is that one is value of the land and the other is value of the water. One belongs to the Government and the other does not. That is the effect of the amendment.

Mr. CUMMINS. There is no suggestion in regard to the value of water or the use of water.

Mr. SMOOT. I wish to say to the Senator that if the charge is upon the amount of power developed, then, of course, they will have to charge upon the water because of the fact that the water determines the amount of power created.

Mr. CUMMINS. Mr. President, there is not a word in the bill with regard to charging upon the basis of the water power developed or any other kind of power developed. The bill says that the grantee shall pay the United States such reasonable charges, based upon the value of the land, as may be fixed by the Secretary of War. In fixing those charges for the use of

the land, the bill so declares, "consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation." That is to say, as I have already remarked this afternoon, it will be the duty of the Secretary of War to diminish the charges for the use of the land by the benefits which accrue to the general public in the improvement of the river for navigation. On the other hand, the Secretary of War must take into account in determining the charges for the use of the land the benefit or advantage of the grant to the business of the grantee. In that way the whole subject as to what the Secretary of War shall charge for the use of the land is open for the Secretary of War to consider. It is my opinion—I give it for what it is worth—that the very thing against which the Senator from Utah complains would be accomplished if the amendment of the Senator from Montana is defeated and the words to which I have referred remain in the statute.

Mr. SMOOT. The Senator takes exactly the opposite view of that language that I do. If the words are stricken out, the bill would read in this way:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

That is the way it would read if the amendment of the Senator from Montana were adopted. But that is not the intention of the framers of the bill, and I do not believe the construction can be placed upon the words as used in the bill the Senator gives it, for this reason. It says:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land.

Now, in fixing the charges of the land—

Mr. CUMMINS. Charges for the occupation of the land.

Mr. SMOOT. For the occupation of the land, the Secretary of War shall take into consideration "the benefits accruing from the use and occupation of such lands to the interests of navigation."

That does not mean if the benefit to navigation was worth to the United States \$500,000 that amount would be deducted from the value of the occupation of the land, as intimated by the Senator in his remarks a short time ago; but the Secretary of War is to consider this advantage to the Government, if it is an advantage, in determining the reasonable charges based upon the value of the land, and not only that, in fixing those reasonable charges based upon the value of the land the Secretary of War is also to take into consideration the advantages to the business of the grantee. That is only, in my opinion, affecting the value of the land, so that reasonable charges can be based upon the land, and not upon the water.

Mr. CUMMINS. Mr. President, I am utterly unable to follow the Senator from Utah in his analysis. The Secretary of War is endeavoring to ascertain the charge that shall be made for the use of the land which the grantee desires to occupy. The bill that is before us says, first, that the charge shall be based upon the value of the property as land, on the land as land; that is the first thing it says. Then it says that the charge shall also be based upon other considerations, namely, the value of the improvement to the public in the way of navigation and the value of the grant to the person who is to carry on the business. As it looks to me, it is utterly impossible to escape from the conclusion that the bill as reported gives to the Secretary of War the authority to make any charge for the use of the land that in his judgment is fair and reasonable, taking into account the value of the improvement to the public and the value of the enterprise to the grantee. I can not conceive of any consideration affecting the charge which will not be embraced within one or the other of these classes.

Mr. SMOOT. Well, Mr. President, I can not see but that the wording of the bill, without an amendment, is perfectly plain. It does seem to me that that is so, where the bill says:

And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges, based upon its value as land.

Or, in other words, the Secretary of War is not to charge the grantee a rate based upon the amount of water that is flowing over the dam; he is not allowed to do that under the bill. If he were allowed to do that, then, of course, we might just as well accept the provisions of the Western States power bill, which it is expected to pass, imposing a tax of so much per horsepower development; but this bill does not say that it shall be based upon the amount of water flowing over the dam.

Mr. CUMMINS. Certainly not, and it ought not to say that; but does not the bill require the Secretary of War to take into

consideration, in fixing the charge, the value of the use of the land to the business of the grantee?

Mr. SMOOT. It does; and, Mr. President, I admit that. I stated before that, in my opinion, all that should be taken into consideration is the value of the land, fixed by the regular rules of law, just the same as if the land were owned by an individual.

Mr. CUMMINS. If the Senator from Utah would propose to strike out everything after the words "Secretary of War," in line 23, then he would accomplish his purpose—

Mr. SMOOT. Yes, Mr. President; but—

Mr. CUMMINS. But to simply oppose the amendment of the Senator from Montana without insisting that these other qualifications shall be stricken out is, it seems to me, fighting a windmill.

Mr. SMOOT. Mr. President, I will agree with the Senator from Iowa that, according to my theory of legislation, that should be done; but I have no hope whatever that such a provision would ever pass the House of Representatives. I think this is the best compromise that the framers of the bill could make.

Mr. WORKS. Mr. President, I desire to say that I hope the Senator from Utah is not satisfied with that means of arriving at the value of the land.

Mr. SMOOT. No; I have said I was not.

Mr. WORKS. There is a false element included in it, namely, the value of the land to the corporation that constructs the improvement. That has nothing to do with the value of the land. In the hands of the Government the same elements enter into the value of land as when it is in the hands of an individual. If some private individual were selling the land to another party for the purpose of developing power, we certainly could not insist that the owner should be paid on the basis of what it would be valuable for in the hands of the purchaser after the improvement was made. I am a little bit surprised that the Senator from Utah is content to support the bill, even with that provision in it.

Mr. SMOOT. Mr. President, I have already stated that the bill is not what I should like it to be. I agree with the Senator from California [Mr. WORKS] as to this provision, and I believe I agree with the Senator from Iowa [Mr. CUMMINS]—that is, if I understand his position—that whatever the Government is paid for the value of the land it should be on the same basis as if the payment were to an individual. Is that the position taken by the Senator from Iowa?

Mr. CUMMINS. Mr. President, I have not taken any position with regard to the proper charge to be made to the grantee. I will discuss that at a later time. I only say that the friends of this bill have been arguing it upon the assumption that the bill practically authorized the Secretary of War to fix the same value upon the land that would be fixed by the rules of law in condemnation proceedings; and I have been trying to say that that is not a proper or accurate analysis or interpretation of the bill. I have been trying to make it clear, if I could, that even if the amendment offered by the Senator from Montana [Mr. WALSH] is defeated, still the grantee will be compelled to pay, for the occupation of the land, charges that are based upon the value of the land to his business or the business that is about to be carried on through the improvement, whatever it may be, and that the Secretary of War may also take into account—I suppose it would operate as a depreciation of the charge—the fact that the public is to be benefited through the improvement of the river for navigation; and that neither of those considerations would be competent in a trial at law for the ascertainment of the value of property.

Mr. SMOOT. Mr. President, my theory of the bill is entirely different from the theory of the Senator from Montana [Mr. WALSH]. I think these questions ought to be left entirely to the States. I think the States ought to have absolute control. I have offered a Senate bill, No. 3522, providing for the acquisition by the States, under certain conditions, of any lands therein which are or may become chiefly valuable for the development of water power. Under that bill it would be absolutely impossible to create a monopoly of water power; under the bill it would be absolutely impossible for the power companies to charge unreasonable rates for power developed; under the bill there are restrictions made that the transfer of the property can not be accomplished without the consent, not only of the public-utilities commission of the State, but of the Government of the United States as well. It provides that the States shall make application for water-power sites. It provides that the title—not a complete title, but a restricted one—shall go to the States; and the public-utility commissions of the States shall regulate the prices to be charged for power. If that bill, Mr. President, were passed all of the interests of the people of this

country would be conserved; no monopoly could be created, and there would never be a conflict of authority between the Government of the United States and the States.

I am fearful, Mr. President, if the power contemplated by this bill is given to the Government of the United States that the Western States will have the same experience with water-power development and control as they have had in connection with the withdrawal of coal lands and the withdrawal of forest lands within the States, although I wish to pause here to say that the forest lands within the States have been far better administered for the interests of the people of the States than have withdrawals of other lands. It is next to impossible, Mr. President, to secure capital to develop coal lands in the West at present. I want to say to Senators of the United States that coal lands have been classified and valued, and a price per acre put upon them as high as \$400. How can an individual or a corporation paying that price for coal lands yet undeveloped, when nobody knows how thick the veins may be or how much coal may be under the ground, compete with companies in existence which own their coal lands outright, have their market, and have railroad accommodations? It is next to impossible.

Mr. President, I received a letter the other day, calling my attention to a condition of affairs in the State of Utah which I did not conceive could exist; and I fully believe now that when the matter is brought to the attention of the Chief Forester he will see that the wrong is righted, although he has already had one examination made of the case. A few people down in the southeastern part of Utah, over 100 miles from a railroad, following the business of raising stock, with ranches miles apart, living adjacent to the Powell National Forest Reserve, decided that they would build a schoolhouse in order that their children might attend school during the summer months. An entry upon land outside of the forest reserve for town-site purposes was made. The people built a schoolhouse and agreed that on the land entered for town-site purposes each head of a family should be allowed 1 acre for a summer home for the family, and allow the children to attend school during the summer months.

Mr. President, no sooner was their schoolhouse erected than there was an Executive order issued placing the land entered within the forest reserve. What happened then? A supervisor came and told the men who had built the schoolhouse and who had begun to build their little summer homes that they could not get title to the land; that it had been withdrawn and placed in a forest reserve. They were told, "If you want to live here, if you want to erect your buildings, if you want your children to go to school in the schoolhouse which you have constructed, you have got to pay the Government of the United States an annual rental of \$10 an acre." Nobody claims that the land is worth \$10 an acre. I rather glory in the spunk of the people when they decided, rather than to submit to such treatment, they would leave and see if they could not provide some other way for the education of their children.

Mr. President, I do not know what is going to come of the power development in the West, or what will be the result if the power proposed to be given is lodged in the hands of a bureau here in Washington.

I am not worried about the 50-year term provided by this bill. I have no doubt in my mind that before the end of 50 years electricity will not be carried for power purposes over copper wires. I have no doubt, Mr. President, that before a generation passes there will be discovered a successful system for the storage of electricity—generating and storing it at the water-power sites and carrying it so stored to any part of the United States—so that one will be able to buy it for lighting, for heating, and for all the purposes for which power is required in the home, as well as for the propelling of all kinds of machinery.

I think, Mr. President, that whatever charge is imposed upon the development of power within a State ought to go to the State. The State is entitled to it, in order to maintain the State institutions and to help keep law and order.

I sincerely hope that the amendment offered by the Senator from Montana will not be adopted. I shall have more to say upon this question when another bill which affects the West so vitally is before the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. WALSH].

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

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

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], who is absent. I therefore withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I do not see him in the Chamber. Not knowing how he would vote if present, I withhold my vote.

Mr. HOLLIS (when his name was called). I transfer my general pair with the junior Senator from New York [Mr. WADSWORTH] to the senior Senator from Kansas [Mr. THOMPSON], and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed by his colleague that if present he would vote in the same way that I would vote on this question. I therefore vote "nay."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. HOLLIS (when Mr. MYERS's name was called). I have been requested to announce that the senior Senator from Montana [Mr. MYERS] is absent on official business. He is paired with the junior Senator from Connecticut [Mr. McLEAN]. If the Senator from Montana were present, he would vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. As he is not present, I withhold my vote. I wish to announce that the junior Senator from Delaware [Mr. SAULSBURY], who is paired with the junior Senator from Rhode Island [Mr. COLT], is absent on account of sickness. I will let this announcement stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GORF] to the senior Senator from Tennessee [Mr. LEA], and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but understanding from his colleague that if he were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]; but I am informed that if he were present he would vote as I would, so I vote "nay."

Mr. DU PONT. May I inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. I have a general pair with that Senator; but, as I am informed that if he were present he would vote in the same way that I propose to vote, I will vote. I vote "nay."

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

The VICE PRESIDENT. He has not.

Mr. CURTIS. Then I withhold my vote, as I am paired with him.

Mr. McLEAN. I transfer my pair heretofore announced to the senior Senator from South Dakota [Mr. STERLING], and will vote. I vote "nay."

Mr. CATRON (after having voted in the negative). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will allow my vote to stand.

Mr. SHERMAN. I am paired with the junior Senator from South Dakota [Mr. JOHNSON], and therefore withhold my vote.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is unavoidably absent. He is paired with the senior Senator from Missouri [Mr. STONE].

Mr. CURTIS. I am informed that the junior Senator from Georgia [Mr. HARDWICK], if present, would vote "nay"; and I therefore cast my vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH].

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness. I will state that if he were present he would vote "nay."

Mr. KENYON. I wish to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and to announce that if he were present he would vote "yea."

Mr. CHILTON. My colleague [Mr. GORF] is absent on account of illness. His pair has been announced.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 18, nays 34, as follows:

YEAS—18.

Ashurst	Hollis	Kern	Poindexter
Chamberlain	Hughes	Lane	Sheppard
Cummins	Husting	Lee, Md.	Walsh
Gore	James	Martine, N. J.	
Hitchcock	Kenyon	Norris	

NAYS—34.

Bankhead	Jones	Page	Swanson
Brandege	Lippitt	Shafroth	Tillman
Catron	McCumber	Shields	Vardaman
Clapp	McLean	Simmons	Warren
Curtis	Martin, Va.	Smith, Ariz.	Weeks
du Pont	Nelson	Smith, Ga.	Williams
Fletcher	O'Gorman	Smith, Mich.	Works
Gallinger	Oliver	Smith, S. C.	
Harding	Overman	Smoot	

NOT VOTING—44.

Beckham	Dillingham	Myers	Sherman
Borah	Fall	Newlands	Shively
Brady	Goff	Owen	Smith, Md.
Broussard	Gronna	Penrose	Sterling
Bryan	Hardwick	Phelan	Stone
Burleigh	Johnson, Me.	Pittman	Sutherland
Chilton	Johnson, S. Dak.	Pomerene	Thomas
Clark, Wyo.	La Follette	Ransdell	Thompson
Clarke, Ark.	Lea, Tenn.	Reed	Townsend
Colt	Lewis	Robinson	Underwood
Culbertson	Lodge	Saulsbury	Wadsworth

So Mr. WALSH's amendment was rejected.

RECESS.

Mr. KERN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m., Friday, February 25, 1916) the Senate took a recess until to-morrow, Saturday, February 26, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1916.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Henry P. Fletcher to be ambassador extraordinary and plenipotentiary to Mexico.

COMMISSIONERS OF IMMIGRATION.

Edward White to be commissioner of immigration at the port of San Francisco, Cal.

Bertram N. Stump to be commissioner of immigration at the port of Baltimore, Md.

ASSISTANT APPRAISERS OF MERCHANDISE.

Redmond S. Fitzgerald to be assistant appraiser of merchandise in customs collection district No. 4.

Frederick J. Sullivan to be assistant appraiser of merchandise in customs collection district No. 4.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS.

Dennis Flynn to be special examiner of drugs, medicines, and chemicals and assistant appraiser of merchandise in customs collection district No. 4.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Archibald D. Turnbull to be a lieutenant.

Ensign Willard E. Cheadle to be a lieutenant (junior grade), Paymaster's Clerk John J. Lynch to be a chief pay clerk.

POSTMASTERS.

ILLINOIS.

Jacob R. Alleman, Libertyville.
Lyle H. Boyd, Carmi.
Thomas Comerford, Minooka.
H. V. Conover, Orion.
Edward P. Devine, Somonauk.
Robert L. Downing, Joy.
Grove Harrison, Viola.
James E. Heffin, Versailles.
Herman J. Hemann, New Baden.
W. M. Humphreys, Alexis.
Charles F. McHenry, Hillsboro.
Richard J. Marlaire, St. Anne.
George Reinemann, Madison.
Charles L. Scott, Grayville.
Lucy E. Ware, Barry.
A. L. White, Fairmount.

KENTUCKY.

Joe Ely, Benton.

MARYLAND.

Frank J. Shriver, Union Bridge.

MICHIGAN.

John Blair, Plainwell.
Charles M. Brown, Ithaca.
Howard W. Brown, Plymouth.
Patrick F. Heenan, North Branch.
Gustav H. Knaak, St. Joseph.
Thomas Maveety, Olivet.

MINNESOTA.

F. L. Frye, Elk River.
W. R. Hodges, Sleepy Eye.
T. A. Holtey, Hendricks.
James Lynch, Lanesboro.
Otto P. Miller, Welcome.
E. W. Rebstock, Buffalo Lake.
John E. Sweeney, Norwood.

OKLAHOMA.

Carl E. Williams, Tonkawa.

PENNSYLVANIA.

Louis W. Kopp, Tremont.
J. T. Shipley, Meyersdale.
Alfred N. Yaughner, New Salem.

WEST VIRGINIA.

T. M. Conner, Harpers Ferry.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 25, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee that peace obtains throughout our borders, and we most earnestly and fervently pray that we may not be drawn into the vortex of the war now raging among our sister nations across the seas. Give, we beseech Thee, wisdom to our President and his advisers, that all international questions may be amicably adjusted with honor and justice to all, that we may be able to maintain strict neutrality "with malice toward none and charity for all." And we will ascribe all praise to Thee, through Him who taught us love and good will to all mankind. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, I understood in hearing the reading of the Journal that the Journal stated I reserved points of order on the rivers and harbors bill. It should be the gentleman from Washington [Mr. HUMPHREY] reserved points of order on the rivers and harbors bill.

The SPEAKER. The Journal will be corrected in that regard. The gentleman from Washington [Mr. HUMPHREY] reserved points of order against the rivers and harbors bill. Without objection, the Journal as read and amended will be approved. There was no objection.

PASSENGERS ON MERCHANT VESSELS.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent that the House authorize the printing of 5,000 additional copies of House resolution No. 147, introduced by the gentleman from Texas [Mr. McLEMORE] on the 22d of February, 1916.

The SPEAKER. The gentleman from New York [Mr. HULBERT] asks unanimous consent that the House order printed 5,000 additional copies of the resolution introduced by Mr. McLEMORE on the subject of keeping Americans off foreign ships. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, as I understand it, the Committee on Printing has the authority to order all the copies that may be called for. Is not that correct, I will ask the gentleman from Indiana [Mr. BARNHART]?

Mr. BARNHART. I do not know what the resolution is. I was not paying strict attention.

Mr. MANN. It is a resolution offered in the House.

Mr. BARNHART. Yes. Additional copies can be ordered without this resolution, Mr. Speaker; and even if they could not, the proper way to proceed would be to introduce a bill or resolution and have it referred to the Committee on Printing. We have no estimate now of what it would cost.

Mr. MANN. My understanding is that when a bill or resolution is introduced into the House the usual number of copies

are printed, and when more calls are received additional copies can be printed.

Mr. BARNHART. I understand that is the case.

Mr. HULBERT. The supply in the document room is exhausted. I know that various Members have requests for copies of this resolution. I will ask the Chair—

The SPEAKER. The Chair will suggest that the gentleman from New York consult with the members of the Committee on Printing, and no doubt the matter can be worked out satisfactorily.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

The SPEAKER. The Clerk will report the conference report. The conference report was read as follows:

CONFERENCE REPORT (NO. 257).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 14, and agree to the same.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,

Managers on the part of the House.

THOMAS S. MARTIN,
F. E. WARREN,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments of the Senate, Nos. 2, 5, 11, and 14, to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 2: Strikes out the appropriation of \$25,000, inserted by the Senate, for the preparation of a suitable design for the Arlington Memorial Bridge.

No. 5: Strikes out the appropriation of \$7,500, inserted by the Senate, for clerical services in the Division of Mexican Affairs of the State Department.

No. 11: Inserts the provision, proposed by the Senate, transferring the sum of \$120,000 from appropriations for wages to the appropriation for material in the Bureau of Engraving and Printing and increases the number of delivered sheets of currency from 82,000,000 to 90,000,000.

No. 14: Appropriates \$9,500, as proposed by the Senate, for the addition to the Powell School.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,

Managers on the part of the House.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. MANN. There was some discussion heretofore in the House in reference to the power plant and the Fine Arts Commission. I have a letter from Col. Harts, the secretary of the Fine Arts Commission, which I would like to have inserted in the RECORD for the information of the House. I ask leave, Mr. Speaker, to extend my remarks for that purpose.

Mr. FITZGERALD. Does he explain that the Fine Arts Commission has nothing to do with the agitation?

Mr. MANN. He explains how the Fine Arts Commission had nothing to do with the Grant Memorial or the Agricultural Building, which we all knew, but what we call the predecessor of the Fine Arts Commission did have some information of the

movement. However, he does give some information of what was done by the Fine Arts Commission, which is valuable information.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks by printing a letter from Col. Harts on the Fine Arts Commission. Is there objection?

There was no objection.

Following is the letter referred to:

THE COMMISSION OF FINE ARTS,
Washington, D. C., February 21, 1916.

MY DEAR MR. MANN: My attention has several times lately been called to what appears to be a misapprehension of certain facts concerning the Commission of Fine Arts by Members of Congress, undoubtedly due to information volunteered by others which is misleading and inaccurate. I have felt that you would welcome a statement regarding the facts in the case, as shown by our records, and I therefore venture to address you in connection with such matters as have been drawn to my attention.

It has been asserted that the Commission of Fine Arts is responsible for the location of the Grant Memorial on its present site. The facts are these: The Grant Memorial Commission selected the unoccupied portion of the Botanic Garden grounds, where the Grant Memorial is now located, as the site for that memorial, and their selection was approved by Congress in the sundry civil act approved June 30, 1906, in the following words:

"Provided That the memorial may be located in the unoccupied portion of the Botanic Garden grounds, between First and Second Streets, as recommended by the Grant Memorial Commission."

As the National Commission of Fine Arts was created by Congress on May 17, 1910, this action was taken four years before the commission came into existence.

Similarly the commission has been criticized and condemned for its alleged action in locating the present buildings of the Department of Agriculture on their site on the south side of the Mall. Work on the erection of the two wings, I am informed, was started December 14, 1904, discontinued temporarily February 25, 1905, and again started toward final completion April 7, 1905. They were completed March 16, 1908, more than two years before the Commission of Fine Arts came into existence. The commission has never had the opportunity to pass on any matter connected with the Department of Agriculture buildings.

The commission has also been criticized by Members of Congress at various times with reference to the placing of the three large flag poles on the Union Station Plaza, the interior arrangement of rooms in the Bureau of Engraving and Printing, and other matters with which they have had absolutely no connection and regarding which they have never had the opportunity to express an official opinion.

Furthermore, the National Commission of Fine Arts, for which appropriation is being made from year to year by Congress, should be distinguished from the so-called council of fine arts, which ceased to exist in 1909, and which did not have congressional sanction. The council was created by Executive order of President Roosevelt on January 19, 1909, but was dissolved by Executive order of President Taft on May 21, 1909, after an existence of only four months. It consisted of 30 members—architects, painters, sculptors, landscape architects, and several laymen—appointed by the President. The National Commission of Fine Arts, however, is the creation of Congress. Its seven members constitute the official body of expert advisers of the Government in the various branches of the fine arts; they represent the highest talent in the artistic professions in America to-day, and serve without compensation for their services. They are reimbursed for their actual expenses incurred, but even here their expenditures for subsistence—room at hotel and meals—are limited to \$5 per day, so that it happens that at every meeting members of the commission are obliged to spend more for subsistence than they can be reimbursed for. I know of no organization anywhere where men of such eminent standing, reputation, skill, and professional ability are willing to give what amounts to important professional services without pay, purely from patriotic motives.

The President, various committees of Congress, departmental heads, and others are regularly availing themselves of the opportunity afforded by this commission. In fact, submissions to the commission during the past fiscal year numbered 128, more than twice as many as were submitted in any preceding year; an evidence that the commission's work is constantly growing and that their services are of conspicuous benefit to the United States. In some cases where Federal appropriation has paid for the erection of a monument, such as the Tyler Monument at Richmond, Va., and the Nathanael Greene monument at Guilford Courthouse, N. C., the commission has been consulted five to six times in one year to insure the best artistic results for the United States. The scope of its duties and the demands made upon the time of the members have so enlarged that it will be necessary for the commission to double the meetings and extend the duration of each in the future.

The commission is now almost 6 years old. Since its creation it has saved many thousands of dollars to the Government by giving expert advice, where formerly fees have been paid experts for such services; and it has insured in the nearly 400 submissions that have come before it during that period that the United States has been protected from inferior art. Among such matters, for instance, it has advised the Senate Committee on the Library against the purchase of various paintings which were inferior works of art, and which, if purchased, would have cost the United States thousands of dollars—in fact, within a few thousands of the total amounts appropriated for the commission's maintenance during its six years of existence. By direction of Congress, a committee of the commission spent nine strenuous days in the Canal Zone, and later made a report to Congress upon the artistic character of the structures of the canal; among other things, this included recommendations regarding the plan and layout for the proposed new city of Balboa at the Pacific end of the canal, which were followed in the erection of that city.

Its advice is invariably in the direction of simplicity and against ornateness. The commission has always discouraged ornament when used either for its own sake or at the expense of harmony. Sometimes it has been charged that the recommendations of the commission could not be followed because of expense involved, but in no case has this been true excepting where a designer has slighted some parts of his work in order to make a display in other parts. The commission feels strongly that Government work should set a standard of excellence and thoroughness, and its recommendations have already resulted in marked improvements in the beauty and artistic character of monu-

ments and public buildings planned for and erected in Washington, as well as of monuments erected elsewhere under Federal appropriation.

The commission's invariable recommendations in the direction of simplicity of design, as is witnessed especially in its advice given upon the designs for the Bureau of Engraving and Printing and the District of Columbia Armory, its elimination of designs for statues and other structures that have little or no artistic merit, and the assurance that whatever of an artistic character is being placed in Washington by the Government has had the scrutiny of the foremost men of the artistic professions in America to-day, are of such value to Congress and the future of the Nation's Capital that a knowledge of the facts seems all that is necessary to insure a high appreciation of its services.

Please pardon me for going into this matter at such length, but I felt that the Commission of Fine Arts has had so few opportunities to reply to unjust criticism that I am especially desirous that these facts should be made plain to you. It appears that often when the advice of the commission is contrary to the judgment of architects or others who have prepared and submitted their designs there seems to be a readiness to blame the commission for what was actually their own shortcomings; but there seems to be no one to explain how many beneficial results have followed and how the very existence of the Commission of Fine Arts is now an incentive to artists to do their utmost when they know that their designs or creations, proposed for acquisition by the Government, must be scrutinized by these experts.

If not inconsistent with the proprieties of the case, I would appreciate it if this letter could be inserted in the CONGRESSIONAL RECORD, in order that the facts may be laid before such Members of Congress who have been misinformed.

Sincerely, yours,

WM. W. HARTS,
Colonel, United States Army,
Secretary and Executive Officer.

HON. JAMES R. MANN,
House of Representatives, United States.

P. S.—I have sent a similar letter to Representative SLAYDEN, chairman of the Committee on the Library of the House of Representatives.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote. I ask for the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

USE OF BATTLE CRUISERS IN WAR.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article which appeared in the New York Times yesterday with respect to battle cruisers and their use in the present European conflict, and certain other remarks thereon.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD by printing an article in yesterday's New York Times as to the use of battle cruisers. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, this is a reproduction of an editorial, is it?

Mr. MILLER of Delaware. I will say to the gentleman from Indiana that it is a news item, an article written by a staff correspondent of that paper, respecting battle cruisers used in the European war. I desire to extend my remarks on the general subject and insert this article.

Mr. BARNHART. I have no objection to the gentleman's extending remarks, but I object to the insertion of a newspaper article.

Mr. MILLER of Delaware. It is not an editorial article. It is very short.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects to the insertion of the article. Is there objection to the gentleman extending his own remarks?

There was no objection.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. This is pension day.

Mr. ASHBROOK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar.

PENSIONS.

Mr. ASHBROOK. Mr. Chairman, I call up the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The CHAIRMAN. The Clerk will report it.
The Clerk read the title of the bill, as follows:

A bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. ASHBROOK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 797. John Baker.	H. R. 6661. Cornelia E. Pence.
H. R. 929. James Whyde.	H. R. 6681. Addison Thompson.
H. R. 1286. Ellen McEwenney.	H. R. 6973. Joseph Sherman.
H. R. 1298. Lucetta Brown.	H. R. 7001. Charles C. Eckert.
H. R. 1299. Henry Waumpler.	H. R. 7054. August M. Collignon.
H. R. 1316. Mary Barnes.	H. R. 7087. Barbara E. Nettleton.
H. R. 1384. John A. Weaver.	H. R. 7104. William W. Morton.
H. R. 1400. Harriet Overlin.	H. R. 7122. Henry Chairsell.
H. R. 1438. Margaret Hill.	H. R. 7154. Charles Fairchild.
H. R. 1485. John A. Kilpatrick.	H. R. 7173. Ellen E. Orchard.
H. R. 1599. Bertha Claussen.	H. R. 7227. Elizabeth Sheckels.
H. R. 1774. David J. Ryan.	H. R. 7235. Elizabeth C. Slack.
H. R. 1784. William Gotshall.	H. R. 7311. George M. Smith.
H. R. 1836. James H. Taylor.	H. R. 7433. Elizabeth F. Spinney.
H. R. 1841. Orrin Edwards.	H. R. 7503. Horace J. Poland.
H. R. 1902. Mary E. Dowling.	H. R. 7518. Jonas Trotter.
H. R. 1920. Thomas P. Steadman.	H. R. 7734. Sureida Ruge.
H. R. 2009. Joseph W. Nichols.	H. R. 7762. Martha J. Davis.
H. R. 2005. Hannah Giffin.	H. R. 7850. John H. Hazleton.
H. R. 2085. Agnes N. Maxwell.	H. R. 7854. James K. P. McClary.
H. R. 2104. Henry L. Cushing.	H. R. 7921. Miron Fellows.
H. R. 2200. Elizabeth Smith.	H. R. 7941. Elizabeth G. Maban.
H. R. 2242. Frances Gaskins.	H. R. 7950. Washington P. Altman.
H. R. 2243. Margaret Weber.	H. R. 7955. James Feagles.
H. R. 2435. Franklin White.	H. R. 7956. Arabella Irwin.
H. R. 2526. Solomon Lawler.	H. R. 7975. Jonathan D. Butler.
H. R. 2567. James Paul.	H. R. 7980. Robert H. Gaines.
H. R. 2628. John A. Greenlaw.	H. R. 7996. Edwin Underhill.
H. R. 2663. Nellie Ham.	H. R. 8069. Nancy Ross.
H. R. 2729. William R. Coe.	H. R. 8128. Mary M. Julian.
H. R. 2772. Phebe Beaumont.	H. R. 8136. Philena O. Norton.
H. R. 2889. John W. B. Huntsman.	H. R. 8161. William B. Stahl.
H. R. 2956. Mary G. Paulmier.	H. R. 8180. James C. Hakes.
H. R. 3164. Elizabeth Smith.	H. R. 8252. Eli Haskett.
H. R. 3243. Florence Cobb.	H. R. 8302. Julia Ann Ross.
H. R. 3278. Anna A. Thom.	H. R. 8470. Fordis O. Bushnell.
H. R. 3429. Cinderella Leversee.	H. R. 8509. Solomon C. Miller.
H. R. 3743. John Coulthard.	H. R. 8520. Enos W. Erick.
H. R. 3823. Nicholas Rottier.	H. R. 8546. Moses Reeves, Jr.
H. R. 3883. Emeline R. Caldwell.	H. R. 8566. Nancy Humphreys.
H. R. 3992. Rufus W. Harvey.	H. R. 8692. Elihu G. Grinstead.
H. R. 4059. Leonhart Miller.	H. R. 8750. Esther A. Karschner.
H. R. 4068. James Dougherty.	H. R. 8771. Eva M. Van Pelt.
H. R. 4242. Nancy J. Waddle.	H. R. 8773. Catherine Floden.
H. R. 4413. Oliver C. Stringer.	H. R. 8801. John R. Cartrell.
H. R. 4510. Thomas S. Applegate.	H. R. 8857. Mary E. Cavell.
H. R. 4528. Nancy Hanes.	H. R. 8884. Frances A. Bright.
H. R. 4542. Christian H. Buckwalter.	H. R. 8895. Mariah Mentch.
H. R. 4548. Mahala Clifton.	H. R. 8908. Freda Dunn.
H. R. 4564. John Wilson.	H. R. 8971. John Day.
H. R. 4588. Edwin R. Smith.	H. R. 9018. Leando N. Muck.
H. R. 4599. Thomas J. Turner.	H. R. 9143. Mary F. Anderson.
H. R. 4608. Julia A. Sourwine.	H. R. 9248. Morgan Brown.
H. R. 4662. Stephen Johnson.	H. R. 9262. Harland R. Strong.
H. R. 4914. Alexander G. Armstrong.	H. R. 9346. Maria T. Fleming.
H. R. 5032. Lucy F. Brown.	H. R. 9397. William R. Kelley.
H. R. 5037. Franklin Gorham.	H. R. 9452. Hugh J. Clevenger.
H. R. 5239. Thomas W. Moorhead.	H. R. 9474. Rebecca J. Cahoun.
H. R. 5546. Christian Christianson.	H. R. 9616. Josephine A. Stewart.
H. R. 5586. William Rose.	H. R. 9848. Mary A. Clark.
H. R. 5593. Ellen G. Roder.	H. R. 9936. Sarah J. Stout.
H. R. 5916. Elizabeth J. Alguire.	H. R. 9976. Charles A. Clark.
H. R. 5966. George F. Baxter.	H. R. 9999. John M. Langsdale.
H. R. 6007. Edwin L. Hartley.	H. R. 10008. S. Maria Little.
H. R. 6017. Christianna F. Childs.	H. R. 10176. Sarah Fields.
H. R. 6164. Eliza R. Scott.	H. R. 10200. Philip L. Melius.
H. R. 6166. George H. Wheeler.	H. R. 10274. Norman Messenger.
H. R. 6183. Eliza Johnson.	H. R. 10321. John R. Tallentire.
H. R. 6262. Charles Bauschard.	H. R. 10476. Martha E. Williams.
H. R. 6285. Joseph W. Camp.	H. R. 10542. Christian Warner.
H. R. 6289. William Hall.	H. R. 10619. Edward Craft.
H. R. 6520. Daniel Grebe.	H. R. 10621. Sitha J. Sholley.
H. R. 6558. Caroline Reichold.	H. R. 10747. Daniel Baughman.
H. R. 6589. Hattie A. Beach.	H. R. 11000. Kate Ridgway.
H. R. 6626. William Bleber.	H. R. 11023. Ailee E. Pangborn.
H. R. 6630. Enoch Cox.	H. R. 11353. Jonathan Tolliver.
H. R. 6655. Margaret C. Darling.	H. R. 11354. William H. Jenkins.
	H. R. 11428. Helen D. Harrison.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject of the provisions and limitations of the pension laws—

Mr. ASHBROOK. Mr. Chairman, I offer an amendment to strike out the word "of," in line 5, and insert the word "to."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "of" and inserting the word "to."

The amendment was agreed to.

The Clerk read as follows:

The name of Oliver C. Stringer, late of Company A, First Regiment West Virginia Infantry, and Company G, Second Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. ASHBROOK. Mr. Chairman, I move to strike out lines 5 to 9, inclusive, on page 10, the soldier who was the beneficiary having died.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, by striking out the paragraph beginning with line 5 and ending with line 9.

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. ASHBROOK. Mr. Chairman, I move that this bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I call up the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The CHAIRMAN. The gentleman from Ohio calls up H. R. 12194, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1179. Oden Lake.	H. R. 4868. Ernest B. Brown.
H. R. 1288. Edward H. Burrington.	H. R. 5018. Bert D. Kilburn.
H. R. 1352. Adolf Hartmann.	H. R. 5333. Julia M. Connolly.
H. R. 1395. Joseph Weinstein.	H. R. 6638. Frank H. Henderson.
H. R. 1395. Henry S. Corp.	H. R. 6683. William O. Trammell.
H. R. 1493. Martin W. Ryan.	H. R. 6730. Charles Vermillion.
H. R. 1496. Elizabeth Walter.	H. R. 7025. Raymond E. Daniels.
H. R. 1499. Frank B. Broadie.	H. R. 7043. John Campbell.
H. R. 1502. Charles W. Smith.	H. R. 7184. Nathan E. Morgan.
H. R. 1643. Walter E. Doyle.	H. R. 7312. Edward Stoyke.
H. R. 1717. Samuel P. Kahler.	H. R. 8083. Benjamin F. Barden.
H. R. 1768. Herman Grasse.	H. R. 8153. Otto H. Staron.
H. R. 1870. William A. Gruslin.	H. R. 8177. Stephen House.
H. R. 1878. Ella M. Goddard.	H. R. 8285. Cash Kelley.
H. R. 1879. Cornelius Conley, alias Cornelius Connelly.	H. R. 8367. Henry B. Owsley.
H. R. 1979. William T. Bogart.	H. R. 8369. John W. Edgington.
H. R. 2059. Granderson Welling.	H. R. 8391. Robert H. Beckham.
H. R. 2074. Ezekiel H. Ballah.	H. R. 8441. Orville Fox.
H. R. 2075. Victor Fousse.	H. R. 8567. Edward H. Brown.
H. R. 2078. James W. Poole.	H. R. 8594. John Stegall.
H. R. 2177. John J. Fitzsimmons.	H. R. 8754. Grace P. McCarty.
H. R. 2257. John F. Scott.	H. R. 8777. Martha E. Brabson.
H. R. 2463. David F. Leach.	H. R. 8786. Adelaida I. Feeter.
H. R. 2560. Harry Bidwell.	H. R. 8856. Henry Boesen.
H. R. 2753. George Sylvester.	H. R. 9026. Norman W. Jones.
H. R. 2994. John P. Bloodworth.	H. R. 9059. David A. Nelligan.
H. R. 3260. Joseph Smuczynski.	H. R. 9155. Henry Langley.
H. R. 3275. Charles McP. Eggleston.	H. R. 9276. William H. Cooke.
H. R. 3419. Leon E. Andrews.	H. R. 9280. Frank E. Putnam.
H. R. 3741. Frank Keller.	H. R. 9281. Narcissa R. Cooper.
H. R. 3859. James T. Gallagher.	H. R. 9450. Martha F. Allen.
H. R. 3948. Oliver E. Penewit.	H. R. 9720. Maria J. G. Hammack.
H. R. 4305. Charles J. Mobley.	H. R. 9964. Abraham H. Martin.
H. R. 4340. Martha J. Hovey.	H. R. 9984. James V. Chencoweth.
H. R. 4518. Aurora Griffith.	H. R. 11033. Ettie L. Markham.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of Frank B. Broadie, late of Troop F, Ninth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

Mr. KEY of Ohio. Mr. Chairman, a committee amendment. I move that lines 22, 23, and 24 on page 2 be stricken out.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, strike out lines 22, 23, and 24.

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. KEY of Ohio. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. Does that include both bills?

Mr. KEY of Ohio. Both bills.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise and report the two bills H. R. 12027 and H. R. 12194 to the House with a favorable recommendation, that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment to House bill 12027? If not, the Chair will put them in gross.

The amendments were 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. ASHBROOK, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The question is on agreeing to the amendments to House bill 12194. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were 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. KEY of Ohio, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes; and

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TREADWAY, for 10 days, on account of a death in his family.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the

Union for the further consideration of the Post Office appropriation bill (H. R. 10484).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, with Mr. RAINEY in the chair.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] reserved a point of order to section 8.

Mr. BENNET. Mr. Chairman, my colleague, Mr. HULBERT, is interested in this section, and I reserved the point of order more particularly on his account.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BENNET. My point of order is that the section is clearly a change of existing law.

Mr. MOON. The point of order is well taken, Mr. Chairman.

Mr. BENNET. As I have stated, Mr. Chairman, I made the point of order on behalf of my colleague, Mr. HULBERT.

Mr. HULBERT. I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Tennessee want to be heard on the point of order?

Mr. MOON. No; I have conceded the point, Mr. Chairman, and I want to say that a point of order lies properly to each and every other section in this bill. The legislation is new, and a point of order can well be made to each and every one of the remaining sections.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Sec. 9. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. The chairman of the Committee on the Post Office and Post Roads has conceded that every remaining paragraph in the bill is subject to a point of order. My inquiry is whether a point of order would lie against all the remaining paragraphs at this time?

The CHAIRMAN. The Chair understands not.

Mr. MOORE of Pennsylvania. They will have to be read and the points of order made seriatim?

The CHAIRMAN. The Chair so understands.

Mr. MOORE of Pennsylvania. Then I make the point of order.

Mr. MOON. Mr. Chairman, I want to say to the gentleman that as to all of these sections except one or two there is no contest. They have all passed the House heretofore. They are purely administrative propositions, and unless there is a real desire to defeat them, it might as well go through.

Mr. MOORE of Pennsylvania. My thought was to facilitate the business of the House.

Mr. MOON. It would if there is to be no contest, but I suppose there is no objection.

Mr. MOORE of Pennsylvania. If the gentleman cares to have them read, I have no objection, and the points of order can be made as we go along.

Mr. MOON. The Chair holds that they will have to be read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Sec. 10. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall when deposited for mailing

or delivery be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters procanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

Mr. MOON. Mr. Chairman, I would ask the gentleman from Pennsylvania whether he really objects to that or if he is willing to have that section passed?

Mr. MOORE of Pennsylvania. Mr. Chairman, I will reserve the point of order.

Mr. SMITH of Minnesota. Mr. Chairman, I desire to offer an amendment to that section, which I send to the desk and ask to have read.

The CHAIRMAN. The Clerk will read the amendment.

Mr. MOON. Mr. Chairman, I will ask the gentleman if he intends to make the point of order?

Mr. MOORE of Pennsylvania. Mr. Chairman, I will reserve the point of order for the present, in view of the interest of my friend from Minnesota.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, by inserting as a new paragraph after the word "prescribe," in line 8, on page 33, the following:

"That section 3928 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 3928. Whenever the sender shall so request a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when and the place where the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery: *Provided*, That any official of the Post Office Department or any postmaster, under such regulations as the Postmaster General may prescribe, upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt, may waive the requirement that said receipt shall show the place where said registered mail matter was delivered."

Mr. MOON. Mr. Chairman, I reserve the point of order on that proposition.

Mr. SMITH of Minnesota. Mr. Chairman, the amendment that I have just offered makes only one change in existing law, and that is, it requires the registered receipt to show the place where the mail matter was delivered in addition to what the law now requires, which is to show to whom and when it was delivered. The object of this legislation is to make it possible for a merchant to locate, through the assistance of the post office, customers who change their address and who neglect to notify him of that change.

In December, 1914, Senator LODGE introduced in the Senate the following bill:

That section 3928 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 3928. Whenever the sender shall so request, a receipt shall be taken on the receipt of any registered mail matter, showing to whom, and when, and the place where the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery."

A short time thereafter my distinguished colleague, Senator NELSON, introduced a bill of the same tenor as the Lodge bill. About the time of the introduction of the Lodge and Nelson bills Mr. W. L. Harris, one of the leading retail merchants of Minneapolis, wrote me that he considered this legislation wise and necessary and asked me to give it my support. On the first day of this session, in response to this request, I introduced H. R. 138, which, to all intents and purposes, is a duplicate of the Lodge and Nelson bills. I presented my bill to the Post Office Department for its approval. The department was of the opinion that under H. R. 138 it might be possible for a designing person to impose upon innocent parties, and for that reason withheld its approval. However, the department suggested that a bill in the language of H. R. 10399, which I introduced after my talk with the department, would overcome this objection and be acceptable to the department.

I sent Mr. Harris a copy of H. R. 10399, together with a statement of the department's attitude with reference to this subject, and received from him in reply the following:

FEBRUARY 8, 1916.

Your favor of the 5th instant received. Sorry the department can not indorse your original bill. Its suggestion, as embodied in H. R. 10399, is little better than nothing. Anyhow, we appreciate your interest.

Yours, very truly,

W. L. HARRIS.

The amendment I offer is a substitute for both H. R. 138 and H. R. 10399 and I believe meets the objection and the suggestion of the department and at the same time preserves the registered-receipt plan, which is the one desired by the merchants. That there is an extensive and urgent demand for this legislation is evident by the great number of communications which I have received from retail merchants' associations and business

firms. Mr. Harris, who has taken an active interest in the matter, has this to say:

We know of no one item connected with our Postal Service which would be of greater benefit to the business institutions of the country than the return of receipt to addressor containing complete data, and we see no reason why anyone's rights would be prejudiced thereby, for registered mail is always, of course, under cover and we can conceive of no circumstances which would create the slightest injustice or inconvenience to any honest addressee by filling out his receipt with both name and address.

The Postal Service should be, and is, the messenger of the public, and when the addressor pays the fee for registering a letter he is equitably entitled to knowledge, not merely that the addressee receives the letter, but the place at which he received the same. Is he not?

As the Postal Department found a way through its parcel-post system to serve the people of the United States, and incidentally insure the delivery of packages entrusted to its care, so can it logically, to our mind, do the same thing in effect with its registered letters, the specific postage required for same being in effect an insurance fee paid to the department by the addressor that the transaction shall be complete, and all information due the addressor furnished him before the transaction shall be considered closed.

Every credit man in the United States will rise up and call you blessed if you are successful in getting this bill through. After all, what is the Postal Department but the agent of individual or concern which pays a price for its missive or merchandise; and, while it is possible that, under a strained conception of logic, there might be in rare instances a disclosure of location under the bill proposed repugnant to the addressee, the great preponderance of the benefit is so strongly in favor of the business houses served as to cut no figure worth considering, it seems to us, and not the smallest factor of benefit would be that the passing of the bill in question gives the addressor the right to secure information from the department as to the delivery address of registered mail now distinctly denied under the present postal laws.

Our conclusions are, therefore, that the bill is distinctly a progressive step in the development of the Postal Service of the country and in fulfillment of the relations which should exist between the department and the business houses of the country.

If a man shall be required to sign his name to a receipt before he is given a registered letter, it is certainly logical that the address at which delivery was made should also be indicated, thus perfecting and carrying to its logical conclusion the spirit of registered mail service.

Under the present incomplete system a dishonest debtor can "skip" with a distinct purpose of evading the just claim of his creditor, and when, after diligent search, we ascertain that he is probably located in a certain city at a certain place we write him a registered letter, the receipt for which, under the present law, in many cases lacks complete verification, owing to absence of location data, and we do not know whether the letter was actually delivered at the address in question or forwarded to some other location.

Whatever opposition there may be to the bill must come from a desire to protect those not entitled to protection. The business community of the country undoubtedly spends hundreds of thousands of dollars annually in detective work, which could all be avoided by simply indicating on the receipt for registered letters the definite, specific address at which the same was delivered, a hardship to no one and an inestimable value to the whole community.

The Duluth Retail Credit Club, of Minnesota, wrote me as follows:

The Duluth retail merchants seem to be deeply interested in the bill which is known as H. R. 138 and was introduced by yourself. I feel justified in saying that this is heartily indorsed by Duluth, and we are in hopes that it will become effective in the near future; and I, as representing practically all of the retailers of Duluth since September, 1908, am authorized to express this as the wishes of the retailers of Duluth.

GEORGE C. FARLEY,

Secretary Duluth Retail Credit Club.

Messrs. Howard, Farwell & Co., piano dealers, of Minneapolis, wrote me that they felt that the information provided for in House bill 138 would be of great assistance to a great number of people, and that they would appreciate my efforts to promote the passage of this bill.

I also received communications from many other retail merchants from my section of the country recommending this measure and hoping that Congress would take favorable action on the same. Among the many prominent Minneapolis firms that urge such action are the following:

Hartman Furniture & Carpet Co.; Boutell Bros., complete house furnishers; Minneapolis Dry Goods Co.; Wm. A. French & Co., interior woodwork, decorations, furniture; Metropolitan Music Co.; Kronick Cleaning & Dyeing Co.; Palace Clothing House; John F. McDonald Lumber Corporation; R. M. Chapman Co., grocers, bakers, and confectioners; Gross Bros., cleaners, launderers, and dyers; Pike & Cook Co., builders; Barnum Trunk Co.; City Fuel Co.; H. P. McBride Co., grocers; Pure Oil Co.; Warner's Hardware; Brown Bros. Mercantile Co., tallors and furriers; L. S. Donaldson Co., department store; Woodward-Page Co., home furnishings; J. N. Smith & Co., plumbing; Laurence H. Lucker, phonographs.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. COX. What is the difference in the gentleman's proposed amendment and the section of the statute which he proposes to amend?

Mr. SMITH of Minnesota. It simply adds the words "where delivered"—just those two words.

Mr. COX. Do I understand that the gentleman inserts those words "where delivered," or that he takes them out of the old statute?

Mr. SMITH of Minnesota. I insert them. In the old law those words do not appear. If a man moves from one part of

a large city to another without telling his grocery man or his butcher or his merchant of his new address, it necessitates locating him at a loss of considerable time and money. If the Post Office could be called in to assist in this matter, it would save this money and this loss of time and enable the merchant to extend further credit than he is now extending.

We have been busily engaged these many years in enacting laws that will make it possible for the bankers of the country to extend a greater amount of credit.

The Banking and Currency Committee of the House, of which I have the honor to be a member, is about to bring in a rural-credits bill that will enable the farmers of the country to use their credit to greater advantage. However, it is with deep regret that I must admit that there is not and never has been any serious effort made in the Congress of the United States or in any State legislature to enact a law that will make it easier for the laborer, the artisan, or the professional man of small means to secure credit. This class of our citizens is denied relief that is freely extended to other classes. They must look for assistance in time of distress to the grocer, the butcher, the dry-goods man, the furniture dealer, the druggist, the doctor, and the lawyer. These men, and these alone, are often the only barrier between the man in need of personal credit and starvation.

The amount of personal credit extended by the retail merchants of this country far exceeds the total amount of loans of our banks, notwithstanding that in the case of the bank the credit extended is always amply secured by good and sufficient collateral, whereas the credit extended by our merchants is not based upon security or collateral, but upon their faith in the honesty of mankind.

The Mr. Harris that I referred to is a splendid example of America's merchant princes. About 30 years ago he came to Minneapolis from the East and established a very modest store in my city for house furnishings and office supplies on a personal-credit plan. From that day to this no one has been denied credit at his store, the New England, unless he was generally known to be a deadbeat. This store maintains one price for all; the man of no means receives the same treatment as the millionaire. It is needless to say that the New England has prospered and grown to magnificent proportions; that its founder has won the love, confidence, and esteem of our citizens. Neither is it strange that a man of Mr. Harris's clear perception, business ability, and generous impulses should become so active in pointing out to Congress the necessity for a law similar to that embodied in my amendment.

If this amendment were enacted into law, it would enable the retail merchant to extend additional credit to a class of people that can not get it from any other source, and the consuming public would be relieved from the annual payment of hundreds of thousands of dollars now being spent by merchants in an effort to locate careless customers.

This great saving can be accomplished without any additional expense to the Government. For these reasons I hope the committee will adopt the amendment that I have offered.

The amendment is hedged about with such language as to make it apply only to a man who tries to conceal himself for the purpose of escaping his honest debts, and it does not seem wise that the Post Office Department should be a party in the way to assisting a man to conceal himself for that purpose; and the amendment is drawn in such a way that it is impossible to use it for any other purpose.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOON. Mr. Chairman, I withdraw my objection to the amendment.

Mr. MANN. Mr. Chairman, I reserve the point of order. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, I understand the gentleman still has time—

Mr. SMITH of Minnesota. No; my time is exhausted.

Mr. MANN. I will ask the gentleman in my own time. This, as I understand it, would require the registry clerk at post offices to be satisfied the addressee is not concealing himself for the purpose of avoiding a debt in case a person desired to waive the requirements of the receipt showing the place where such registered mail matter was delivered. Is not that imposing a duty upon the registry clerk that is almost sure to make trouble, to make the receipt prima facie evidence in court?

Mr. SMITH of Minnesota. That is the present law.

Mr. MANN. I understand. I have no objection to that, but the receipt as given now does show where the person receives the mail.

Mr. SMITH of Minnesota. Not where he receives it, but when he received it.

Mr. MANN. Now the gentleman proposes to waive that if the registry clerk is satisfied that the person is not concealing himself for the purpose of avoiding a debt. It seems to me very doubtful about putting that responsibility upon the postmaster or the registry clerk. The postmaster might be qualified to exercise such discretion, but the ordinary registry clerk in the ordinary post office of reasonable size ought not to have such a discretion imposed upon him.

Mr. SMITH of Minnesota. But it is not the registry clerk.

Mr. MANN. Who is it?

Mr. SMITH of Minnesota. The authority is conferred upon the postmaster or any official of the Post Office Department under such rules and regulations as the department shall promulgate.

Mr. MANN. The language is, "That any official of the Post Office Department," and so forth, "upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt, may waive," and so forth. Practically, of course, that means a registry clerk, where they have a registry clerk, because it is not possible in the case of registered matter before the matter is delivered to take it up with the postmaster and determine whether this receipt shall not have the place of delivery.

Mr. SMITH of Minnesota. I am afraid that my colleague misunderstands just how this will work out. Nothing will be done except what is now being done only to add to the receipt the place where the registered matter is delivered, and if the party wants to conceal himself for some purpose—we do not know what it may be—but if he wants to conceal himself, it will be necessary for him to go to the postmaster or some official of the Post Office Department and obtain an exemption, as it were, under this bill from the operation of the law.

Mr. MANN. Well, of course, in the meanwhile he would not get the registered package. Now, if it is the intention to hold up the delivery of the registered package, very well. I do not believe we ought to impose upon postmasters or registry clerks in the ordinary course of business the requirement that they shall determine whether a man is desirous of concealing himself in order to avoid the payment of a debt.

Mr. SMITH of Minnesota. It is for them to determine or satisfy themselves that this man is not concealing himself for the purpose of avoiding a debt, and in all other cases the receipt has not only to show when, but where.

Mr. MANN. The gentleman from Minnesota would indicate what is undoubtedly the case in most cases, that there would not be such a requirement, but the purpose of inserting the language is to cover such cases as may arise. Now, I do not think when those cases arise we ought to leave to the clerk to determine whether a man is concealing himself for the purpose of avoiding the payment of his debts. How would he determine it?

Mr. SMITH of Minnesota. They would simply have to determine it; he has simply to satisfy himself. There is no legal determination.

Mr. MANN. He has to determine it in his own mind?

Mr. SMITH of Minnesota. Yes; well—

Mr. MANN. And he would have to make a statement to that effect.

Mr. SMITH of Minnesota. He has to make such a statement as the department will require, whatever that may be. That is for the executive department to work out.

Mr. MANN. I am quite in sympathy with the original purpose of the bill. I do not think a requirement of that sort ought to be imposed upon postmasters or clerks. They are executive and administrative officials, and it is not their business to determine whether a man is trying to avoid the payment of his debts.

Mr. SMITH of Minnesota. Is it the idea of the gentleman that the proviso should be stricken out? If we do, that is my original idea; but the Post Office Department feels that there are times when certain men ought to be protected, and probably this is one of the times, when there is war abroad and there are certain people in our community who ought to be protected. Now, the proviso is intended to make it possible for the department to exercise that discretion when they think it is necessary.

Mr. MANN. If the gentleman would offer an amendment leaving out this language—

upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt—

So that it would read—

Provided, That any official of the Post Office Department, or any postmaster, under regulations as the Postmaster General may prescribe, may

waive the requirement that said receipt shall show the place where said registered mail matter was delivered.

I would not object to it.

Mr. SMITH of Minnesota. The only trouble with that is that it may be too broad. There may be a class of people whose addresses we want to know, and we feel we have a right to know, and I do not want to make it broad enough to cover anything else.

Mr. MANN. I understand. I assume one of the purposes is this, that merchants may have sold goods to some one and the man has moved and left his address for the forwarding of mail at the post office. The man has not paid his bills; the merchant wants to be able to send him a registered letter to ascertain where he is living so as to bring action against him. That probably is a laudable purpose; still that is not part of the duty of the Post Office Department. I do not think that the responsibility ought to be placed upon the post-office officials to determine whether a man is trying to avoid the payment of his debts. We can not determine in ordinary life without trouble. I am perfectly willing to leave the Post Office Department the authority to waive the requirement if they desire to do so, under regulations which they may make.

I am not willing to impose upon the post-office clerks a requirement that they shall determine it. Perhaps that determination will be the cause of a libel suit.

Mr. SMITH of Minnesota. I am willing to accept the amendment, but I am a little afraid it will be too broad. I think it is of importance. I have been informed that hundreds of thousands of dollars are spent annually by business men in securing the addresses of their customers who have changed from one place to another without notifying the merchant of such change. I do not claim that these men are dishonest, that they have secreted themselves for the purpose of avoiding a debt, but I do claim that they are careless and negligent, and the consequence is that the business house has to suffer, and ultimately the consumer has to pay the bill.

Mr. MANN. The theory of this amendment is this: The gentleman stated there is a war going on. Some man may not desire to give his residence to everybody who wishes to write him. They send him a registered package. Under this provision before the registered package can be delivered—and the man does not know from whom it comes—if he wants to have waived the requirement as to the place of receipt of the package, he has got to bring proof to the registry clerk and not try to avoid the payment of his debts. It might apply to the gentleman and myself, and I am sure we are not trying to avoid the payment of our debts, but it might be embarrassing to us to have to get evidence from our neighbors or our banks or other people that we are not trying to avoid the payment of our debts.

Mr. SMITH of Minnesota. I do not think it would go to a strict legal proof. I think it will be sufficient to just satisfy the postmaster. These matters have to be handled as business propositions.

Mr. MANN. Meanwhile, while that person was being satisfied the registered package would be held up, and it might take a week or a month to find out.

Mr. SMITH of Minnesota. That is where I beg to differ with my colleague. The intention of this amendment and its practical operation would be that, if a man came into a community and wished his address concealed, it would be his duty to go and see the postmaster and make such an arrangement; and in trying to make that arrangement, if the postmaster was satisfied the reason he wanted to have his address concealed was that he wanted to avoid a debt, he would not grant that permission. Otherwise his mail would be delivered just as it is now, with the exception that the registry receipt would show where it was delivered.

Mr. MANN. I understand the gentleman now to say that he thinks under this amendment if a man came into a community new, he must at once go to the postmaster and make his arrangements. That would be very difficult to do in a large city.

Mr. SMITH of Minnesota. Until he went to the post office and gave his address the post office would not know where to find him; and, if he wanted to conceal his address, then he can also, at the same time that he is asking to have his mail delivered at a certain point, see his postmaster and inform him of the reason why he wants to have his address concealed, and the postmaster, being satisfied that that is not for the purpose of avoiding a debt, can have his address concealed, leaving the whole matter in the hands of the Post Office Department, just where it is now.

Mr. MANN. I think the gentleman, of course, looks at it from the point of view possibly, just at present, of a smaller town, although he does not represent a small town. But a man in the city does not go to the post office and leave his

address. A man moves very frequently in large cities from one address to another. He leaves with the carrier an address to which to forward his mail from one place to another place. He does not go and make any arrangement about that; but under this provision a registered package could not be delivered to him at the place to which he had moved unless, according to the gentleman, he had gone and made an arrangement with the Post Office Department. I do not think that ought to go into the law, especially as to the payment of debts.

Mr. SMITH of Minnesota. As I suggested to my colleague, if he wishes to have it amended in the way suggested, I will accept the amendment.

Mr. STAFFORD. Mr. Chairman, I wish to continue the reservation of the point of order. I believe this is too important a provision to be incorporated in an appropriation bill without any prior consideration by a committee or without recommendation by the department, and, therefore, I will be constrained to make the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order, and the point of order is sustained. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I now renew the point of order on the paragraph.

The CHAIRMAN. Did the gentleman from Wisconsin make the point of order only to the amendment?

Mr. STAFFORD. It simply went to the amendment. I had no idea of making the point of order on section 10.

The CHAIRMAN. The point of order is sustained as to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order on the paragraph.

Mr. STAFFORD. I hope the gentleman will reserve it for a minute.

Mr. MOON. Do you withdraw your point of order on the main section?

Mr. MOORE of Pennsylvania. I was about to renew it in order to facilitate business.

Mr. STAFFORD. I hope the gentleman will not do that.

Mr. MOORE of Pennsylvania. If the gentleman desires to discuss the amendment, I reserve the point of order.

Mr. COX. I make the point of order that that is too late. He can not reserve it. Business has intervened since.

Mr. MOORE of Pennsylvania. I think the question recurs now to the original paragraph.

Mr. STAFFORD. If the Chair will permit—

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. The gentleman from Pennsylvania originally reserved the point of order. It was not proper to consider the amendment offered by the gentleman from Minnesota [Mr. SMITH] while the point of order was reserved and pending. Therefore the gentleman from Minnesota was virtually proceeding under unanimous consent, and his proposition was never formally before the House. The gentleman from Pennsylvania [Mr. MOORE] has not waived his right of the reservation of a point of order to section 10, because he has never withdrawn it.

Mr. COX. Mr. Chairman, the gentleman from Pennsylvania withdrew his point of order, and the RECORD will show that.

Mr. MOORE of Pennsylvania. I have renewed it.

Mr. STAFFORD. If the gentleman withdrew it, then the point of order comes too late.

Mr. COX. I make the point of order that it can not be renewed after it has been withdrawn.

Mr. MOORE of Pennsylvania. If the RECORD shows that I withdrew it, Mr. Chairman, of course I am bound by it. I leave it to other gentlemen to make the point, if anyone desires to do so. Perhaps others may not have understood the situation, owing to the confusion.

Mr. STAFFORD. I think the paragraph is a very worthy provision.

Mr. COX. Does the gentleman from Pennsylvania withdraw his motion or point of order?

Mr. MOORE of Pennsylvania. Yes. Mr. Chairman, I withdraw it—whatever motion I have made.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I would like to have a brief explanation of what is proposed to be accomplished by this paragraph, section 10, about the precancellation of stamps with the name of the post office printed thereon.

Mr. MOON. Mr. Chairman, under the existing law the precancellation of postage stamps, that is, the printing on them between two horizontal lines of the name of the post office at

which they are used, must be done under the supervision of the post office at which they are mailed.

Mr. MANN. Do I understand that under the existing law, where these precanceled stamps are used, they have to be canceled under the supervision of the postmaster at the city?

Mr. MOON. Yes.

Mr. MANN. And under this paragraph it is proposed that when they print the stamps at the Bureau of Engraving and Printing the bureau shall cancel them by printing on them the name of the city?

Mr. MOON. I will read the department's statement on that point. I read:

Reason for such legislation: Under existing law the precancellation of postage stamps—that is, the printing on them between two horizontal lines of the name of the post office at which they are to be used—must be done under the supervision of the postmaster at such office. The larger offices precancel the stamps by means of electroplates on printing presses installed as part of their office equipment, while at other offices the stamps are precanceled under contract by private persons or concerns under the supervision of the postmaster or a postal employee. At smaller offices where the precancellation of the stamps in either of the ways mentioned is not warranted, hand stamps are used. The cost of precanceling the stamps under the present system varies considerably, and in some instances it is believed that it would be more economical to print the name of the post office on the stamps before furnishing them to the postmaster. House bill 4790 provides for this procedure.

The gentleman is right about his position.

Mr. MANN. This is to expedite it?

Mr. MOON. Yes; this is to expedite it.

Mr. MANN. This subject is rather curious as to its history. Some years ago we provided for the use of precanceled postage stamps in the delivery of mail. After it had been running a year or two, at the recommendation of the Post Office Department, the Committee on the Post Office and Post Roads reported a provision on the Post Office bill repealing that provision of the law. It would have gone out except that I made a point of order on it, because it was a change of existing law. I am glad now that the Post Office is endeavoring to expedite and cheapen the use of these precanceled stamps.

Mr. MOON. I think it is of advantage. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 11. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on that. If there is no discussion, I will make the point of order.

Mr. MOON. I hope the gentleman will let this matter pass, unless he objects to it.

Mr. STAFFORD. I wish to explain the purpose of it.

Mr. MOORE of Pennsylvania. Then I reserve the point, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, this provision has been carried frequently in the Post Office appropriation bill coming before the House. It is of benefit not only to the Postal Service but is fair to the railroads of the country, even if the present system of pay by weight is continued. It provides for the withdrawal of the mail bags during the heavy season, when they are most in use, from October 1 to April 1, from freight trains, and permits them to be carried in the mails, and compensates the railroads for that additional weight during that period.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MOORE of Pennsylvania. The gentleman regards this as a meritorious paragraph that ought properly to go into the Post Office appropriation bill?

Mr. STAFFORD. There is no doubt about that. It is absolutely needed by the department.

Mr. MOORE of Pennsylvania. This is one of the meritorious provisions that ought to be considered by the Congress in the consideration of the Post Office appropriation bill?

Mr. STAFFORD. Yes. It has been considered by the House many times before.

Mr. MOORE of Pennsylvania. Is it subject to a point of order?

Mr. STAFFORD. Yes; it is subject to a point of order.

Mr. MOORE of Pennsylvania. Does the gentleman think that these meritorious paragraphs ought to be sandwiched in an appropriation bill along with other paragraphs that are not meri-

torious, like those creating a surety department in the Post Office Department and that reducing the rate of railway mail pay?

Mr. STAFFORD. In reply to the gentleman I will say that I am not in favor of all of having riders placed on appropriation bills, as has been the practice of the Committee on the Post Office and Post Roads for several years past. There is perhaps no other committee of the House that has so repeatedly violated the rule as to riders as has the Committee on Post Offices; and instead of doing as other committees have done when legislation is needed in the Postal Service, instead of introducing separate bills which could have been reached in the regular order on the calendar, they forego doing everything of that kind, and include all their legislative recommendations on the Post Office bill as riders, and when the bill is reported the committee adjourns sine die. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. But the result of this very offensive practice of attempting to enact legislation on an appropriation bill is that Members of this House are forced either to vote up or down meritorious propositions if they wish at the same time to defeat provisions that are not meritorious.

Mr. STAFFORD. The gentleman will concede that riders on appropriation bills can not receive the due consideration that should be given, and which would be given, to them if they were embodied in separate measures. The rules have for many years forbidden the incorporation of riders on appropriation bills, and yet this Committee on the Post Office and Post Roads offends, and continues to offend, with 57 varieties, each year by incorporating in the appropriation bill miscellaneous items which are subject to points of order instead of bringing the measures in separately as legislation, as they should be brought in.

Mr. MOORE of Pennsylvania. The gentleman concedes that riders are vicious?

Mr. STAFFORD. Yes. Congress for years has forbidden that. It is a vicious practice. That is why it is provided in the rules that it shall not be done.

Mr. MOORE of Pennsylvania. Why should a Member be compelled to rise in his place and object to a meritorious provision that is subject to a point of order in order to defeat other provisions that ought to be defeated?

Mr. STAFFORD. There are provisions in this bill that are vicious, that are sought to be crammed through this House under a gag rule, without any consideration whatever. For instance, last year what opportunity was given to the House for a full consideration of the railway mail pay provision carried in the appropriation bill? The general debate was limited, and there was only 10 minutes' discussion under the five-minute rule, whereas if that provision had been brought in as a separate bill and ample time given for discussion and amendment, the Members of the House would have been only too willing to have given it serious consideration.

But here is a proposition to have this railway mail provision covering a great number of subjects, considered as one section. And the same is true with reference to the bond guaranty fund, an entirely new proposition, never before considered by the House, and to many other proposed changes of law in the bill. That is the condition that I protest against, because it is opposite to proper, deliberative, legislative consideration.

Mr. MOORE of Pennsylvania. When legislation is brought into the House in this way under a rule, what is the remedy for an individual Member of this House? Is it to vote it up or vote it down?

Mr. STAFFORD. Why, there is only one way to do, and that is to resent the autocracy of the Democratic majority of the Committee on Rules in jamming down our throats legislation that can not be considered under the orderly procedure of this House, when forced upon us in the form of riders on appropriation bills. [Applause on the Republican side.]

Mr. MOON. Mr. Chairman, I think my friend from Wisconsin is unduly disturbed. This committee does not propose, nor has it ever proposed, to ram down the throats of this House any legislation on any subject. Nor does it propose to bring a rule here that will cut off the proper discussion of any question or prevent you from voting separately and amending as you may see fit any proposition in this bill. We hope that the House will vote for a rule that will make these sections in order, to be considered separately, but in such form that if approved by the House they may be made a part of the law of the land. We believe that these sections which we are offering here, which are technically out of order on this bill, ought to be made in order under a special rule, so that they may be passed for the benefit of the department and of the people of the United States. There is to be no pressure in any way, shape, or form.

We ask simply such a change of the rule as will make them in order on this bill. If you do not like them, vote them down. You will have ample opportunity to consider them and do with them just as you choose. I think I have never objected to one of these special rules, because I think the changing of a general rule is at times the proper way to get legislation. You know that you can not get the consideration of these administrative propositions by twenty-odd separate bills. You know that there would be no chance. There never has been a time in the history of this House when any postal legislation of any value, except perhaps the postal savings bank and one other proposition or two in the last 40 years, ever became the law except as a rider on an appropriation bill. You know you can not get these matters considered otherwise. Gentlemen might as well be candid. If they are against the proposition, of course, they will be against the rule to consider it. That is all right, but there can be no consideration of this legislation, there can be no possible chance to pass it, unless it is incorporated upon this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Is it not possible to have a bill dropped into the basket and then referred in the regular way to the Committee on the Post Office and Post Roads, and have consideration there, and then bring it into the House and pass it?

Mr. MOON. Yes; it is possible to do that if you can ever reach it in the House for consideration; but whenever you do that, the experience of this body has been that that bill has died in a pigeonhole in the Senate, and in order to get the Senate to consider these questions—not you gentlemen, but the Senate—in order to get the Senate to give consideration to the judgment of this House it has been for 40 years the custom and the necessity, I may say, to incorporate these legislative provisions as riders on appropriation bills.

We have not asked for any gag rule, nothing of that kind. We just simply ask the temporary abrogation of a general rule that prohibits the consideration of legislation on an appropriation bill. That will leave the whole question open for the judgment and decision of the House.

Mr. MADDEN. Is it possible to have the special rule passed without a vote of the House to do it?

Mr. MOON. Positively not.

Mr. MOORE of Pennsylvania. If the trouble is in the Senate, would it not still be in the Senate, whether we pass this legislation in this way or not?

Mr. MOON. No; whenever you put this appropriation bill before the Senate with these riders on it, they are a part of the bill. They go there as a part of the bill, as the judgment of this House as to what the law should be, and the Senate is obliged to take cognizance of them.

Mr. MOORE of Pennsylvania. And vote it up or vote it down.

Mr. MOON. Of course; and that is proper.

Mr. MOORE of Pennsylvania. As to the general merits of the discussion, will the gentleman consider this proposition: One paragraph here provides for the institution of a system of surety bonds to be controlled by the Government, involving a question of paternalism, which is in dispute throughout the country? Does not the gentleman think that a very important question like that, involving all that it does, should come before the House in a separate bill, in order that it may be fairly and generally discussed?

Mr. MOON. In reply to the gentleman I want to say that the same men, of the same minds, the same courage, and the same judgment, will pass upon the bill whether in separate form or whether in connection with this appropriation bill, and it is utterly immaterial, so far as the judgment of this House is concerned, which way it comes, because there is to be no attempt made to force you to do anything except that which you could do if it were a separate bill.

Mr. MOORE of Pennsylvania. The gentleman knows that debate must be limited under the rule, and it would not be so limited if the bill came up in the regular way.

Mr. MOON. I do not propose to ask for any unreasonable length of time for the consideration of any of these questions. The House can take such time as it wishes. I am not going into the merits of that bond question now, but I want to say to the gentleman that when he sees how this Government has been defrauded, and how it has been unable to protect itself under the present law, I believe that as an honest man he will support that proposition if we conclude to put it in the bill either now or in the next bill.

Mr. MOORE of Pennsylvania. These are just the questions that it seems to me ought to be discussed in the House in the regular way.

Mr. MOON. We can do it in a regular way, if the discussion is made in order on this bill, just as well as on any other.

Mr. MOORE of Pennsylvania. Of course the question of railway mail pay is a question of national importance.

Mr. MOON. That has been discussed for 30 years, in every way, shape, and form, and if this House is not ready to act on that question now, it never will be.

Mr. MOORE of Pennsylvania. The gentleman must remember that this House is made up of many new Members, who have not heard the previous discussions. All of the previous discussions died with the Congresses in which they took place, and everything is taken up here ab initio.

Mr. MOON. Let me say to the gentleman that there has been a full and complete hearing before the committee for the full length of time desired by the railroads. There have been 16 hours general debate in this House, most of that time devoted to this very question; and if you want more time I will not object. Do not hide behind an objection to a rule. People who are for the railroad companies in the United States, for the maintenance of the present law, may just as well say so, and those who are for the protection of this Government against the wrongs it is suffering at the hands of these corporations would as well say so.

Mr. MOORE of Pennsylvania. There is just one thing that I wish to say—

Mr. MOON. I mean no reflection upon the gentleman, of course.

Mr. MOORE of Pennsylvania. Of course not, and I am in no way questioning the integrity of the chairman of the committee. He will understand that, but any individual Member of this House must drop his bill into the basket and take his chances with the committee. If he has no great influence because of previous service in the House, his chances of consideration by the committee are not any too strong. It is a matter of time and experience and a matter of observation, a matter of acquaintanceship very largely, if the bill is to get proper consideration by the committee. But where a committee is powerful, as is this Committee on the Post Office and Post Roads, and great questions come before it involving the employment of men and the expenditure of vast sums of money, it does seem as if the House, particularly when there is a great body of new Members in the House, should have these questions brought before it for discussion, rather than to rely upon a general debate for 16 hours, or any other time, on any question the Member may see fit to discuss. There should be a specific discussion of a specific problem, which should be treated in a specific way.

Mr. MOON. The gentleman will have that opportunity.

Mr. MADDEN. Mr. Chairman, if I may be permitted to interrupt at this point, I desire to say that there were 16 hours of debate and there was specific discussion of specific questions, and if the gentleman was not upon the floor or sufficiently interested to hear what was said upon the subject it is his fault and not the fault of anyone else.

Mr. MOORE of Pennsylvania. The gentleman was as much on the floor as any other Member during the general debate, which, it is generally understood, does not always apply to the bill under consideration. Members must sometimes escape during general debate to catch up with office work.

Mr. COX. Mr. Chairman, a parliamentary inquiry. What is before the committee?

The CHAIRMAN. A point of order is reserved by the gentleman from Pennsylvania [Mr. MOORE].

Mr. COX. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MOORE of Pennsylvania. I do make the point of order.

Mr. STEENERSON. Mr. Chairman, I hope the gentleman will give me some time.

Mr. MOON. The gentleman says that he is going to make the point of order.

Mr. STEENERSON. I think he will not, after I appeal to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, this paragraph may be meritorious. I have no doubt it is; but it comes along with other paragraphs that will be subject to the rule, which in due course will come up to be voted upon by the House, and I shall feel it my duty to make the point of order; but, debate having ensued upon it at this time, if I may be permitted, I will yield to the gentleman from Minnesota.

Mr. COX. Mr. Chairman, I demand the regular order.

Mr. LINTHICUM. Mr. Chairman, I will ask the gentleman to yield to me.

Mr. MOORE of Pennsylvania. If I may be permitted to yield, I will do so; but if it is necessary to make the point of order I will make it.

Mr. COX. Mr. Chairman, I demand the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the act of March 4, 1909 (ch. 321, sec. 198, 35 Stats., p. 1126), to be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses shall for every such offense be punished by a fine of not more than \$1,000 or by imprisonment for not more than three years."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A point of order is pending, as the Chair understands.

Mr. STEENERSON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Wisconsin care to be heard on the point of order?

Mr. STAFFORD. Mr. Chairman, I wish to obtain some information. I would like to inquire of the chairman of the committee his reason for omitting certain language from the present statute which provides punishment for all persons who attack letter carriers?

Mr. MOON. It is not necessary to put that in. We do not repeal that at all.

Mr. STAFFORD. I wish to direct the attention of the chairman to the fact that by this section the gentleman is amending the existing section, chapter 321, section 138, Thirty-fifth Statutes at Large, "to read as follows:" If we adopt this language we repeal everything in the existing section that is left out. In the present section, as the gentleman well knows, there is a provision which penalizes all assailants of letter carriers, and I am inquiring of the committee whether there is anything in the hearings or anything in the report of the various assistants or the Postmaster General justifying the leaving out of that language?

Mr. MOON. I do not think it is left out. I think it is in the law of the land now. It is not in this proposed amendment. The gentleman will understand that this amendment, by operation of law, will incorporate itself with the general statute. It does not operate to repeal that statute, it is a mere amendment to it.

Mr. STAFFORD. Of course, the gentleman knows that if there is no other provision of law, referring to the provision penalizing those who assault letter carriers, and we exclude it in this amendment, that therefore that provision falls.

Mr. MOON. I think the gentleman and I do not quite agree as to the construction of statutes. This is an amendment to a statute. It does not undertake to repeal that statute at all, but it incorporates itself into the body of the existing law, which retains the provision which the gentleman referred to. If this provided that it should be a repeal of that statute, the gentleman would be right, but it is not a repeal by direct act, nor is it a repeal by operation of law by implication, because this section is in no way inconsistent with the provision to which the gentleman refers.

Mr. STAFFORD. But here, by subsequent enactment, we embody more than half of the present phraseology of the existing statute, and leave out the latter part, providing for the punishment of those who attack letter carriers.

Mr. MOON. Well, that will be the law of the land when this is passed.

Mr. STAFFORD. I have to take issue with the gentleman's position. When we subsequently enact a section and provide that it shall read as follows, that the language supplants existing law and is a reincorporation of that section as provided in the amended bill.

Mr. MOON. Oh, no; if there is anything left in the old law that is not inconsistent with the new law, then it stands, and the amendment embodies itself in the old or existing law in its construction.

Mr. STEENERSON. I think the chairman is mistaken about that, when you amend a section to read as follows—

Mr. MOON. I may be mistaken in a great many things, but that is my opinion, and I give it for what it is worth.

Mr. STEENERSON. Then the gentleman does not consider if you omit any of the old words those words are repealed?

Mr. MOON. Oh, no.

Mr. STEENERSON. That is the doctrine of Sutherland on Statutory Construction, which I had occasion to examine the other day on the same question.

Mr. MOON. Doctors disagree and lawyers, too. I think where a statute only repeals a part of an existing statute and where the existing statutes are in no way inconsistent, both stand as the law of the land.

Mr. STAFFORD. So the gentleman is assuming to say that when you provide that the section shall read as follows and you insert new language that does not take the place of the old language?

Mr. MOON. To be amended as follows.

Mr. BRITT. The gentleman from Wisconsin is mistaken in his interpretation of the amendment. It does not propose to supersede the existing law. It adds a separate and distinct amendment, and does not, either by specification or by implication, repeal the language which relates entirely to a different matter, and therefore the law remains.

Mr. STAFFORD. But this phraseology incorporated in this amendment pertains to the same matter as incorporated in the original section, other than the one matter, that is, as to assaults on letter carriers.

Mr. MOON. May I ask the gentleman from Wisconsin a question? Does the gentleman want to incorporate into the new law part of the old law?

Mr. STAFFORD. I think we should, unless there is some other law to cover that, because I am quite certain—

Mr. MOON. I think there is no necessity for it as a matter of law, but if the gentleman thinks otherwise, in order to be doubly sure I am not going to object to an amendment of that sort, although we think we might as well legislate on it in the proper manner.

Mr. STAFFORD. I would like to inquire whether the intention is to leave that provision out?

Mr. MOON. No.

Mr. STAFFORD. Will the gentleman explain what is the real purpose accomplished by this amendment?

Mr. MADDEN. The purpose of the amendment is to punish anybody who maliciously destroys or despoils a letter box, or mail deposited in a letter box, or any receptacle which has to do with the holding of mail. It is clear upon its face what it means.

Mr. STAFFORD. Existing law provides that.

Mr. MADDEN. This adds to the penalty—

Mr. STAFFORD. In what respect?

Mr. MADDEN. Provided in the former law.

Mr. STAFFORD. Oh, I beg the gentleman's pardon; the penalty is just the same as in the present law.

Mr. MADDEN. Read the law.

Mr. STAFFORD. Does the gentleman mean the original law? I would be glad to read the present law for the gentleman's information.

Mr. MADDEN. Read it for the information of the gentleman from Wisconsin.

Mr. STAFFORD. I have read it myself. The gentleman apparently seems not to have read the law; perhaps he has.

Mr. MOON. Mr. Chairman, I will state the point in the whole matter. When a man breaks a letter box or defaces it, whether it is in an unusual place on a route or not when he is brought to trial he will have to prove that the letter box was established there by authority of the Postmaster General. This section will obviate that necessity.

Mr. STAFFORD. Will the gentleman kindly explain that point again? My attention was for the moment diverted.

Mr. MOON. I will read the gentleman, if he will listen carefully, what the department says on this subject:

Owing to the isolated position of the mail boxes used in the rural delivery and in the star service and to the fact that the official character of these receptacles is not generally recognized, depredations thereon are not unusual, and section 198 of the Criminal Code does not adequately meet the situation. If in the trial of persons charged with injuring or destroying mail boxes on mail routes the necessity for establishing the fact that the Postmaster General has approved such boxes were removed, the law would be much more efficacious. The security of the mails demands that these conditions be remedied, and, as a means of providing the required remedy—

This is contained in a letter from the Postmaster General.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not want to again advert to the question of the rule except to obtain information; but a copy of the proposed rule has come into my possession, and in connection with having it here I should like to ask the gentleman whether under the rule there will be opportunity to amend any of these paragraphs?

Mr. MOON. There will be an opportunity to amend every single word in the whole act, as far as that is concerned.

Mr. MOORE of Pennsylvania. Then such a question might arise under the rule; that is, if a paragraph be found faulty it may be amended?

Mr. MOON. Of course. Does the gentleman think the Committee on the Post Office and Post Roads wants legislation faulty or legislation unfair to anyone?

Mr. MOORE of Pennsylvania. I asked the question because I have the resolution from the Committee on Rules, which reads:

Resolved, That after the adoption of this rule it shall be in order in the further consideration of H. R. 10484, a bill making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, to consider all the new legislation in each and all of the sections of said bill which have been stricken out on points of order, notwithstanding the rules of the House.

Now, that rule is to be understood as including the right of amendment as the discussion proceeds under the rule?

Mr. MOON. I say to the gentleman that I never have and never would vote for a rule that would preclude the right of amendment on this floor.

Mr. LINTHICUM. I would like to ask a question. Suppose you are in favor of one provision contained in the rule and are against another provision. Is there any way in which you can vote in favor of the one you want and against the other? Is there any way of dividing the rule?

Mr. MOON. There is no way of dividing the rule, but there is a way of dividing the question when you come to consider it in the House. You consider them all separately. The House has the power to do anything it wants to. The House can take a rule and amend it in any way it sees fit, can strike anything from it it wants to strike from it, or add to it anything it wants to add to it; and when you come to consider the bill each section will be considered separately, and you can vote as you choose as to them; and if you are not satisfied, a person in position under the rules to do so can, under the rules, move to recommit with instructions.

Mr. LINTHICUM. You would not be compelled to vote against the entire rule in order to eliminate certain things you were against?

Mr. MOON. I do not know what the committee will do, but I presume they will present a rule to cover all questions. Now, it will be with the Committee on Rules as to how they will present that question. I would take it that you would have the right to move to strike any provision from the rule that you wanted to strike from it. In other words, the House has the power to control this matter and do just as it chooses. Of course, I can not say what it will do.

Mr. MADDEN. You can vote yea or nay under the rule on these mooted paragraphs. Of course, you will have to vote yea or nay on the rule—on everything—but, if the rule passes, then you will be able, according to the explanation of the gentleman from Tennessee [Mr. Moon], to discuss that paragraph.

Mr. LINTHICUM. I might not want the rule to pass to consider one proposition, but might want it to pass to consider another one.

Mr. MADDEN. Then, that proposition would be considered in the House on its merits.

Mr. LINTHICUM. I do not want to be put in a position of voting for a rule on the very thing I am against.

Mr. MADDEN. Then vote against it.

Mr. MOON. There are a great many things in every bill that every Member of the House would not like to vote for, but after they have all been agreed upon and presented for a vote, it is very hard to get them separated.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 5, after the word "receptacle," insert the following: "Or shall willfully and maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty, and such carrier"—

Mr. STAFFORD. Mr. Chairman, I wish to say to the committee and the chairman—

Mr. MOON. I do not think it is necessary to do it. I do not object to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

Some strictures have been made upon the action of the Post Office Committee for reporting so many legislative provisions upon an appropriation bill. Now, I have always opposed riders upon appropriation bills, as a rule, and I would say for the members of the committee that a minority of them, at least,

were opposed to making some of these riders, like the railroad pay and insurance provisions; but as to the provisions like the one under consideration and the one preceding, which was struck out on the point of order made by the gentleman from Pennsylvania [Mr. Moore], the committee was unanimous that that provision was to expedite the mail. During the holiday period there is great congestion in the mail, and if the mail sacks are to be sent back by freight instead of going into the regular mail trains it will delay the shipment of the holiday goods. And there can be no possible objection to it. The committee carefully considered both that and the provision now under consideration, and reported it now and at a former session, if not at two former sessions.

As to the point made by the gentleman from Pennsylvania [Mr. Moore] that by mixing up meritorious and uncontentious matters with these contentious matters, like insurance and railway questions, they are forced to vote on the whole thing en bloc. I wish to say if the gentleman would exercise a little discrimination and consider the acts of the Post Office Committee as amounting to something he would not object to these provisions, as they are simply in the interest of more efficient postal service. Then the position he would be in would be stronger, because by leaving these provisions in the bill, the provisions to which he does object and which he has mentioned, would remain there and stand on their own merits. They would not be bolstered up by meritorious matters. So that the argument he made in that direction is against himself, because the more meritorious matters go out on the point of order the stronger will be the provision covered by the rule making them in order. Therefore no gentleman should object to these innocuous provisions, if I may so call them, which the committee has reported and upon which it is unanimous. These are administrative matters that the committee has considered carefully and heard department officers upon, and they are unanimous in recommending their adoption. For that reason I think that the course pursued by the gentleman is a mistake and against his own interest.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Mr. Chairman, of course I appreciate very much the agreeable lecture I have received from my colleague from Minnesota [Mr. Steener], who is naturally proud of the good portion of the work done by the Committee on the Post Office and Post Roads. But I think I am within my rights in suggesting to him, as I did to the gentleman from Tennessee [Mr. Moon], that there is a fair way of bringing in this serious legislation. If it is as meritorious as the gentleman from Minnesota indicates it is, why does not the gentleman from Minnesota or any other one of the minority of that committee introduce a bill in the regular way and have it referred to the committee and brought in on the floor of the House in the regular way, so that it can be discussed regularly by the Members here? If these ends were all meritorious, there would be no difficulty in advancing them in the House. Why must they always sandwich these meritorious provisions in with the nefarious projects if gentlemen really object to provisions that are not proper? [Applause.]

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. The gentleman was here a year ago when these same provisions were in the bill, and he made no points of order against them. Why did we not have the right to believe that they were then satisfactory to him?

Mr. MOORE of Pennsylvania. I am sorry that the gentleman from Minnesota has to hark back to the consideration of a bill a year ago for a citation as against me. I was just as much opposed to the Government going into the surety-bond business then as I am now. I was just as much opposed to ill-considered railway mail pay legislation then as I am now. I think that all proposed legislation involving the railroads, big and little—particularly little ones, that may be driven out of business by this provision—ought to be brought deliberately before the House and considered by the Members of the House from all sections of the country, without regard to the feelings of members of the minority or of the majority, who sit in chambers and perfect their work and then suddenly dump new provisions on the House and tell us to vote them up or vote them down.

The gentleman ought not to come here with a police force behind him, labeled "rule," and enforce this gag upon us. Up to this time I have not criticized the minority of the Committee on the Post Office and Post Roads. They have done a great deal of admirable work, but they know just as well as I know, or every other Member ought to know, that there is a legitimate

way of bringing things in here. They ought not to be forced through by a gag rule, but should be put in in a regular way, as every one of us has to do who has a little bill which he desires to have passed. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] will be heard in opposition to the amendment.

Mr. MADDEN. Mr. Chairman, I think it is very unbecoming in the gentleman from Pennsylvania [Mr. MOORE] to set himself up as a critic on everybody in the House, and for one, as a member of the Committee on the Post Office and Post Roads, I do not propose to submit to any such criticism as he imposes. [Applause.]

I think the Members of the Committee on the Post Office and Post Roads are just as honest, just as conscientious, and just as interested in the public welfare as is the gentleman from Pennsylvania. [Applause.] When he comes before this body and says there is no opportunity for the consideration of measures reported in this bill he says that which is not true. How would he get a measure before the House for consideration? Would he bring it in himself and dump it on the floor and say, "Here it is; consider it"? Or would he give it consideration by a committee? Would he investigate a question of great importance through a committee of the House?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. No; I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. I want to say to the gentleman from Pennsylvania that the measures he opposes have been given consideration before the House in a regular way, and when a rule is adopted, if it shall be adopted, these measures will be before the House for proper consideration; and if the gentleman had been in the House, as he ought to have been, when this question was being discussed he would know something about it. He knows nothing whatever about the thing now. [Applause.] I am in very much doubt whether he will know very much about it when we get through with the discussion that is to follow. [Laughter.] But I am opposed now and always to any one man arrogating to himself the right to become the critic of everyone else.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MADDEN. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. I want the gentleman from Pennsylvania to know that he has taken more time on the floor of this House to talk about nothing than any other man in the House. [Laughter.] And if he thinks that he is popularizing himself by filling the pages of the CONGRESSIONAL RECORD with a lot of stuff that has nothing whatever to do with the questions pending before the House, he is greatly mistaken. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. MOORE of Pennsylvania. And, Mr. Chairman, in reserving the point of order—

The CHAIRMAN. All pro forma amendments are withdrawn.

Mr. MOORE of Pennsylvania. Mr. Chairman, in reserving the point of order, I acknowledge with deep appreciation the strictures that have been imposed upon me by a second member of the minority of the Committee on the Post Office and Post Roads.

Mr. MADDEN. You brought it on yourself.

Mr. MOORE of Pennsylvania. I am delighted with it. [Laughter.] The gentleman has complimented me by the assertions he has made. When it comes to consuming the time of the House and lecturing fellow Members, the gentleman from Illinois is a past master, and I regard it as a bit of advice from "Sir Hubert" when the gentleman from Illinois refers to me. I do not expect much applause for the compliment I am now paying to the gentleman from Illinois because of the situation that has suddenly arisen. The gentleman was agitated, possibly angered, in the statement he made; but he caused me no ill feeling, for I knew that down in the depths of his heart he had the warmest personal affection for me, as I have for him. [Applause.]

But in the time I have I will now ask the gentleman from Illinois, who has made these personal observations with respect to his colleague from Pennsylvania, whether any Member of this House or any member of the Committee on the Post Office and Post Roads in particular, has ever taken the time to drop a

bill into that basket pertaining to railway mail pay? If he does not answer that question—and I give him the time to do it—then I make the deliberate statement—

Mr. MADDEN. Just a moment; I will answer the question. I wish to say to the gentleman from Pennsylvania, in reply to his question, that it was not necessary to drop a bill into the basket in regard to the railway mail pay, because a more comprehensive plan had been adopted and approved.

Mr. MOORE of Pennsylvania. Where and when, I will ask?

Mr. MADDEN. I will tell the gentleman. This House, by an almost unanimous vote, authorized and directed the appointment of a joint railway mail pay commission. That commission sat for two years. They heard every railroad man in the United States. They heard anybody who had any question to raise about how the railroads should be paid for moving the mails. They made a report, and that report was referred to the committee. That committee reported to this House, and the House adopted what they did. The bill containing that proposition went to the Senate.

The bill came back from the Senate with that proposition not approved. Then it went to conference. The conferees reported a compromise. That compromise was reported back to the House. This House approved the compromise, and the last hours of the session having come to hand, the Senate had not time to approve it. Then we took up the question at the beginning of this Congress again, and we invited every railroad company in the United States to come before the committee for hearing. Two hundred and twenty-seven thousand out of two hundred and fifty thousand miles of railroad in the United States were represented there by counsel and by their presidents. They had every opportunity to present every phase of their side of the case. They presented it. We have given three years of considerate deliberation to this question, and we pretend to say that we have given intelligent consideration to it, and we do not think it is necessary to go through the perfunctory performance of dropping a bill into the box, after such consideration as this. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman has made a plea of confession and avoidance.

Mr. MADDEN. No, he has not.

Mr. MOORE of Pennsylvania. He has admitted that the committee originated this legislation, and that it has not been before the Members of this House at all.

Mr. MOON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MOON. I want to say that when the matter was heard before the committee, when the railroads of the United States had a full hearing by their officers and counsel, there was before them in printed form the bill as it now appears before you, and that is the bill to which their attention was invited, and that is the matter that was discussed before the committee.

Mr. MOORE of Pennsylvania. I am glad the gentleman has made that statement. I wish to repeat what I have said several times during this discussion, that every Member of this House, exercising his prerogative as a Member, desiring to originate business here and have it properly considered, prepares a bill and puts it in that basket for reference to a committee. That is the equality of membership in this House which we are all supposed to observe; but in this instance, as it now develops—and I did not bring on this phase of the discussion—a commission is ruling this House; we are told it was not necessary for it to drop its work in that basket. The commission submitted its report to a committee, the committee originated the business, and then the committee comes in with an appropriation bill introducing this new and important matter of legislation and prepares to support its action by a gag rule, by which it expects to force down the throats of the Members of this House the legislation that it did not dare to bring in in the regular way. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, the gentleman is very unfortunate. This is an appropriation bill, and nearly all of the items are considered exactly as this one was. He is unfortunate further in this: The railroad companies had a copy of this bill, and they have been protesting against it for 12 months, the identical bill that is reported here. They have not made any complaint of lack of notice. They knew all about it. Every Member of this House knew it, and we made up the bill in the ordinary way in which we make up all appropriation bills, not by putting it in the basket—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Is it not true that every morning in the mail of every Member of this House there comes so much literature pertaining to legislation in the House that it is

not possible for any Member—with the single exception, of course, of the gentleman from Illinois [Mr. MANN]—to read it all? [Applause and laughter.]

Mr. MOON. My business has not been so big that I could not attend to it every day by using all the time each day.

Mr. MOORE of Pennsylvania. Is it not a fact that Members of this House, old and new, are so engrossed with their business every day, from the waking hour until Congress closes, that they have not time to attend upon every committee meeting, where the hearings are prolonged and going on from week to week? And is it not true that they do not have the physical make-up to read all the testimony adduced at these hearings, and is it not true that they must rely to a large extent upon the reports of committees in matters of this kind?

Mr. MOON. It is unquestionably true that you have got to rely largely upon the reports of committees, and when a committee gives you a report and produces the printed reports of the hearings that have been going on for years, you ought to be willing to proceed with the consideration of the matter that the committee presents, and not complain that you have not been able to look into it.

Mr. MADDEN. I will give the gentleman some information on the question of railway-mail pay, and I hand it to the gentleman now.

Mr. MOORE of Pennsylvania. I am glad to have this information which has been handed to me, and to say that it consists of about 1,000 printed pages of testimony, taken during the course of weeks of hearings, and that we receive this kind of evidence every day from various committees of this House, making it physically impossible for one Member to read it all.

Mr. MOON. That means that you would not do anything in this House unless Mr. MOORE had personally considered the matter before. [Laughter.]

Mr. MOORE of Pennsylvania. Of course, I am obliged for these various personal equations, Mr. Chairman.

Mr. MADDEN. Does the gentleman from Pennsylvania read all the bills that go into the basket?

Mr. MOORE of Pennsylvania. I undertake to keep track of the bills as they are reported, in the CONGRESSIONAL RECORD.

Mr. MADDEN. There are 33,000 bills introduced at every session of Congress. I think the gentleman must be kept pretty busy.

Mr. MOORE of Pennsylvania. Does the gentleman still insist that business ought to originate in committees and not in the regular way through the basket, which is the only avenue open to the average Member of the House?

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. Is the gentleman aware of the fact that the question of railway mail pay was discussed in the annual report of the Post Office Department and that substantially these recommendations were made in that report?

Mr. MOORE of Pennsylvania. I know it has been discussed in very many ways, but it is not fairly discussed when it is brought in here under a gag rule.

Mr. MOON. There is no gag rule.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is the parliamentary status?

The CHAIRMAN. The gentleman is speaking in the time of the gentleman from South Carolina [Mr. FINLEY], who is entitled to the floor.

Mr. MOORE of Pennsylvania. The reservation of the point of order is still pending?

Mr. MOON. I will ask the gentleman if he is going to make the point of order.

Mr. MOORE of Pennsylvania. The gentleman from Minnesota [Mr. STEENERSON] having stated that this is a meritorious paragraph, I will not make the point of order against it.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point of order. The gentleman from South Carolina [Mr. FINLEY] is entitled to the floor.

Mr. FINLEY. Mr. Chairman, I have the warmest regard for the gentleman from Pennsylvania [Mr. MOORE]. I esteem him highly. In fact, I am very fond of him. I have known him for quite a while, and I always listen to his speeches here on the floor with a great deal of interest. But I assume there is one thing with which he is not very familiar, and that is postal legislation. The gentleman from Pennsylvania evidently does not know that 99 per cent of all postal legislation for many years past has been brought in as riders on Post Office appropriation bills.

The gentleman forgets that, and while, as I stated, I have always listened to his speeches with a great deal of interest, and have in this instance and during this session to his numerous arguments, yet I am forced to one conclusion, and that is that

while he may be up on every other subject that comes before the House, on postal matters he is absolutely wanting in information. Evidently he knows nothing about them. A while ago he struck out the provision, on a point of order, that was intended to help great offices like that at New York and Philadelphia to expedite the business in those offices. Of course he did not know that, but that provision with reference to precancellation of stamps would not apply to small offices, it could not be applied to them, but it would be a workable and economic proposition in a great office like that at Philadelphia. I can only say this, that judging by the gentleman's—

Mr. MOORE of Pennsylvania. Mr. Chairman, I will say that I did that, as I explained at the time, knowing that they were meritorious paragraphs, with a view to facilitating the business. I was simply hastening the time when the rule would come in, and all these things would be forced back upon the House under the gag system. That is all.

Mr. FINLEY. But the gentleman has taken up even more time since he made that point of order than he did before, so I do not believe that he has expedited anything in the way of passing this bill. In fact, after listening to the gentleman's speeches and colloquies with reference to the Post Office bill I am reminded of a story which my good friend Hon. JOSEPH W. FORNEY told me. He said that on one occasion a friend of his was making a speech, a great speech, as he thought. He came down into the audience and asked a gentleman in the audience what he thought of the speech. The gentleman replied that it was a great speech, an eloquent speech, and a fine speech, but that there were two objections to it; that in the first place, "You talked too loud, and in the second place you didn't know what you were talking about." [Laughter.]

The Clerk read as follows:

SEC. 13. That the following be added as a proviso to the item "Inland transportation by railroad routes":

"Provided, That on account of the increased weight of mails resulting from Postmaster General's order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages, effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum."

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Tennessee [Mr. MOON] that he offer an amendment to section 13 to so amend it as to strike out the language:

That the following be added as a proviso to the item "Inland transportation by railroad routes":

"Provided."

And also strike out the quotation marks at the end of the section.

Mr. MOON. Mr. Chairman, the language which the gentleman desires stricken out was inadvertently placed in the bill. The amendment is a proper one, and I move that amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 34, by striking out after "SEC. 13," line 9, the remainder of line 9, and the language in line 10 and the word "Provided" in line 11, and strike out the quotation marks at the end of line 20.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. Section 13 reads:

That the following be added as a proviso to the item: "Inland transportation by railroad routes."

To what does that refer?

Mr. MOON. There is an item back in the bill which provides for pay to railroads for inland transportation of mail, and the language here was a recommendation that this section be placed under that provision, though put in the form of a separate section.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 15. That the following provision of law be inserted in the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, as part of the item "For inland transportation by railroad routes":

"Provided, That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have

been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913."

Mr. MOON. Mr. Chairman, I move to amend by striking out, after the words "Sec. 15," on line 4, page 35, the balance of line 4 and all of lines 5, 6, 7, 8, 9, and the word "*Provided*," on line 10, and the quotation marks at the end of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amend, on page 35, by striking out, after "Sec. 15," the remainder of line 4, and all of lines 5, 6, 7, 8, 9, and the word "*Provided*," in line 10, and the quotation marks at the end of the section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

Sec. 16. That the following proviso be added to the item "Inland transportation by railroad routes" in the Post Office appropriation bill for the fiscal year 1917:

"*Provided further*, That on account of the increased weight of mails resulting from Postmaster General's order No. 7349, of July 25, 1913, respecting rates upon the limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum."

Mr. BENNET. Mr. Chairman, on that I reserve the point of order.

Mr. MOON. Mr. Chairman, I move to amend by striking out—

Mr. BENNET. Mr. Chairman, I reserve the point of order.

Mr. MOON. Is the gentleman going to make the point of order?

Mr. BENNET. Mr. Chairman, I reserve the point of order for the purpose of asking the gentleman from Tennessee a question. This seems to be a very unusual construction:

That the following proviso be added to the item "Inland transportation by railroad routes" in the Post Office appropriation bill for the fiscal year 1917.

Mr. MOON. Mr. Chairman, that is the part that I was going to move to strike out.

Mr. BENNET. The part that I have just read?

Mr. MOON. Yes.

Mr. BENNET. I withdraw the point of order.

Mr. MOON. Mr. Chairman, I move to amend by striking out after "Sec. 16," in line 13, page 36, the remainder of line 13, and all of lines 14, 15, 16, and the words "*Provided further*," in line 17, and the quotation marks at the end of the section.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 36, by striking out after "Sec. 16," on page 36, the remainder of line 13, and lines 14, 15, and 16, and the words "*Provided further*," in line 17, and the quotation marks at the end of the section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish the chairman of the committee would kindly inform the committee as to the respective amounts the railroads will receive under this item and under the item which was agreed to in section 13, resulting from increasing the weight of parcel-post packages by the respective orders referred to.

Mr. MOON. The department says about this item:

Should this suggested provision become a law the additional expenditure which would be incurred thereby for the fiscal year 1914 would be \$221,935.45; for the fiscal year 1915, \$168,021.68; for the fiscal year 1916, \$84,249.52; and for the fiscal year 1917 it would be necessary to add \$55,468.85 to the amount of the estimates submitted by the department on the present basis for the item "Inland transportation by railroad routes."

Mr. STAFFORD. Can the gentleman inform the committee what is the additional compensation the railroads will receive by reason of the increase of weight of parcel-post packages as provided under section 13?

Mr. MOON. I will not be able to advise the gentleman as to the amount there, because it does not appear here in the record.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman a question. This is limited to one-half of 1 per cent, that is the extra allow-

ance for the increased weight of mails by reason of the Executive order increasing the weight limit of parcel post, and in the other section, section 13, it is limited to 1 per cent, I think. Now, it appeared in the testimony on the question of railway mail pay that some of the short-line railroads had had not only an increase of 100 per cent but some two or three hundred per cent, and I think I asked some questions whether this would not enable the department to pay them, and it appears they are not able to pay them an adequate sum because it is limited to a very small fraction of the pay they already receive. Now, I understood Gen. Steuart to say when interrogated about this matter that he was of the opinion that this would be sufficient as a general allowance for all the railroads in the country. It would increase the pay for carrying mails one-half of 1 per cent by reason of the increase of the weight limit of the parcel post referred to in that section, but the increase has been so different in different sections of the country; for instance, there is one railroad in California, running, I believe, from San Francisco to Shasta, where the amount of parcels had increased the volume of the mail more than 100 per cent, so that they had to put on freight cars and extra engines. This small increase over what they did receive would not compensate them, and my inquiry of the chairman is whether or not the limit should not be stricken off in order to do justice to all these carriers.

Mr. MOON. Well, I doubt that, and think we had better fix a limit, and this illustrates the inadequacy of the present law on the subject of compensation to roads for the services rendered. Here is a general law, under which it is impossible to give these roads any compensation for this service. Now, we have tried to remedy that in the seventeenth section by making provision by which there can be a special contract and adequate pay given for the carriage of mail over any road. The Postmaster General under existing law can not do that except in a general way, when unusual conditions exist.

Mr. STEENERSON. This is retroactive, and the provision the gentleman refers to covers the future, and it is very good.

Mr. MOON. If we had had such a law heretofore, we would not have been put to the trouble of guessing at the amount that would be due.

Mr. STEENERSON. But could not the department have had a weighing made, so as to have determined what the increase should be by reason of the increase in the weight limit of parcel post here referred to?

Mr. MOON. Well, I suppose that might have been done, but probably with the result that it would cost as much as the parcels themselves, or a great part of them—

Mr. STEENERSON. No; it would have resulted in paying exactly what it was, instead of claims being made all over the country that they are being defrauded.

Mr. MOON. That would be true of the aggregate mail routes and not of individual cases.

The CHAIRMAN. Without objection, the pro forma amendment will be considered withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 17. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 1st day of July, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may rate railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think sufficient of this item has been read in order to make the point of order on the section, and I therefore make the point of order.

Mr. MOON. Mr. Chairman, I concede the point of order as well taken.

Mr. MOORE of Pennsylvania. I make the point of order against the entire section.

Mr. MOON. I concede it is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. MOON. Mr. Chairman, I move that the committee do now rise—

Mr. MOORE of Pennsylvania. Mr. Chairman, one moment, if the gentleman pleases. I desire to ask if the last paragraph on page 49 is intended to be a part of this section 17?

Mr. MOON. That goes with the section.

Mr. MOORE of Pennsylvania. A part of section 17?

Mr. MOON. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having assumed the chair as Speaker pro tempore, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

RECESS.

Mr. MANN. Let us adjourn, as we have nothing else to do, apparently.

Mr. STAFFORD. Let us consider the legislative, executive, and judicial appropriation bill.

Mr. MANN. Are we going to the Private Calendar; is that what the gentleman is waiting for?

Mr. MOON. To be frank with the gentleman, we are waiting to get the rule in order to bring it in.

Mr. MANN. I thought it was ready for the last two weeks.

Mr. NORTON. Mr. Speaker, would it be in order to make a motion to take a recess until the gentleman from Tennessee has prepared the rule?

The SPEAKER pro tempore. It would not be in order.

Mr. MANN. Why not? A motion to take a recess is in order at any time.

Mr. BORLAND. Mr. Speaker, I move that the House take a recess for 10 minutes.

Mr. NORTON. Mr. Speaker, I second the motion.

The SPEAKER. The motion to take a recess is not a privileged motion.

Mr. MANN. No one claimed it was. It was made; it is before the House, and it is in order.

Mr. BORLAND. The legislative, executive, and judicial appropriation bill will be here in a few minutes, as soon as the Clerk can prepare it, and I move a recess for 10 minutes.

The SPEAKER. The Chair did not understand.

Mr. BORLAND. I say that the gentleman in charge of the bill, the gentleman from Tennessee [Mr. BYRNS], is not here, and I move a recess for 10 minutes. I think he is ready to take up his bill.

Mr. MANN. No one is ever here when he is needed. No gentleman made a motion. [Laughter.]

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the House take a recess for 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House take a recess for 10 minutes. Is there objection?

Mr. MANN. The gentleman made a motion to take a recess. That is in order unless some one raises a question about it. No one has done so.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] moves that the House take a recess for 10 minutes.

The question was taken, and the Speaker announced that the noes seemed to have it.

A division being demanded by several Members, the House divided.

The question was again taken; and there were—ayes 45, noes 5.

Mr. MANN. It shows how competent they are to do business. There is plenty of business on the calendar, and they do not know enough to get at it.

So the motion to take a recess was agreed to.

Accordingly the House (at 2 o'clock and 27 minutes p. m.) stood in recess for 10 minutes.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, and move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering it.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

Mr. BYRNS of Tennessee. Mr. Speaker, I would like to see if we can not arrange for some time for general debate.

Mr. GOOD. Mr. Speaker, there have been quite a number of requests for time on this side of the House. I think it was hardly anticipated that the bill would come up to-day. But

there have been a good many requests for time, and some for considerable time.

Mr. BYRNS of Tennessee. How much time does the gentleman think he ought to have on that side?

Mr. GOOD. I think perhaps four hours.

Mr. BYRNS of Tennessee. Do you mean four hours to a side or four hours in all?

Mr. GOOD. Four hours to this side.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have no requests for time on this side of the House.

Mr. MANN. I should not think you would want to talk over there.

Mr. BYRNS of Tennessee. Can not the gentleman get along with two hours, so as to allow four hours for general debate on both sides?

Mr. GOOD. I will say to the gentleman from Tennessee that I have three requests for an hour each.

Mr. BYRNS of Tennessee. Let us make it three hours on a side.

Mr. GOOD. Well, I think perhaps I can cut down the requests on this side so that the speeches can be made in that time.

Mr. BYRNS of Tennessee. Mr. Speaker, pending the motion, I wish to ask unanimous consent that debate upon the pending bill be limited to six hours, three hours to be controlled by the gentleman from Iowa [Mr. GOOD] and three hours by myself.

The SPEAKER. The gentleman from Tennessee, pending his motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate on this bill be limited to six hours, three hours to be controlled by himself and three hours by the gentleman from Iowa [Mr. GOOD]. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, the bill was not reported until the closing hours of last night. I understand it has some very startling propositions in it, and the House has not had an opportunity to read it or see it, and I think it ought to be heard now. So I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. MOORE of Pennsylvania (interrupting the reading). Mr. Chairman, I have been undertaking to follow the Clerk, but I think he has overlooked two lines on page 16, under the head of the "Office of the Doorkeeper." It seems to me that I did not hear one or two lines in this paragraph read. I request that the Clerk begin on line 21, page 16.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. MANN (interrupting the reading). Mr. Chairman, I ask for order. I ask that the bill be read in full. The Clerk seems to be reading it to himself. He can not be heard. I insist on the full reading of the bill.

The CHAIRMAN. The committee will be in order. The gentleman is right. The gentleman can assume that the bill is being read in full. The Chair will instruct the Clerk to read the bill in full.

Mr. MANN. That is what the Clerk should do, without being specially instructed.

The CHAIRMAN. The gentleman is out of order.

Mr. MANN. I am not out of order, Mr. Chairman. I have the right to advise the Chair that the Clerk is not reading the bill in full.

The CHAIRMAN. The Chair said that the gentleman from Illinois was right, and instructed the Clerk to read the bill. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. FITZGERALD (interrupting the reading). Mr. Chairman, I ask unanimous consent at this point that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. This is a very important bill, Mr. Chairman, and I object.

The CHAIRMAN. Objection is heard.

Mr. FITZGERALD. I hope the gentleman will not delay the public business.

Mr. MANN. I am not delaying the public business. The bill has only been in print a short time, and it was not available for the examination of Members until a few minutes ago. To insist that there should be no chance to hear the bill read is a ridiculous proposition.

Mr. FITZGERALD. All the bills that are so considered are considered in a ridiculous way, if that is true.

Mr. MANN. Most of the bills that are considered by that side of the House are ridiculous.

Mr. FITZGERALD. The gentleman will be responsible for the delay if we are here all summer.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. BYRNS of Tennessee (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, that portion of the bill which I particularly desired to hear having been read for my edification, I shall not resist the request of the gentleman to dispense with the reading of the balance of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Under the order of the House general debate of a pending measure is limited to six hours, three hours to be under the control of the gentleman from Tennessee [Mr. BYRNS] and three hours under the control of the gentleman from Illinois [Mr. CANNON].

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I wish to have read in my time the following editorials.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

[From the New York Times, Feb. 25, 1916.]

"THE PRESIDENT SPEAKS FOR THE NATION.

"No nobler deliverance by tongue or pen has come from the President, none more faithfully expressing the thought and will of the people of the United States, than his letter to Senator STONE. It is an utterance of encouragement and reassurance. It makes us certain that the honor of the country is to be resolutely upheld; it gives reason for confidence that peace will be maintained. We shall remain at peace, our relations of friendship with all foreign countries will continue, if President Wilson can compass this end. But honor is uppermost in heart and thought of every true American. We do not covet peace at the cost of honor, of right, and of our place in the respect of nations.

"It is a deep note and a grave one the President sounds, but it rings true. It will be of priceless service as a uniting adjuration to the people, and it will put faith and confidence into the hearts of those who have doubted or feared. Let us hope that the Missouri Senator and chairman of the Foreign Affairs Committee of the Senate will be inspired with a new fervor of patriotism, with a sure conviction that the honor and dignity of the Nation and the rights of Americans stand first of all and above all in the category of things that we must defend and preserve.

"Congress should respond to the President in the manly and patriotic spirit of his letter. The danger of attempting to embarrass the President in his conduct of the foreign relations of the United States has already been forcibly impressed upon the minds of its readers. They should resolve to repress and restrain such efforts, plots, and conspiracies, and give the President absolute assurances to that effect.

"Party politics cease at the frontier we have always been told. It is as a Nation that we have relations with foreign countries. The sound and venerable maxim is repudiated by some Democrats at Washington, by other Democrats not at Washington but having influence there. Personal politics, mean and malignant in origin, politics born of ignorance and zealotry, and

politics alien to American interests have thrust themselves forward of late at the Capital; they have been the moving force of the conspiracy against the President. It is an unspeakably base thing, it is despicable beyond the power of denunciation that would be at once fitting and parliamentary to begin and carry on against the President a warfare based on such motives. Woodrow Wilson should have the help and support, not the hostility, of his countrymen, of all true Americans. He is in a position of extraordinary difficulty and responsibility. Criticism is free to all, but at a time when he is seeking to maintain the dignity and honor of the Nation and the rights of its citizens it should be helpful and sympathetic, not factional, partisan, and obstructive.

"The Republicans in Congress are better disposed toward him than the Democrats. They, at least, seem to put the feeling and the consciousness of nationality above the petty concerns of party. It is the Democrats who are divided; some of them are hostile to the President altogether. They expose themselves to the suspicion of seeking to compass his downfall, even though the accomplishment of their ends would involve peril and discredit for the Nation. President Wilson, with loyal support, will guide the country through the difficulties that beset him. He will carry his party through the campaign to triumph in the November election if his party will let him do it. In the Democratic Congress lies the peril to the Democratic Party."

[From the New York World, Feb. 25, 1916.]

"GERMANY IN CONGRESS.

"Does the Congress of the United States purpose to cancel the solemn pledge that Germany has made to the Government of the United States and relieve Germany of all obligation to keep faith with this country?

"That is the only question involved in the so-called 'revolt' of certain Members of Congress against the President's foreign policy.

"After the sinking of the *Arabic* the German Ambassador, acting under instructions from the German foreign office, gave the following pledge to the State Department:

"Liners will not be sunk by our submarines without warning and without safety of the lives of the passengers, provided the liners do not try to escape or offer resistance.

"This pledge was not restricted to unarmed liners. It applied to all liners that did not try to escape or offer resistance.

"In its new submarine order the German Government has attempted to tear up this promise. It threatens to treat all armed merchantmen as warships, whether they offer resistance or not, meaning that they will be sunk without warning and without provision for the safety of passengers. Naturally enough, the President has refused to acquiesce in Germany's action. As he says in his letter to Senator STONE, he can not believe the central powers mean what they appear to say, that whether so or not 'our duty is clear,' and the President makes it clear he will not be budged from that course of duty.

"This controversy has nothing to do with Secretary Lansing's effort to bring the belligerents into agreement in regard to a submarine code. That is a matter for negotiation. Whatever the opinion of the United States Government may be as to the desirability as a permanent maritime policy of disarming all merchant ships, we can not recognize Germany's right to tear up her guaranties to the United States before a uniform rule is agreed to by all the principal belligerents.

"That is the whole case in a nutshell. It is impossible to escape the conviction that the new German submarine order is a deliberate attempt to trick the United States and to repudiate a solemn promise which Germany made in September in order to avert war with this country.

"Should Congress overrule the President in this matter, Americans would have no rights that any belligerent was bound to respect. If one pledge could be torn up at the will of Germany, all pledges that hamper belligerents could be torn up by any country that believed it would profit thereby."

[Applause.]

Mr. SIMS. I yield back the remainder of my time.

The CHAIRMAN. The gentleman used eight minutes and yields back two minutes.

Mr. BYRNS of Tennessee. I yield to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record on the subject of military training in the public schools and on the general subject of the national defense.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record as indicated by him. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, I did not think this bill would be brought into the House so unexpectedly. The consideration of it was to have been deferred until after the Post Office bill had been disposed of. There is, however, a provision in it which should be carefully considered and discussed in the general debate in order that the Members of the House may understand it thoroughly before the whole measure is taken up section by section. I refer to the clause which extends the hours of labor for clerks in the departments in Washington. I think a little consideration of the matter will bring us irresistibly to the conclusion that the provision making the working day eight hours instead of seven, as fixed by present law, is unwise and should not have been included in the bill. Since it has been included, the next best thing to do is to eliminate it by adverse vote when the bill is being considered section by section.

It is true that the clerks of the departments in Washington work seven hours and that other classes of Government employees work eight hours a day. We must, however, remember that these men who work seven hours are engaged in performing duties which are confining and which require intense application. Consider that these men are continually under the eyes of Congress. They are alert and industrious and are constantly at the call of the Members of the House and Senate. They put in seven hours of solid, faithful, and conscientious labor.

Moreover, the clerks have a certain amount of work to do and they continue at it until it is finished. Sometimes they work more than seven hours a day. I have heard that during the Mexican trouble the clerks in the War and Navy Departments were engaged day and night in discharging each day's duties, and they worked cheerfully and effectively. This provision is not a progressive step. It is a step of retrogression. In private business the tendency has been to shorten hours of labor and to increase wages. The Government now proposes to lengthen the hours of labor and, except in some instances, to leave wages stationary. The compensation the clerks now receive was fixed in 1857, and although private employers have increased their pay schedules to enable the employees to cope with the high cost of living, the Government has in this respect done practically nothing. The Government should set the example of ameliorating the condition of the workmen rather than that of making it more burdensome. There is another idea I would like to inject into this discussion. It is the question of pensions. The departments to-day are filled with faithful men, many of whom have reached the period of superannuation. These men ought to be pensioned, and this civil-service retirement pension should have been enacted years ago. You will find, as a matter of fact, that this provision, if it were to go into operation, would make the administration of the Government more difficult.

Mr. BORLAND. Will the gentleman yield?

Mr. HAMILL. With pleasure.

Mr. BORLAND. The gentleman is very much interested in a civil-service retirement bill, because he has introduced one. Now, does he think he is aiding the accomplishment of that purpose by insisting upon a larger number of men doing a smaller day's work; or would not he be aiding his retirement proposition for his civil-service employees throughout the country by insisting upon a smaller number of men doing a full day's work and having a smaller number of employees to deal with?

Mr. HAMILL. In other words, the gentleman's proposition is simply this: He thinks that by making the plight of the clerks positively unbearable, Congress might be moved to grant them a pension. I believe they should receive a pension, but this benefit ought to be accelerated by fairer means than this.

Gentlemen, this proposition will work injury to the business men of the Capital. We ought to take the business community into consideration, because the people of Washington are in a special way committed to the care of Congress. They have no representatives on this floor. They have merely the right to petition Congress. We ought not therefore, without good reason, contemplate passing an act which will work havoc among the merchants. And there is no good reason for this legislation. No department heads have called for it or recommended it. It is contrary to the spirit of the times, which tends to make the working day shorter. It is unjust and unnecessary. It is our plain duty to decisively defeat it.

Mr. BYRNS of Tennessee. I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, numerous criticisms have been leveled recently at the Democratic administration from partisan sources on the ground that its platform pledges of economy and efficiency in the public service have not been observed. As a proof of these charges the partisan critics have pointed to the fact that the gross amounts of appropriations for public purposes made by Congresses under Democratic control have been larger than the aggregate of appropriations of previous Congresses under Republican control. From this simple comparison of totals it has been argued that not only has the Democratic Party been extravagant in the conduct of affairs, but also it has acted in bad faith in violating its pledges to the American people. While this method of comparison between the total appropriations of different Congresses appears on its face to substantiate the charges of the partisan critics, it is in fact the most unreliable, false, and superficial method that can possibly be imagined.

I have served on the Appropriations Committee of the House of Representatives during the Sixty-second and Sixty-third Congresses and now during the present Sixty-fourth Congress. The Sixty-second Congress had a Democratic majority in the House of Representatives and a Republican Senate and President. The Sixty-third Congress was wholly under Democratic control, and so is the present Congress. Our critics therefore always begin with the Sixty-second Congress, or the one with the first Democratic majority in the House of Representatives. As showing the utter unreliability of the comparison of the total appropriations of different Congresses, it need only be said that this great country of ours is continually growing; its population is steadily increasing; its wealth is multiplying; and its interests, both foreign and domestic, are broadening. It should occur to our critics therefore at the very outset to ascertain whether the growth of appropriations is larger than the normal growth of the business and population of the country. If it be no larger, then there certainly is no extravagance as compared with Republican rule although there may be no retrenchment.

An examination of the laws enacted in the Sixty-second and Sixty-third Congresses will disclose that the normal activities of the Federal Government grew steadily, bringing with them the corresponding growth in the fixed charges upon the Federal Treasury. Additional terms of the United States courts were created at various places to accommodate the public business. Public buildings were erected, completed, and occupied in various portions of the United States requiring expenditures for heat, light, janitor service, and maintenance. Various ports and subports of entry were created in the interest of commerce. Additional boats were purchased for the Customs Service and for the Lighthouse, Life-Saving, and Steamboat-Inspection Services. A large number of new lighthouses and other aids to navigation were established along the coasts and harbors. More and better life-saving stations were erected and equipped. New revenue cutters were built and put into service. These may be classed as the normal and regular growth of the expenses of the Government, which must be met by any party in power, unless it is desired to deny to the people of the United States the legitimate use of the functions of Government which they have created. The question with regard to these activities and all others of their class is simply one of whether there has been economy and efficiency in requiring an honest return for the expenditure of the taxpayer's money. On this point the Democratic Party can point with pride to the fact that the cost of administering the established activities of the Government is materially reduced in most if not all of the branches of the public service, and that a larger amount of work is done for the same, and in many instances, for a less expenditure. There are a number of instances in this legislative, executive, and judicial bill now before the House which completely establish this fact.

Our partisan critics have overlooked another important element in their calculations. Not only has there been a normal growth of governmental business according to the laws as they existed under Republican rule, but there have been passed since the advent of the Sixty-second Congress a large number of acts defining new offenses, imposing punishments for crimes and misdemeanors, and preventing various wrongs and frauds in interstate commerce. These criminal and semicriminal statutes require for their enforcement certain additions to the salary roll of the Government. No law is self-enforcing, but special agents, inspectors, and other officials must be provided or the administration would be open to the charge of failing to carry out the constitutional duty of seeing that the laws of the Union are faithfully executed. Among this class of legislation may be mentioned the act of July 31, 1912, to prohibit the importation and transportation in interstate commerce of films of prize fights, etc.; the act of August 20, 1912, to regulate the importa-

tion of nursery stock; the act of August 24, 1912, to prohibit the admission of adulterated seeds and grains; the act of March 3, 1913, to regulate the officering and manning of vessels subject to inspection; the act restricting the sale of habit-forming drugs; and various other acts. These and other measures of their class are necessary for the protection of the life and property of American citizens, and the expense of administering each new law appears in some form in the appropriations of Congress. It is scarcely to be assumed that our partisan critics would refuse to appropriate for the enforcement of such laws. To do so would be to trick and deceive the American public by passing laws supposed to be for the prevention of a public evil, with no intention of providing for their enforcement. Our critics, therefore, if they were in power, would be compelled to provide the expense of enforcement or else repeal the laws. Which course would they pursue, and, if any of the laws are to be repealed, which laws? Let them be fair with the American public in their criticism and point out the specific instances of extravagance or unnecessary expenditure of the public money.

These do not embrace all of the additional burdens upon the Federal Treasury which are represented by annual appropriations. There is another class of special appropriations for specific objects or for emergencies of various kinds. Among these may be mentioned the act of October 3, 1912, appropriating \$350,000 for maintaining and protecting levees on the Mississippi River against a threatened flood; the act of April 8, 1912, appropriating \$30,000 to repair and restore the historic battle flags of the United States; an additional appropriation of April 16, 1912, of \$300,000 for the Mississippi levees; the act of April 30, 1912, requiring the Director of the Census to publish additional statistics on the subject of tobacco; the act of May 9, 1912, appropriating \$50,000 to check the encroachment of the Missouri River in Dakota County, Nebr.; the act of May 9, 1912, appropriating a total of \$1,239,179.65 for the relief of flood sufferers in the Mississippi and Ohio Valleys; various acts providing large amounts for the relief of American citizens fleeing from Mexico; the act of July 22, 1912, requiring the Director of the Census to collect and publish certain statistics on cotton; an act of August 24, 1912, to give effect to the convention between Great Britain, the United States, and Russia for the protection of fur seals in Alaska; the act of April 30, 1912, appropriating \$1,500,000 to rebuild the levees on the Mississippi River; the act of March 2, 1913, appropriating \$32,000 to collect and publish records of the Revolutionary War; the additional expense caused by the two extra sessions of Congress; the act of June 23, 1913, appropriating \$50,000 for participation in the Panama-Pacific Exposition; additional appropriations amounting to \$785,000 for the relief of sufferers from floods in the Ohio Valley; the cost of the memorial to the loyal women of the Civil War, which was \$400,000; the act of February 23, 1914, providing for a special appropriation of \$600,000 to stamp out an epidemic of hog cholera, and a similar appropriation of \$2,000,000 to stamp out an epidemic of the foot-and-mouth disease; an appropriation of July 29, 1914, providing for a monument to Francis Scott Key at Baltimore, Md., costing \$75,000; the appropriations of August 3 and August 5, 1914, for the relief of American citizens in Europe, amounting to \$2,750,000; an appropriation on September 11, 1914, of \$1,000,000 for the additional expense for representing the diplomatic interests of various foreign governments in the belligerent countries; the act of March 4, 1915, providing for the payment of an accumulation of more than 15 years of the findings of the Court of Claims on claims of certain loyal citizens whose property was destroyed by the Federal troops during the Civil War, amounting in all to \$1,866,555.04.

These new expenditures and those which were of an extraordinary character and not part of the expenses of any of the regular departments of the Government will be found to account for the amount which our partisan critics claim the Democratic appropriations exceed the Republican appropriations. In other words, if we deduct from the aggregate appropriations of the two Democratic Congresses the amount of these new and extraordinary expenses it will be found that the Democratic administration has carried on the work of the Government more economically and more efficiently than the preceding one. So, when our critics point to a percentage of increase in the total appropriations they are not quite fair with the American public in not showing the items of appropriation and the purposes for which they were devoted. In this connection it would be well to ask these same critics to specify and enumerate for the benefit of the American people which of these extraordinary expenses they opposed and which they would have voted against if they had been in power.

However fully these superficial criticisms of Democratic extravagance may already have been answered, in the words of the old song, still "There is more to follow." It might be as-

sumed that we were only trying to prove that we have done as well as the Republican administration, which would be faint praise indeed, or even that we had done better than they in carrying on the work of the Government for less money than they, but we are not content with such a negative victory. The Democratic pledges to the American people reach further than this. We pledged them not only that the Democratic administration would be economical but also that it would be efficient. Economy does not consist in niggardliness, nor does it always consist in doing without the necessary activities of government. True economy consists in adapting the means to the end and in spending money where that expenditure is represented by increased wealth, added safety, and enlarged social opportunities to the people. Only a state of national destitution would justify a Government like the United States in refusing to add to its activities those things which are clearly demanded for the betterment of the people. Money thus used, whether it be invested in permanent improvements or in enlarged social service, is not an extravagance.

When the people demand that the Government carry on certain activities they have common sense enough to know that the successful conduct of such activities will involve expense to be paid out of the Federal Treasury. One of the greatest evils of Republican rule was the pretense always made that the Government of the United States was carried on without expense to its citizens and that in some way it secured its revenues from the blue sky or the fresh air. Some false economists even went so far as to argue that we had a way of taxing foreigners. The truth, of course, is that the system of indirect taxation, such as the tariff, falls more heavily upon the poorer classes and less heavily upon those having accumulated or inherited wealth, while direct taxation, such as the income tax, falls more heavily upon inherited wealth and not upon the consuming power of honest toil. This is the vital difference between the two systems. It results, however, from the direct system of taxation that the American people know how much taxes they are paying and what they are paying it for, while by the indirect method of taxation, like the tariff, the whole object is to pluck the goose and get the maximum amount of feathers with the minimum amount of squawking. The whole object of indirect taxation is to create an unfair distribution of the public burden and conceal the sources of public income and thus distract the public attention from a critical examination of public expenditures.

Mr. FESS. I wondered whether you would be willing to entirely supersede the indirect methods of taxation by the direct method?

Mr. BORLAND. Yes, sir; theoretically. I am in favor of the direct methods, and I will tell you why. A man can see in his tax bill how much he pays. One great objection to the long course of Republican rule has been that it in some way or other inculcated the idea pretty generally in the country that Uncle Sam's money grew on bushes and that if an expense would be shouldered on the Federal Government no one had to pay it. Only a people capable of the highest form of self-government can face a direct tax and pay their money deliberately out of their own pockets.

Mr. FESS. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes, sir.

Mr. FESS. If that be true, why do you not introduce the direct method of taxation altogether? Why do you not abandon the indirect method?

Mr. BORLAND. The gentleman knows as well as I do that his party has been most inconsistent until at last, when they found themselves facing a deficit under the administration of President Taft, they promptly fell back upon a tax on corporations. They have been so utterly inconsistent and have played so much upon opportunities in their Federal taxation that with them an indirect tax was not a question of principle but of expedience. Every change of taxation is a comparatively sweeping change and can not be made without some gradual preparation.

Mr. FESS. Is the gentleman condemning the Republican Party for resorting to a direct tax?

Mr. BORLAND. No. I am complimenting the Republican Party, even in its inconsistency, for having had the courage at last to tax the corporations.

Mr. FESS. Why do you not entirely use the direct tax? You say the indirect tax is bad.

Mr. BORLAND. I thought I had answered the gentleman before.

Mr. FESS. Does the gentleman mean the Republicans will not let you do it?

Mr. BORLAND. No. No system of taxation existing for a hundred years for a hundred million people can be changed overnight.

Mr. FESS. Does the gentleman mean, or is it the theory of the Democratic Party, to go to the direct system of taxation entirely?

Mr. BORLAND. I call myself a Democrat, and as such I think I am expressing the Democratic theories; but, as to what is the policy of the Democratic Party, I am not their authorized spokesman.

Mr. FESS. What is the interpretation of the Secretary of the Treasury's statement when he spoke about the horsepower tax on automobiles and said that that was not to come off the purchaser but off the manufacturer? What do you mean by that?

Mr. BORLAND. I have no idea. That is not my statement, and I never examined the statement closely. I do know that the Republicans, minus all these activities in the interest of the American people, were confronted by a deficit in this House and were wrestling and struggling with that growing deficit and did not know how to dispose of it, but finally concluded to resort to a direct tax on corporations.

The Democratic administration is proud of the fact that it enacted into law and put into successful operation more constructive legislation in four years than has been done in any previous 40 years in our country's history. The prosaic tale told by the appropriation bills begins to sparkle with the light and life of human interest when we read between the lines as to what these great activities represent. They show the rising tide of public opinion in this country, which demands that the highest efficiency of the Federal Government shall be at the service of humanity and shall be used for the enlargement of opportunities, the betterment of social conditions, and the protection of the life and health of the average citizen. They are based upon the great principle, "the man is the greatest asset of the nation." Every one of the wonderful reforms were fought secretly and openly by champions of special privilege on the ground that they were unconstitutional and beyond the powers of the Federal Government. No proposal was ever made that the Government should use its power for the benefit of all rather than for the benefit of the privileged few that an attack was not made upon it on the ground that it was a violation of the sacred Constitution. But behind the mask of constitutional objection was always to be found the leering face of greed. I now challenge our partisan critics to say which of the great measures of constructive reform passed by the Democratic Congresses they are willing to denounce as unwise and which they are willing to obligate themselves to repeal if they are again intrusted with power. Be it remembered that each of these activities represents a permanent and, in many cases, a growing charge upon the Federal Treasury, which amounts have gone to swell the amount of the appropriations of the American Congress and which have been denounced by partisan critics. Are we right in assuming that by decreasing the aggregate of expenditures they would have to cut some of the items, and if so, which items? Let me give you a few of the great constructive acts which, it is true, have laid burdens upon the Federal Treasury, but which palpitate with the warm red blood of human interest. Let us take the act of February 3, 1912, the first enrolled bill of the Democratic House of Representatives. It was an act extending the act giving compensation to injured employees so as to include artisans, laborers, and other employees of the Bureau of Mines and the Forestry Service. This has added to Uncle Sam's yearly expenditure, but our critics are welcome to attack the Democratic Party for its passage and to pledge themselves to its repeal.

Again, on April 9, 1912, an act was passed establishing the Children's Bureau. The original law provided for the expenditure of \$15,000 for the organization and conduct of the bureau. It was placed in charge of the Department of Labor and at the head of it was placed that wonderful woman, Miss Julia Lathrop, of Chicago. She began the study of the health and care of children in the crowded industrial sections of the great cities. She sought to find the causes of diseases by which more than 25 per cent of the little souls perish during the first 12 months of their lives. She went further back into the prenatal care of children and the relation between the workshop and motherhood. She took up the subject of juvenile crime to see how much was due to neglect and how much to the fact that the child was defective mentally or physically. In this she was seeking the cause of the great and growing burden of criminality, the expense of which ultimately falls upon the American taxpayer. She was seeking to stop the manufacture of criminals by controlling the evil at its source. When she came before Congress after one year of work she asked for greatly enlarged

appropriations, which Congress authorized in response to a public demand. The appropriation of 1912 for the Children's Bureau was \$15,000; the appropriation for 1917, \$164,640. Perhaps our partisan critics would repeal this law and stop this wasteful expenditure of the people's money, for the Democratic Party stands convicted of having created and enlarged the Children's Bureau.

On May 11, 1912, there was passed the celebrated dollar-a-day pension act for the veterans of the Civil War. This caused an addition of many millions of dollars to the annual expenditure of the Government, but it is scarcely to be expected that our partisan critics will raise any question of its repeal.

Similarly, on February 19, 1913, a bill was passed to increase the pensions of surviving soldiers of the Indian wars.

On June 19, 1912, an act was passed limiting to eight hours the work of laborers and mechanics employed upon work done for the United States. This has added somewhat to the bids for public work, and our critics, if they choose, can denounce this act as a wanton piece of Democratic extravagance.

On August 14, 1912, an act was passed to reorganize the Public Health Service—enlarge it and increase the pay of its officers. The stamping out of pellagra, bubonic plague, yellow fever, smallpox, and typhoid fever has proceeded with signal success. Even cases of infantile paralysis are promptly discovered and the epidemic materially checked. Is this the extravagance with which we are charged? If so, we shall have to plead guilty, for I find that in 1914 the appropriations for the Public Health Service were \$597,640; in 1915, \$679,858; in 1916, \$695,000; and the estimates for the year 1917 are \$788,550. This only increases that portion of the work relating to the spread of contagious diseases, but the total cost of the Public Health Service and all its branches increased from \$2,414,746 in 1914 to \$2,991,656 in the estimates for 1917.

On August 23, 1912, Congress created the Commission on Industrial Relations to study the cause of unemployment and the reasons for industrial unrest. The total appropriations for that commission, which has just closed its labors, have been \$450,000, all made in the years of 1914, 1915, and 1916. There is now a widespread demand by economists and labor leaders for an additional expense of at least \$50,000 for the printing and distribution of the report of this commission.

In the last two Congresses we have established a legislative assembly for Hawaii and for Alaska, giving local self-government and home rule to those Territories at an added expense to the Federal Government of approximately \$50,000 annually in each case.

On August 24, 1912, a bill was passed for the permanent government and operation of the Panama Canal. Our critics have always deducted from the total of their own expenditures the amount paid out by them for the construction work on the Panama Canal on the ground that this was not a continuing expense but a special investment. Now, however, we are confronted with a continuing annual charge upon the Government of some \$4,000,000, which must be added to the fixed expense represented by the appropriation bills. In a similar manner the time has come under the terms of the treaty with Panama when we must begin our annual payment to that Republic which was promised as a part of the consideration for the acquisition of the Canal Zone. These payments were to begin nine years after the date of the treaty. The annual payment is \$250,000. The first three annual payments have been made under the present administration.

On February 25, 1913, was passed the act to enlarge and extend the operations of the Bureau of Mines. As told in the prosy tale of figures, the result has been that the expense of the Bureau of Mines in 1912 under Republican rule, was \$475,500; in 1913 it was increased to \$583,100; in 1914, \$662,000; in 1915, \$725,000; in 1916, \$757,300; and the estimates for 1917 are \$992,810. These dry figures represent literally the saving of human lives. No other estimate can be made of the wonderful work accomplished by the Bureau of Mines. Formerly it was common to pick up the morning paper and read of some horrible mining disaster in some portion of the country where scores or hundreds of humble workmen were suddenly overwhelmed by causes and dangers against which they could not protect themselves and from which they had no more chance of escape than rats in a trap. The newspaper always told of the hysterical crowd of women and children who surrounded the mouth of the mine, and pictured the heartrending scenes as they waited hour after hour for news while the men were working frantically to discover whether any of the entombed miners were left alive. Many of these accidents were due to the callousness of greed. Many were due to ignorance, inexperience, and lack of scientific regulation. Most of these horrors were preventable. How long has it been since we have read of one of these great and fright-

ful mining disasters? It seems strange that such a familiar object on the newspaper page should in such a few years have slipped out of sight. The answer is, "read between the lines of the record of Democratic expenditures for the growth of the work of the Bureau of Mines." To-day the whole subterranean strata of the United States is mapped and charted by scientific rules, every condition has been studied which bears upon the safety and efficiency of removing the wealth from below the ground. The question of ventilation and additional exits has been crystallized into uniformity of regulations. The power of explosives used in blasting below ground has been scientifically tested and explained to every mine owner. The conditions which bring about the combination of poisonous gases are thoroughly known, and the means to counteract and avoid them are at hand. In addition to this, mine rescue stations have been established in a great many sections of the country. To-day, if a sudden disaster occurs in a mine a rescue car is sent from the nearest station to the mouth of the mine, fully equipped with life-saving devices, first aid and restoratives. There are oxygen helmets and scientific appliances of all kinds for the purpose of rescue. Uncle Sam stands guard at the mouth of the mine, and as long as there is an American citizen entombed within its depths, no matter how humble his condition or how low his pay, no effort is spared until he is gotten out. Perhaps our partisan critics are opposed to this reckless expenditure of Government money. If so, they are free to plead their cause at the bar of American public opinion.

On March 1, 1913, an act was passed to provide for the physical valuation of railroads. Of course the railroads did not like it. It was well understood that the great work undertaken would cost money. That work has proceeded as rapidly as a work of such magnitude can be carried on, and it is expected that it will form a solid basis for a just regulation of carriers in fixing their rates charged to farmers and business men throughout the country. The amount added to the Federal expense from this cause alone was, in 1913, \$100,000; 1914, \$400,000; 1915, \$2,300,000; 1916, \$3,000,000; and the estimate for 1917 of \$3,000,000. Here is a chance for our critics to show their objection to Democratic expenditures by pledging to the American people to repeal this law and leave the carriers free to offer evidence in courts based upon their own estimate of the cost of their property.

In other respects the work of the Interstate Commerce Commission has grown. It has heard and decided an increasing number of cases of discriminations against shippers and localities in different parts of the country. In 1914 the commission cost the Government \$1,805,000; in 1915, \$4,050,000; in 1916, \$4,765,000; and the estimate for 1917 is \$5,090,000. An increase has been apparent in the work of the commission in enforcing the laws providing for safety devices upon trains, and in 1916 an expense began to be incurred, amounting to \$220,000 a year, for the inspection of boilers of locomotives. The enforcement of safety regulations is costing the Government \$500,000 a year. The Democratic Party will have to plead guilty to this expense, and on the great ledger of public opinion it will take credit for the saving of lives of 75 per cent of railroad employees formerly killed or injured by accidents. Before the safety-appliance laws were enforced the mortality among railroad men was greater than among condemned and convicted criminals. To-day 75 per cent of those injuries and deaths have been eliminated. Out of every four men who annually went down to death in the tremendous industrial warfare of the railroads, leaving four families without their breadwinner, four widows to care for a group of future citizens, four sets of orphans to become the victims of child labor or juvenile crime, to-day by operation of the humane safety-device laws of Congress three of those families have their breadwinner with them. Whether it will be possible to eliminate wholly the dangers of railroading can not now be determined, but the Democratic Party is willing to take credit for the lives, the safety, and continued usefulness of the thousands upon thousands of railroad employees as an offset to the expenditure of the Federal money.

On March 3, 1913, Congress passed an eight-hour day for laborers and mechanics on public works in the District of Columbia. By the act of March 4, 1913, there was created the Department of Labor by a division of the Department of Commerce and Labor. The Secretary of Labor was made a member of the President's Cabinet, a separate set of offices and a separate organization of his work was provided at a considerable increase in the annual expenses of the Government. Possibly in the eyes of our critics this was an instance of Democratic extravagance.

On July 15, 1913, there was passed an act to provide for mediation, conciliation, and arbitration between employers and em-

ployees. This was designed to prevent strikes and to save the distressing loss to wage earners, to capital, and to the public growing out of labor disputes. Its work has been singularly successful and many strikes and lockouts have been avoided. It may be noted that this act was passed during the Sixty-third Congress, soon after the inauguration of the Wilson administration.

On December 23, 1913, was passed the act to create the Federal reserve banks, a great reform in our monetary system by which commerce and industry were forever divorced from speculation and the chains which the Money Trust of Wall Street had forged and riveted upon the limbs of American commerce were broken. Three times since the Civil War our country has been prostrated by panics caused wholly by stock gamblers of Wall Street who had obtained control of the money and credits of the Nation and who dragged legitimate business down in the maelstrom of disaster which the ordinary business man neither caused nor could control. To-day we know from the tremendous and unparalleled disturbance which we have passed through during the last 18 months that our financial system is practically panic proof. There is no nation in the world whose finances are so safe or whose national credit is so high as that of the United States. If there were nothing else to the credit of the Democratic administration, this one act would stamp it for all time as the most successful administration in the history of our Republic. So many have been the great acts crowding upon the present administration that we have almost lost sight of even so recent and great an accomplishment.

To return once more to our dry tale, on March 12, 1914, conservation became an affirmative instead of a negative force. The development of Alaska was taken out of the grip of the Morgan-Guggenheim syndicate and the construction of the Alaska Railroad was authorized. The sums expended for this purpose are reimbursable to the Federal Treasury out of the sales of public lands of Alaska, but for the time being they are added to the aggregate of expenditure represented by the appropriation bills, and therefore come within the criticism of Democratic extravagance. In 1915 the amount expended for this purpose was \$1,000,000; in 1916, \$2,000,000; and an urgent deficiency bill has just passed Congress carrying \$2,000,000 for this purpose, and the estimate for 1917 in \$8,247,620.

One of the leading items of additional expense incurred under the Democratic administration, and one which must be reckoned with in the future as a fixed and continuing expense, is caused by the law passed May 8, 1914, establishing cooperative agricultural extension work by the joint action of the Federal Government and the States. This is what is called a permanent appropriation and is so arranged that it is increased each year. Its justification lies in the tremendous value to the American farmers of the extension of practical farm-demonstration work into the great rural producing sections of the country. Much has been done in a scientific way for the business men of the cities, giving them the aid of the most approved scientific methods in conducting their business. The Lever law attempts to do the same thing for the farmer, who constitutes the great majority of our producing population. This law was the result of a widespread demand that the farming industry be recognized and encouraged for the benefit not only of the farmers themselves but of the consuming public as well. We challenge our critics to say whether they would repeal this law and stop the expense entailed thereby. The appropriation for the first year was \$480,000, for the second year \$600,000, and thereafter it will increase at the rate of \$500,000 per year.

On September 2, 1914, Congress took a bold step to meet the extraordinary conditions growing out of the outbreak of the war in Europe by creating a War Risk Bureau, for which it appropriated \$5,100,000. This money will not all be spent. In fact, it will probably remain intact, as the bureau has been conducted with remarkable economy and success, but it is added by our Republican critics to the gross amount of expenditure by the Democratic administration.

Congress found American commerce paralyzed at the outbreak of the war—cotton, wheat, and all other American products piled up awaiting shipment, prices demoralized, and even loans on warehouse receipts refused by the banks. Widespread suffering and business disaster was threatened from this cause in the midst of a season of splendid crop production. We were starving in the midst of plenty. The reason was that we could not move our products abroad on account of the danger to neutral commerce caused by the belligerents. If the cargoes could be insured against the war risk, the crops would begin to move and business revive. The narrow and provincial policy of the Republican Party, which surrounded us with a tariff wall, drove American shipping off the seas, made us a debtor nation to Europe, and prevented the building up of great marine insur-

ance companies in this country, so that there was no private agency equipped to handle this emergency. In this crisis Congress established the War Risk Bureau to insure cargoes of American goods going abroad. Not a dollar has been lost by this bureau. It has steadily paid its own way, and the effect upon American commerce and upon the price of cotton and wheat has been magical. Let our critics challenge this act while they are objecting to the Democratic expenditures.

During the Republican rule the trusts flourished as the green bay tree. Nothing but blank cartridges were ever fired at them. From the election of McKinley to the defeat of Taft the capitalization of trusts and combinations in this country increased 4,000 per cent. The Democratic administration came into power pledged to abandon the Don Quixote method of attack and to create a strong and efficient agency to search out and correct unfair methods of competition and trade. On September 26, 1914, in redemption of this pledge, Congress passed the Federal Trade Commission bill. The expense of this commission was as follows: In 1915, \$269,633; 1916, \$355,000; estimates for 1917, \$544,666.61. As the result of the policy that an ounce of prevention is worth a pound of cure and that it is better to keep competition alive than to fine its murderers after its death, this commission has already gained the confidence of the business public, and to-day business is freer from the brutality of organized greed than at any time since the Civil War.

Of course, there has been an increase of printing for all of the great departments of the Government. There have been increases in the following items which are presented for the analysis of our Republican critics. The cost of the quarantine service has increased from \$15,000 to \$70,000; the Coast and Geodetic Survey, from \$1,024,000 to \$1,076,000; the Bureau of Fisheries, from \$1,137,000 to \$1,454,000; the survey of public lands, from \$450,000 to \$700,000; the expenses of armories and arsenals to enable the Government to manufacture its own powder and munitions of war and break the bonds of the War Munition Trust has increased from \$365,850 under Republican rule to \$1,842,350 under Democratic rule. To-day we are able to fix the price of our ammunition more than 20 per cent below what was paid to the private manufacturers during the Republican régime, and the Government is free, at last, from the exactions of the great Du Pont Co.

The Bureau of Standards, which applies modern science to the development of American industry, and which helps to keep the American business man abreast of his foreign competitor for a share of the world's trade, has grown greatly under Democratic rule. The cost of lighthouses and aids to navigation was only \$526,500 under Republican rule. To-day the annual appropriation in the estimates for 1917 is \$2,402,500. The cost of protecting the withdrawn oil lands from being grabbed up by the Oil Trust has now amounted to a little over \$200,000. For the Lincoln Memorial there has been appropriated \$2,000,000 since 1914, and the limit of cost has been increased another \$500,000. The amphitheater at Arlington to commemorate the heroic dead of both sides of the great civil struggle has been entirely built in the Democratic administration, at a cost of \$750,000.

One effect of the war in Europe has been to turn back the tide of American tourists who formerly took abroad about \$200,000,000 annually. This money is being largely spent within the United States, and as a wise encouragement to keep our own money at home Congress is developing the great playgrounds of the people, the national parks.

The natural beauty of our country is beyond all description. In variety, in grandeur, in artistic beauty, in wonderful effects of lights and distances, and in the variations of climate from the softness of the Italian sky to the rugged strength of Norway, America can offer attractions which shall not only keep her own tourists at home, but attract those of other lands. Few Americans, especially those of the wealthier classes, know America. The estimates of the expenditures on our national parks requested by the present Department of the Interior have increased from 50 to 300 per cent above the amount spent under Republican rule, but it is confidently assumed that every dollar of this expenditure will be repaid a thousandfold in retaining American money in America.

One of the most striking instances of the growth of expenditures is in the Agriculture Department. The fiscal year of 1913 saw a total appropriation for agriculture by the Federal Government of \$21,265,193.75. In the fiscal year of 1914, as the joint act of a Democratic House and a Republican Senate, the appropriation was \$22,946,623.28. In the fiscal year 1915, which was the first year entirely under Democratic rule, the appropriation for the Agriculture Department increased to \$28,508,967.47. In 1916 the amount was \$28,512,278.48, and the esti-

mate for 1917 is \$29,763,089. It will be noticed that there is a sudden jump in the appropriations for agriculture as soon as the administration passed wholly into the hands of the Democrats. We invite criticism of our Republican friends to this item either as a total or to any one of the multitude of items which compose it, and we invite them to say to their farmer friends what they disapprove of—any or all—of these expenditures for agriculture.

To be sure, there is nothing to boast of in the mere expenditure of public money. During the seven years I have been in this House I have established a record as a strict economist. I have voted against every raid on the Federal Treasury, every salary grab, every gratuity, every special privilege, even when they affected the pockets of Congressmen themselves. The money in the Treasury represents taxes imposed on the American people. It is a trust fund to be paid out only for the public benefit. Therefore, in all cases of doubt, I have resolved the doubt in favor of the taxpayers and voted "No." Before I am willing to vote for an appropriation a clear case in its favor must be made. This is the only proper attitude for a member of the great Appropriation Committee, which is charged with the duty of disbursing the people's money. No one not a member of that committee knows how many demands we are compelled to refuse. As the poet says:

What's done, we partly can compute,
But never what's resisted.

Therefore I say that it is not the amount of public money that is spent, but the purposes for which it is spent, that is the real test of efficiency. A strict economist myself, I feel that I have a right to resent criticisms of the Democratic administration based solely on general figures.

This is a great and growing country. Its interests are becoming larger and its activities more numerous. No party worthy of the confidence of the American people would refuse to extend the aid and encouragement of the Government to all proper projects for the development of the country. If the people want the work done by the Government, they are ready and willing to pay the bills. The most striking thing about the Democratic expenditures is the fact that they are all in the direction of enlarging the opportunities of the average citizen and giving a better chance to the producers and toilers who support the Nation. There is a school of political thought which is exemplified by our partisan critics, which holds that all attempts on the part of the Government to aid the individual citizen to better his condition in life are unconstitutional and beyond the powers of the National Government. We Democrats hold to a different theory. We hold that the Government should extend to farmers, railroad men, miners, seafaring men, independent merchants and manufacturers, and the great mass of the wage-earning class every encouragement to advance their social and material condition in life, and that in so doing we are increasing the power and wealth of our Nation by raising the standard of the average citizen. We have long had a government "of the people"; now, under the Democratic rule we are achieving a government "by the people," and the results are shown in the fact that we are beginning to have a government "for the people" for the first time in human history.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WILSON of Florida having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman from Illinois use some of his time?

Mr. MANN. I yield 20 minutes, Mr. Chairman, to the gentleman from New York [Mr. BENNET].

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized for 20 minutes.

Mr. BENNET. Mr. Chairman, in the course of a few days I have no doubt that the bill H. R. 10384 will come before this House for its action. That is the bill which has been before this House many years, attempting the regulation of immigration; and inasmuch as the time for general debate is but three hours and a half upon a side, I have asked that I may have the

privilege of taking 20 minutes this afternoon to lay some observations before the committee.

The older Members of the House are familiar with the fact that the gentleman from Alabama [Mr. BURNETT] and myself were members of the Immigration Commission appointed by Congress in 1907, which remained in existence until December, 1910, and that as a part of our duties we traveled through those parts of Europe from which these immigrants come. I had the pleasure and performed the duty of going twice in the year 1907 to different parts of Europe, and that particular experience has given us a knowledge which, it seems to me, the gentleman from Alabama and myself both ought to bring to the attention of the House.

Now this bill is very similar to other bills, two of which have been vetoed by successive Presidents of the United States, except that in certain portions this bill is more strict, and in certain portions it is more lenient. But we have got to a point in the discussion of this matter when we ought to tell some facts about it on the floor which have not very much been told.

In the hearings before the committee appeared Miss Grace Abbott, of Chicago, than whom no woman is doing greater service in behalf of the United States. Miss Abbott gives her entire time, her entire devoted time, to the welfare of the immigrants. She is herself of Puritan stock, of old American lineage, and a Protestant in religion; and this is what she said on page 6 of the hearings of January 20:

I think many people oppose the recent immigration because it is Catholic and Jewish instead of Protestant, as the earlier was. I am neither Catholic nor Jewish.

This bill is drawn, or attempted to be drawn, so as to affect almost alone the Catholic people; and I, being a Protestant, and of old American lineage, so far as old American lineage goes, can afford to say that, for the same reason that prompts Miss Abbott to say it, because both she and I believe in the old American principle of religious freedom and the right of a man to worship or to refrain from worshipping, according to the dictates of his own conscience.

I can demonstrate in two ways that this bill is aimed—whether intentionally or not I am not saying at the moment; but when a bill has been reported in five or six Congresses in succession, you have almost a right to assume that those who report it know what they are doing—that this bill is aimed at immigrants who are Catholics.

When the gentleman from Massachusetts [Mr. GARDNER] was on the committee there never were any "ifs" or "ands" about him. He called a spade a spade; and in his report which accompanied the bill in the Fifty-ninth Congress he furnished the percentages of people who would be affected by the literacy test, the main thing in the bill, and here they are. Incidentally, for the first time I think in the history of this legislation, although I may be in error about that, this particular information is not in the report connected with this year's bill.

The gentleman from Massachusetts [Mr. GARDNER], on page 21 of the report (No. 3021), presented the following figures on the percentages of illiteracy:

	Per cent.
South Italian	56
Polish	40
Slovak	25
Hebrew	23
North Italian	14
Magyar	12

Those are the major percentages. The minor percentages are as follows:

	Per cent.
German	4
Irish	3
English	1
Scandinavian	1

In other words, the gentleman from Massachusetts [Mr. GARDNER] brought prominently to the attention of the House the fact that the northern and Protestant races—with the exception of the Hebrews, of whom I will speak in a moment—were not affected by the literacy test, while the southern and Catholic nations were the ones that would be excluded. Now, if it was desired to bar out immigrants for the reason that we were getting too many, there has been a bill pending in Congress ever since I first came here that would do it. That is a bill which would prevent any more immigrants coming from any one country than the average that have come from that country in the last five years. In other words, it would apply it to all countries equally, but that is not desired. Their desire is to keep out the immigrants from Catholic countries, and it is time that we who are Protestants should have the courage to call attention to that fact. Now, that is accentuated in this bill by the very evident attempt that is made to let in the Hebrews.

Mr. FESS. Will the gentleman yield before he goes on with that?

Mr. BENNET. Yes.

Mr. FESS. In view of the fact that the immigration from the northern countries is largely Protestant and the immigration from the southern countries of Europe is largely Catholic, does not the gentleman think that if it were vice versa—if the industrious northern immigrants were Catholics and the less industrious immigrants from the southern countries were Protestants—does not the gentleman think the same objection would be made to the immigration from southern countries? Does the gentleman think it is really the religion that is the objection?

Mr. BENNET. I will answer the gentleman with the statement—

Mr. FESS. I am in favor of this bill, but I should very much dislike to be said to be in favor of it because it is religious.

Mr. BENNET. All right. I will answer the gentleman with a statement of what happened to me in my recent election. On the occasion of the first speech that I made in The Bronx a representative of the Junior Order of American Mechanics, who were organized about the same year as the Know-Nothing Party, according to their own literature, which states that they have been fighting all immigration for 60 years, a representative of that organization met me as I came out of the hall and said, "Congressman, there are nine councils of our order in The Bronx, and we have got our eye on you." And if the gentleman will look up the hearings in the Sixtieth Congress, after I was defeated for that Congress, he will find that the legislative agent of that order in New York State came before the committee in that Congress and rejoiced that I was defeated because of my opposition to the literacy test. And I will say to the gentleman, from my experience, dating back now 12 years on this matter, I have no doubt whatever that a very large part of the pressure behind this activity for the literacy test is because of the fact that the literacy test, as shown by the figures of the gentleman from Massachusetts [Mr. GARDNER] will keep out Catholics.

Mr. GALLIVAN. Will the gentleman yield?

Mr. BENNET. I will yield further to the gentleman from Ohio [Mr. Fess] first.

Mr. FESS. The defeat the gentleman speaks of may have been the result of this, but it certainly was not the gentleman's opposition to any religious sect, was it, which induced him to vote this way or that way?

Mr. BENNET. I do not quite understand the gentleman's question.

Mr. FESS. I mean that if the gentleman was punished by these people because of his activity on this legislation, it was not a justifiable punishment, was it? Was it not the gentleman's purpose to make a better class of immigrants, rather than to exclude people of any religious denomination?

Mr. BENNET. Mr. Chairman, the gentleman seems to be laboring under the impression that I voted for this literacy test. I voted against it.

Mr. FESS. I thought the gentleman said he was defeated because he voted for it?

Mr. BENNET. God forbid that I should ever vote for that. I voted against the literacy test, and because I voted against it the Junior Order of the United American Mechanics went out openly in 1910 to defeat me.

Mr. FESS. Oh, I beg the gentleman's pardon. I did not get that impression.

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GALLIVAN. In other words, the gentleman from New York was defeated because he is a great big, broad American who has nothing against any religious sect.

Mr. BENNET. I would not want to admit that from any standpoint.

Mr. GALLIVAN. And did the gentleman know that every anti-Catholic newspaper in this country last year was in favor of this bill, and that when it was vetoed at the other end of Pennsylvania Avenue, Woodrow Wilson was crucified for his veto and was accused of being tied up with the Roman Catholic Church?

Mr. BENNET. I never read any religious paper except the Christian Intelligencer, the organ of the Dutch Reformed Church, and one or two Presbyterian papers.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. COLEMAN. Does the gentleman think the labor organizations of this country are for this bill because of any religious issue?

Mr. BENNET. I will say to the gentleman that I would imagine the bulk of the members of the American Federation of Labor are Catholic, but the head of it, Mr. Gompers, is not, and I do not think that Mr. Morrison is.

Mr. GALLIVAN. He is not.

Mr. BENNET. And the treasurer—

Mr. GALLIVAN. He is not.

Mr. BENNET. The treasurer is a Presbyterian, so that those in control are not Catholics and in that they are absolutely misrepresenting—

Mr. GALLIVAN. And may I suggest that those in control are endeavoring to deliver the American Federation of Labor, when the great body of that association is opposed to this bill.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield further?

Mr. BENNET. Just one more question and then I will have to decline to yield further.

Mr. COLEMAN. Is it not true that a number of the local federations of labor have sent petitions in favor of this bill, and that they acted on their own initiative, a majority of the membership being Catholics.

Mr. BENNET. Mr. Chairman, the first part of the gentleman's question I will answer in the affirmative, as I can do so from the contents of my own mail. Local bodies have sent petitions. Whether they have acted on their own initiative I do not know, and, very frankly, I will say that I do not—well, I do not know.

Mr. FESS. Mr. Chairman, will the gentleman yield for one further question?

Mr. BENNET. Yes; one more.

Mr. FESS. One more, and that is all. Twice this body passed this bill. Does the gentleman think that the body was actuated by any religious motive in voting for it?

Mr. BENNET. I will answer the gentleman frankly. We are all human. We like to vote to please our constituents, and the constituents of a good many Members here ask them to vote particular ways. What actuated those people back in the districts is one thing. I think every Member here votes according to the dictates of his own conscience, and I think that the A. P. A. or the Know-Nothing spirit is very small in this body.

Mr. McCracken. Mr. Chairman, will the gentleman yield for just one more question?

Mr. BENNET. Well, I have said I would not yield, but I will yield once more.

Mr. McCracken. What is the nature of this literacy test?

Mr. BENNET. That is a good question, and I am glad that I yielded. The literacy test is this:

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish.

As I said to the House, that keeps out 56 per cent of the South Italians, and so on. Now, for the first time, the committee has put in a new provision, that takes in all of page 8 and more, which upon its face apparently admits every Hebrew who wants to come except those living in Galicia; but, whether by accident or design, the committee, by a provision on page 19, has excluded everyone whom they purport to admit. Page 19 absolutely nullifies page 8. I do not know whether the committee knows that or not. When I was abroad one of the things I studied was the way that immigrant tickets are sold. After I came back I studied it, and while I was out of the House amongst my clients were some steamship companies, and I studied it some more. This is the way the tickets are bought: A little agent in a small town back in Greece, Italy, Palestine, or Russia has tickets to sell. They are not sold in Hamburg or Vienna or any big place, but they are sold in the little places—that is, 60 per cent of them are—and 40 per cent are sold in the United States, what are known as "prepaid" tickets.

Now, this bill provides, on pages 18 and 19, that the steamship company that brings to this port a person who can not read, saying nothing about the exceptions, but supposing they would construe a person was excludable because unable to read, is fined \$200. Now just imagine what will happen back in Russia. It is a very violent assumption to suppose that the steamship agent living in Russia will ever admit to a person living in Russia that he or she will be admitted to the United States because he or she is being persecuted in Russia. Just imagine the situation of an agent in his own country admitting that the person had to leave it because of religious persecution. That would be pretty difficult to imagine. But here is the next step. Here is a woman who comes along and says, "I want to buy a ticket to America," and the ticket agent says, "Can you read?" She says, "No." Then the ticket agent says, "I can not sell a ticket to you." "Oh, but," she says, "my husband is in the United States, and therefore, under the provisions of the immigration

law, being the wife of an alien in or a citizen of the United States, I am entitled to come in." But he says, "How do I know these things? How do I know your husband will receive you? How do I know your husband may be living?" And he will not sell her that ticket, because if the steamship company had to pay that \$200 fine, it would come out of the pocket of the little agent back in Russia. So with these words in we simply bar out every Hebrew abroad who can not read. Well, suppose you should say that you buy the ticket here. Now imagine a man going to an office on lower Broadway in New York City and saying, "I want to buy a ticket for my wife in Russia to come in here." The question is asked, "Can she read?" He replies, "Why, certainly." "Well," the agent says, "you will have to show us," because there would be nothing in the world to keep that ticket from being transferred, and the steamship company would not take the chance of the \$200 fine, and, therefore, the only persons who can come in after this bill passes, if it does, which I hope it will not—if it passes and should become the law and be put in operation—would be the persons who could demonstrate at the time they bought the ticket and under some regulation which would be made that they could not transfer the ticket, that they could read, and, therefore, every single Hebrew who can not read is just as much barred out, if this bill goes through, as he would be barred out if these alleged exceptions were not put in.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. BENNET. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BENNET. How can I? I am sorry. If I can have five minutes more—

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. By order of the House, the gentleman from Tennessee and the gentleman from Illinois control the time.

Mr. MANN. The gentleman from Iowa is in control of the time of the committee on this side, and he told me to yield 20 minutes to the gentleman from New York. I will take the chance of giving the gentleman 5 minutes more, which otherwise would be yielded to me. [Applause.]

Mr. WILSON of Florida. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. WILSON of Florida. I recognize the gentleman's ability in this particular legislation, but he has not explained yet, as far as I know, why he thinks this legislation is aimed against Catholics.

Mr. BENNET. I did that before the gentleman came in, and I have not time to do it again, I am sorry to say.

Mr. WILSON of Florida. Is it because they are Catholics or because they are ignorant?

Mr. BENNET. It is aimed at them because they are Catholics.

Mr. WILSON of Florida. Why?

Mr. BENNET. Because there are a whole lot of people in this country who are ingrained Protestants—I am a Protestant myself—who—

Mr. BUTLER. The gentleman does not mean to suggest that all of us are moved by such an influence, does he?

Mr. BENNET. I do not.

Mr. BUTLER. Because I want to disclaim that right here. I am in favor of this bill, but I do not propose for the gentleman to put that on me.

Mr. BENNET. I am making my own speech.

Mr. BUTLER. I understand.

Mr. BENNET. Until I accuse the gentleman of something he need not defend himself.

Mr. BUTLER. I am not looking around for a scrap, but I am disclaiming what the gentleman said as far as I am concerned.

Mr. BENNET. Let us see further who in addition are to be excepted. Curiously enough those who are excluded under this bill are people who live in those portions of Europe which to-day are being most horribly ravaged by war.

The Armenians, amongst whom there has been a massacre in the last eight months unparalleled in civilization, because they live under Turkish rule, the one exception to that which I stated a moment ago, are to a large extent illiterate, and the survivor of a butchered Armenian family attempting to come to this country, where he or she will be cared for, would be barred out of it, because under Turkish misrule education had been denied. That is one.

Second, as to the inhabitants of Poland. I read in a paper the other day about a doctor in Duluth who had just received word through our State Department that his wife, who had gone to Duluth on a visit, had starved to death in Poland. And she is only one of thousands.

It bars out those people because they are illiterate. And then there is what is known as the "Jewish pale" in Russia,

which has been swept, as my colleague [Mr. LONDON] could testify, back and forth in this devastating war five times. And if this bill passes without amendment a Jewish man or woman who could not read and who desires to come from that country, from that pale, will be barred out. And I desire to say, as a member of one of the Protestant denominations, it is my belief that whatever sentiment in this country is aimed at the immigrant because he is a Catholic or Jew is absolutely foreign to the real belief of the great bulk of the Protestants in this country, but the sooner we face the fact that a good deal of the pressure behind the bill comes from that source the better it will be. Every time this bill goes up to the President, who is there that goes there opposed to it? The people who could not believe until it got up to the President that a bill like this could pass both Houses and get there, because they are Catholics and Hebrews, and know that their people are being discriminated against.

It was a bad time in this country in the old Know-Nothing days, bad for the whole country, and this bill, if it passes and becomes a law, will start up the same sort of a feeling that there was in 1854, 1855, and 1856, when the State of Massachusetts for three years in succession elected a governor on the Know-Nothing platform, when the State of Maryland in 1856 selected presidential electors on a Know-Nothing platform. I am a Presbyterian and a member of the Presbyterian Church, but I believe that my Catholic brother has just as much right to worship God according to the dictates of his own conscience as I or my Hebrew brother have. And before I vote to keep a Hebrew or a Catholic out of this country because of his religion I would resign my seat in this House, much as I value it, and if my constituency wanted to send somebody here to vote to keep them out because of their religious conviction, they would have to send some one else.

Mr. FESS. Do you not think that this House would vote out a Protestant who did not meet the conditions of the bill just as quickly as a Catholic?

Mr. BENNET. The answer to that is that this House has had this bill for 10 years. If they want to reduce immigration they can pass the quantity bill, and reduce immigration that applies equally to Protestants and Catholics. When they pass a bill against Catholics and Jews, it is assumed that they know what they are doing.

Mr. PADGETT. Mr. Chairman, I want to ask unanimous consent to insert in the RECORD a letter from the Secretary of the Navy in response to a resolution of inquiry introduced by the gentleman from Massachusetts [Mr. GARDNER]. Instead of formally reporting the resolution to the House, I requested the Secretary just to furnish the information.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks on the Post Office bill that I made to-day when that bill was under consideration.

Mr. MANN. You do not want to ask to extend your remarks on the Post Office bill now. You want to get consent in the House to extend your remarks on the Post Office bill.

Mr. SMITH of Minnesota. I was simply following the plan of my friend across the aisle.

The CHAIRMAN. The gentleman makes no request, then. The question is on the motion of the gentleman from Tennessee that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, and had directed him to report that they had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the motion I made to-day when the Post Office appropriation bill was under discussion.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the motion which he made while the Post Office bill was under consideration. Is there objection?

There was no objection.

Mr. LAPEAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the

Postmaster General in correspondence relative to the guaranty fund.

The SPEAKER. The gentleman from Pennsylvania [Mr. LAPEAN] asks unanimous consent to extend his remarks in the RECORD by inserting correspondence with the Postmaster General on the guaranty fund. Is there objection?

There was no objection.

Mr. GRIEST rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRIEST. To ask unanimous consent to extend my remarks in the RECORD by incorporating therein an address delivered on Tuesday last by Hon. J. Hay Brown, chief justice of the State of Pennsylvania, on the subject of Washington and national preparedness.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRIEST] asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Hon. J. Hay Brown, chief justice of the Supreme Court of Pennsylvania, on Washington and preparedness. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Saturday, February 26, 1916, 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 War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Crum River, Pa. (H. Doc. No. 787); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Point Judith Pond, R. I., from Point Judith Harbor of Refuge to Wakefield (H. Doc. No. 788); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of St. Andrews Bay, Fla., with a view to removing shoals in the north arm (H. Doc. No. 789); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Willamette River, Oreg., with a view to providing a channel 6 feet deep between Oregon City and Corvallis and Eugene, by means of locks and dams, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 790); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Nanjemoy Creek, Md. (H. Doc. No. 791); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of Ventura Harbor, Ventura County, Cal. (H. Doc. No. 792); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an amended estimate of appropriation under the title "Salaries of secretaries in the diplomatic service," for the fiscal year ending June 30, 1917 (H. Doc. No. 793); to the Committee on Foreign Affairs and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation for "Arbitration of outstanding pecuniary claims between the United States and Great Britain" (H. Doc. No. 794); to the Committee on Foreign Affairs and ordered to be printed.

9. A letter from the Acting Secretary of War, transmitting a report of the Commissioner for Marking Confederate Graves, together with recommendation for further continuance of said act, and reasons therefor (H. Doc. No. 795); to the Committee on Military Affairs and ordered to be printed.

10. A letter from the Acting Secretary of War, submitting an amendment to the estimates of appropriations, 1917, as found on page 335 of the Book of Estimates (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting a proposed draft of legislation which will allow for the demolishing of the present post-office, customhouse, and courthouse building at Utica, N. Y., and the erection on the site and other land under authorization of a new building at the present limit of cost (H. Doc. No. 797); to the Committee on Public Buildings and Grounds and ordered to be printed.

12. A letter from the Secretary of the Treasury, submitting estimates of appropriations for public buildings for inclusion in the sundry civil appropriation bill for the fiscal year ending June 30, 1917 (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations, in the State of Arizona, reported the same with amendment, accompanied by a report (No. 258), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (S. 4480) providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina at Raleigh, N. C., reported the same without amendment, accompanied by a report (No. 259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9235) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., reported the same without amendment, accompanied by a report (No. 260), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7868) granting an increase of pension to Louisa Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8597) granting a pension to David R. Miles; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9868) granting an increase of pension to William W. Sparks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8738) granting a pension to Minnie F. Zimmerman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSTER: A bill (H. R. 12275) to revise, amend, and codify the sections of the Revised Statutes of the United States relating to the location of mining claims on the public domain, and for other purposes; to the Committee on Mines and Mining.

By Mr. HILLIARD: A bill (H. R. 12276) to establish the Denver National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. WEBB: A bill (H. R. 12277) prescribing penalties for misappropriation of funds by officers of United States courts; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 12278) relating to the recovery and repayment by the United States of taxes illegally exacted; to the Committee on the Judiciary.

By Mr. ROUSE: A bill (H. R. 12279) to provide for the erection of a public building in the city of Falmouth, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 12280) providing for the removal of existing limitations upon postal savings banks, increasing the rate of interest paid to postal savings depositors,

changing the existing method of investing postal bank deposits, for raising revenue, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: A bill (H. R. 12281) authorizing the Tennessee Hydro Electric Co., its successors and assigns, to build, maintain, and operate dams across Clinch and Powell Rivers, in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: A bill (H. R. 12283) to further increase the efficiency of the Organized National Guard of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 12284) to prevent usury, provide penalties for its violation, and for other purposes; to the Committee on Banking and Currency.

By Mr. CARAWAY: A bill (H. R. 12285) authorizing the establishment of rural routes in the United States, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: A bill (H. R. 12286) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 12287) to secure to the United States a monopoly of electrical means for the transmission of intelligence for hire, to provide for the acquisition by the Post Office Department of the telephone networks, and to license certain telephone lines, radio and telegraph agencies; to the Committee on the Post Office and Post Roads.

By Mr. CARTER of Oklahoma: A bill (H. R. 12288) to provide for building levees on Red River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12289) to refund the cotton tax collected; to the Committee on Appropriations.

By Mr. RANDALL: Joint resolution (H. J. Res. 166) favoring the manufacture of gasoline by the Government and its sale at cost; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Resolution (H. Res. 149) authorizing the consideration of certain new legislation in H. R. 10484, a bill making appropriations for the support of the Post Office Department for the fiscal year 1917; to the Committee on Rules.

By Mr. BRUCKNER: Memorial of Legislature of New York, requesting Congress to vote against the proposed Federal inheritance tax and to devise some other suitable means for the needs of the National Treasury; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Rhode Island General Assembly, urging upon the Congress of the United States of America the duty of adequately increasing the military and naval forces of this Government; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 12290) for the relief of Leroy P. Walker, sole heir at law of Eliza D. Walker and L. P. Walker, her husband; to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 12291) granting a pension to McCullough Talley; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 12292) granting a pension to Nannie A. Hill; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 12293) granting a pension to Byron A. Wood; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 12294) granting a pension to Amos C. Emahiser; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 12295) granting an increase of pension to Mary E. Calhoun; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 12296) granting a pension to Orilla F. Porter; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 12297) granting an increase of pension to Andrew Kinkade; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 12298) granting a pension to James A. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting an increase of pension to Reuben Hunt; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 12300) granting a pension to Mary N. McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12301) granting a pension to Winny F. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) granting a pension to William Higombottom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12303) granting a pension to John E. Tingley; to the Committee on Pensions.

Also, a bill (H. R. 12304) granting an increase of pension to Sarah A. Lofton; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 12305) granting a pension to Sophia Weideman; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 12306) granting an increase of pension to Henry C. Golden; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 12307) granting an increase of pension to Andrew Manuel; to the Committee on Pensions.

Also, a bill (H. R. 12308) for the relief of Frank S. Ingalls; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 12309) granting an increase of pension to Virginia Applegate; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12310) granting a pension to George Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12311) granting a pension to Mary E. Kures; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12312) granting a pension to Charles P. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12313) granting a pension to Marietta Z. Simonson; to the Committee on Pensions.

Also, a bill (H. R. 12314) granting an increase of pension to Leonard T. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12315) for the relief of Coles Abrams, alias Charles H. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 12316) for the relief of Gilbert H. Conklin; to the Committee on Military Affairs.

Also, a bill (H. R. 12317) for the relief of Stephen J. Haff; to the Committee on Military Affairs.

Also, a bill (H. R. 12318) for the relief of David Andrew Hopkins; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 12319) granting an increase of pension to James Baker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12320) granting a pension to E. L. Caie; to the Committee on Pensions.

Also, a bill (H. R. 12321) granting an increase of pension to David R. Totten; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 12322) granting an increase of pension to Margaret O'Leary; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 12323) granting a pension to Ingoald Rugg; to the Committee on Pensions.

Also, a bill (H. R. 12324) granting a pension to Mary L. Hall; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 12325) granting an increase of pension to Jacob E. Keister; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 12326) for the relief of the legal representatives of Burgess Hammond, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 12327) granting an increase of pension to Maggie S. Wade; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12328) granting an increase of pension to George W. Arbogast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12329) granting an increase of pension to William F. Harrold; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12330) granting a pension to Anna J. Mellstrup; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 12331) granting an increase of pension to Milton W. Burnham; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 12332) for the relief of Francis M. Watrous; to the Committee on Military Affairs.

By Mr. OAKEY: A bill (H. R. 12333) granting an increase of pension to Jane E. Steed; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12334) granting a pension to Thomas E. Tanner; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 12335) granting a pension to Mary Agnes Ryan; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12336) granting a pension to Barbara Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12337) granting an increase of pension to Calvin Hedgpath; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 12338) granting a pension to Sophronia J. Dyer; to the Committee on Pensions.

Also, a bill (H. R. 12339) granting an increase of pension to Robertson S. Allen; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 12340) for the relief of the estate of H. Seidensticker; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 12341) granting an increase of pension to Edmond V. Moore; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 12342) granting an increase of pension to Elizabeth J. Frush; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 12343) granting an increase of pension to Charles Kinne; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12344) granting an increase of pension to Thomas F. Nolan; to the Committee on Pensions.

Also, a bill (H. R. 12345) granting an increase of pension to Manora Rayner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12346) granting an increase of pension to Elbridge Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12347) granting an increase of pension to Julia Dumas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12348) granting an increase of pension to Marion E. Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting an increase of pension to Verona Thurber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12350) granting an increase of pension to Louise H. Crombie; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 12351) for the relief of the estate of William A. Crawford; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 12352) granting a pension to Hardin Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12353) granting a pension to Garfield Lay; to the Committee on Pensions.

Also, a bill (H. R. 12354) granting an increase of pension to Mrs. L. T. Rude; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12355) granting an increase of pension to Charles P. Marr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12356) granting an increase of pension to George W. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12357) granting an increase of pension to Luther Beal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12358) granting an increase of pension to John Bingman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12359) granting an increase of pension to Robert A. Houston; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 12360) granting a pension to Charlie Forbes; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 12361) granting an increase of pension to Jefferson O'Hara; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial urging adoption of constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Wichita, Kans., protesting against proposed law requiring stamps to be placed on bank checks; to the Committee on Ways and Means.

By Mr. AUSTIN: Petition of citizens of Greenback, Tenn., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of First Methodist Episcopal Church of Inskip, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARNHART: Petitions for passage of prohibition amendment by citizens of South Bend, Rochester, Middlebury, Elkhart, Bourbon, Winona Lake, Warsaw, Plymouth, Syracuse, and Princeton, Ind.; to the Committee on the Judiciary.

By Mr. CARY: Petition of Jewish Immigration Aid Society of Milwaukee, Wis., and Jewish Congress Association of Milwaukee, Wis., protesting against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., favoring a report on the measures to place an embargo on arms; to the Committee on Foreign Affairs.

Also, memorial of Rural Free Delivery Carriers' Association of Montgomery and Fulton Counties, N. Y., favoring enactment of legislation to better their condition; to the Committee on the Post Office and Post Roads.

Also, memorial of Albany (N. Y.) Society of Engineers, favoring national preparedness; to the Committee on Military Affairs.

By Mr. CULLOP (by request): Petition of First Methodist Episcopal Church of Linton, citizens of Plainville, citizens of Mooresville, and 44 voters of Bogards Township, all in the State of Indiana, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, in regard to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the Alliance-Sebring Central Labor Union, of Alliance, and Cleveland Federation of Labor, of Cleveland, Ohio, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Illinois State Federation of Labor, of Chicago, Ill., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: Petition of the Presbytery of Boston, Mass., praying for national prohibition; to the Committee on the Judiciary.

Also, petition of Cambridge Branch of the Massachusetts Anti-suffrage Association, against woman suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Woman's Section of the Navy League of the United States, Philadelphia branch, and assembled patriotic societies of America, citizens of Philadelphia, Pa., favoring adequate national defense; to the Committee on Naval Affairs.

Also, petition of Men's Bible Class of the Second Baptist Church of Philadelphia; Chestnut Hill Baptist Church, of Chestnut Hill; and 15 citizens of Chestnut Hill, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Memorial of Legislative Federation of King County, Wash.; Seattle Union Card and Label League; Seattle Federation of Women's Clubs; Seattle Good Government League; Seattle Federation of Woman's Christian Temperance Union; North End Progressive Club, of Seattle; and 50 other citizens, to repeal section 3 of the expatriation act of 1907 and to amend the Constitution of the United States, forbidding expatriation or naturalization of any citizen on account of marriage; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Wabaunsee County, Kans., urging a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DUNN: Petition of A. W. Watkins and others, of East Rochester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Louis F. Frome and 17 other residents of Colby, Wis., protesting against the passage of Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

By Mr. FESS: Petition of citizens of Lafayette; Lagonda Avenue Congregational Church, of Springfield; Methodist Episcopal Church of Springfield; 27 citizens of Bellefontaine; Methodist Episcopal Church of South Charleston; and 25 citizens of Springfield, all in the State of Ohio, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Central Labor Union of Alliance, Ohio, and Cleveland Federation of Labor, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of the Merchants' Association of New York, in re national defense; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of Henry L. F. Naber, of Boston, Mass., favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. GARRETT: Petition of Lumberman's Club of Memphis, Tenn., favoring legislation for development of a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Methodist Episcopal Church South of Union City, Methodist Sunday School of Kenton, men's class of Methodist Church of Dyerburg, and Sunday School of the Methodist Episcopal Church South of Union City, all in the State of Tennessee, praying for national prohibition; to the Committee on the Judiciary.

By Mr. GARNER: Memorial of National Legislative and Information Bureau of Railway Conductors, in re clearance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of State executive committee, Farmers' Union of Texas; Girvin Local, Farmers' Union of Texas; Postoak Local, No. 199, Farmers' Union of Texas; and Blossom Local, Farmers' Union of Texas, in re United States cotton-futures act; to the Committee on Agriculture.

Also, petition of Central Labor body of Kingsville, Tex., and Alliance-Sebring Central Labor Union, of Alliance, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorials of Chicago Federation of Labor, of Chicago, Ill.; Iron City Central Trades Council, of Pittsburgh; Building Trades Council of Dallas and vicinity; Order of Railway Conductors of Kingsville, Tex., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GORDON: Petition signed by 1,032 citizens of Cleveland, praying for enactment of House bill 558; to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Papers to accompany House bill 4210, for relief of Savilla Milligan; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: Papers to accompany House bill 12075, granting a pension to Olivia Pattison; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12076, for relief of Catherine Lawrence; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petition of citizens of Independence, Oreg., praying for a national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Young People's Society of Santa Clara Baptist Church, of Santa Clara, Cal., and the Free Methodist Church of California, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of various citizens of Russellville, Ark., protesting against compulsory Military training in the United States; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Petition of citizens of Muncy, Pa., and Methodist Episcopal Church of Muncy, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Memorial of Westmoreland County Ministerial Association, Greensburg, Pa., and Presbyterian congregation of Avonmore, Pa., for an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of a singing society of New Kensington, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of German Beneficial Union of New Kensington, Pa., praying for an amendment to the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of United Brethren Church of New Florence, Presbyterian Sunday School of New Florence, Methodist Episcopal Church of New Florence, citizens of Mount Pleasant and Barnesboro, all in the State of Pennsylvania, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Ministerial Association of New Kensington, Pa., and citizens of Vandergriff, Pa., urging the passage of a resolution amending the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of 8 citizens of New Kensington, Pa., in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of citizens of Leechburg and vicinity, Pa., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KENNEDY: Petition of 27 voters of Providence, R. I., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 29 voters of Smithfield, R. I., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of membership council Chamber of Commerce, Montgomery, Ala., favoring repeal of Federal and State oleomargarine laws; to the Committee on Agriculture.

Also, memorial of Adams County Memorial Association, of Illinois, in re pensions; to the Committee on Pensions.

Also, memorial of Men's Club of Wayne, Delaware County, Pa., favoring preparedness; to the Committee on Military Affairs.

Also, petition of Illinois State Federation of Labor, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LIEB: Petition of Central Labor Union of Evansville, Ind. (Mr. W. E. Teeman, president; Mr. W. Francis Jans, secretary), protesting against the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of R. M. Munford, S. H. Fettinger, J. A. Sprawl, Rev. Morris Watson, Clarence Duncan, and 125 other citizens

of Princeton, Md., favoring the speedy passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. LONDON: Petitions indorsing House joint resolution No. 88, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war, from Workmen's Circle, Branch 459, Chicago, Ill.; United Brotherhood of Carpenters and Joiners, Local 504, Chicago, Ill.; Local Portland, Socialist Party, Portland, Me.; Socialist Party of Sioux City, Iowa; United Cloth Hat and Cap Makers' Union, Local 8, Baltimore, Md.; Owrucler Unterstoeztungs Verein, Chicago, Ill.; and Ezra Society, Chicago, Ill.; to the Committee on Foreign Affairs.

By Mr. LOUD: Papers to accompany House bill for relief of Anna Meilstrup; to the Committee on Pensions.

By Mr. MCCLINTIC: Petition of sundry citizens of the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of Veteran Lodge, No. 999, International Order Good Templars, of Soldiers' Home, Michigan, in favor of prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Papers to accompany House bill 11214, for relief of John E. Louer; to the Committee on Pensions.

Also memorial of Isenberg Bedding Co., of Wilmington, Del., indorsing House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of Cortland Whitehead, bishop of Pittsburgh, Pa., in reference to foreign relations; to the Committee on Foreign Affairs.

Also (by request), memorial of Iron City Central Trades Council, of Pittsburgh, Pa., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of W. M. Reid, of Pittsburgh, Pa., in re bonding of postal employees; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of B. Nicoil & Co., of Philadelphia, Pa., favoring an increased appropriation for use of the American Manufacturers Export Association; to the Committee on Appropriations.

Also (by request), memorial of Allegheny Section 1, Germania Lodge No. 568, D. O. H. Society; Germania Lodge No. 568, D. O. H., of McKees Rocks; International Union of the United Brewery Workmen of America, Local Union No. 67, of Pittsburgh, all in the State of Pennsylvania, protesting against any prohibition legislation; to the Committee on the Judiciary.

By Mr. NEELY: Petitions of resident citizens of Rivesville; Methodist Protestant Church of Clarksburg; citizens of Cameron; Salem Baptist Church, of Salem; 35 citizens of Salem; 17 voters of Wheeling; North Street Methodist Episcopal Church, of Wheeling; voters of Wheeling; and Zane Street Methodist Episcopal Church, of Wheeling, all in the State of West Virginia, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. NORTH: Memorial of citizens of Leechburg, urging legislation to prevent the practice of polygamy within the United States, Rev. Thomas Charlesworth, president of the mass meeting; to the Committee on the Judiciary.

Also, petition of Arthur C. De Mott and 26 citizens of Brookville; 72 citizens of Clarion; 24 citizens of Knox; 28 voting citizens of Saltsburg and Nowrytown; 24 voting citizens of Apollo; First United Presbyterian Church; 26 citizens of Leechburg; Presbyterian Church of Freeport; Presbyterian voters of Ford City; Rev. D. E. Magill and 18 citizens of Homer City; 65 citizens of Arcola, all in the State of Pennsylvania, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Rev. B. W. Hutchinson and 300 citizens of Indiana; citizens of Cherry Tree; citizens of Saltsburg; First United Presbyterian Church of Leechburg; First Presbyterian Church of Ford City; the Sabbath School of the United Presbyterian Church of Homer City; Rev. R. E. McClure; and United Presbyterian congregation of Blairsville, all in the State of Pennsylvania, praying for prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. OAKLEY (by request): Petition of First Congregational Church, of Vernon, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Louis Fiesinger, of Norwalk, Ohio, favoring pensions for the Eighth Regiment O. V. V. I. and evidence; to the Committee on Invalid Pensions.

By Mr. PRATT: Petition of Mr. A. E. Williams, of Elmira, N. Y., protesting against any sort of preparedness; to the Committee on Military Affairs.

Also, petition of Mr. F. J. Whiton, 148 West Seventy-sixth Street, New York City, protesting against the adoption of the McLemore resolution or any similar resolution; to the Committee on Foreign Affairs.

Also, petition of the Business Men's Association, of Elmira, N. Y., favoring the passage of a bill providing for a 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens, of Rexville, N. Y., opposing the passage of the Moon bill regulating railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Friendly Boot & Shoe Co., of Elmira, N. Y., protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Greenwood, N. Y., opposing the passage of the Moon bill for the regulation of railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Canisteo, N. Y., opposing the passage of the Moon bill for the regulation of railway-mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petitions of National Federation of Post Office Clerks and Paving Cutters' Union of Albion, N. Y., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of James Olwell & Co., of New York, Central Federated Union of New York, and the United Liquor Dealers' Association of New York, protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petition of Bard & Calkins, of New York, in re proposed lighting plant in Washington; to the Committee on the District of Columbia.

Also, petition of Gustav Kehr, of New York, and E. A. Tredwell, of New York, in re armed-ship matter; to the Committee on Foreign Affairs.

By Mr. RUSSELL of Ohio: Petitions of Ministerial Association of Piqua, Methodist Episcopal Sunday School of Troy, and 21 citizens of Troy, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of Long Branch, in favor of reporting embargo resolution from Foreign Affairs Committee; to the Committee on Foreign Affairs.

Also, memorial of Local 460, I. L. A., of Chicago, Ill., favoring appropriation for United States harbor work on the Great Lakes; to the Committee on Rivers and Harbors.

Also, memorial of Second Ward Republican Club of Montclair, N. J., favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. SHOUSE: Petition of 215 citizens of Ashland, Clark County, Kans., in favor of national constitutional amendment; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petition of the members of Aldrich Avenue Presbyterian Church, First Methodist Episcopal Church, and Lake Harriet Methodist Church, all of Minneapolis, Minn., for the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of the members of the Windom Park Church, Temple Baptist Church, and the Augsburg Seminary, all of Minneapolis, Minn.; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of Herkimer (N. Y.) Business Men's Association, favoring the purchase of the battle field of Oriskany for a national park; to the Committee on Ways and Means.

Also, petition of various residents of Utica, N. Y., for the removal of the revenue tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of Rome (N. Y.) Chamber of Commerce, favoring the budget system of appropriations; to the Committee on Appropriations.

By Mr. STINESS: Petition of Providence, Pawtucket, and Central Falls Carpenters' District Council, of Rhode Island, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 11607 for relief of Thankful Pendleton; to the Committee on Invalid Pensions.

By Mr. TEMPLE: Petition of Beaver County Branch of the National German-American Alliance, in support of House joint resolutions 14 and 81, Senate bills 3033 and 3034, and Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of merchants in ninth North Carolina congressional district, in behalf of House bill 270, to provide for a tax on firms or corporations doing a mail-order business; to the Committee on Ways and Means.