

clerks free. I have been told that the railroad companies object to it.

Mr. CUMMINS. I have a minute on my table, furnished me by one in whom I have confidence, in which that statement is made. I have not verified it by any inquiry from the railroad companies themselves.

The PRESIDING OFFICER. Does the Senator from Florida insist on his point of order?

Mr. BRYAN. I do insist upon it.

The PRESIDING OFFICER. The Chair overrules the point of order. The question is on the amendment offered by the Senator from Iowa.

Mr. BRYAN. I respectfully appeal from the decision of the Chair.

The PRESIDING OFFICER. That is within the Senator's province and it is satisfactory to the Chair. The Senator from Florida appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those who desire to sustain the decision of the Chair will please rise and stand until counted.

Mr. CUMMINS. As that is the question on which a division is called for, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, it seems to me we had the precedent established to-day by the Vice President in the chair, and his decision was sustained on an appeal, that a certain amendment then pending was not general legislation, and it came a great deal nearer general legislation than does this amendment. We had pending then an amendment which provided for a commission to make an investigation of the tube services all over the United States, and it included an appropriation of \$25,000 to pay their expenses. It also gave the commission the right to employ experts and to make a complete investigation. The Chair held that it was not general legislation, and, as I said, the Senate on an appeal from the decision sustained the Chair.

Mr. OVERMAN. Will the Senator yield to me to make a motion to take a recess until to-morrow at half past 10 o'clock?

Mr. NORRIS. If the Senator will let me conclude—

Mr. OVERMAN. I understand that it is the desire to take up this question in the morning.

Mr. NORRIS. All right; I yield.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, February 15, 1917, at 10.30 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 14, 1917.

The House met at 12 o'clock and 30 minutes p. m.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Dear God, we know that Thou art far above considerations of earthly power and wealth, or numbers. Yet we feel that if Thou art mindful of two or three who gather in Thy name, Thou wilt hear the prayers of this our wide and populous Nation. We need Thee with all the shining of Thy light and love. Without Thee, the greatest is less than the least. With Thee, the weakest becomes strong, linked to the Eternal and Infinite.

In these days of uncertainty and stress we implore Thee to bless him who has been our President in the term now nearly past and who will soon enter upon another term of the great office. Guide all our leaders in thought and action, and move our people with truth and justice. If we are to have foes, judge Thou between us. And grant that our triumph always and forever shall be that we remain steadfastly on the side of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

### OLEOMARGARINE.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have read a telegram from the New York State Dairymen's League, which I received this morning.

The SPEAKER. The gentleman asks unanimous consent to have a telegram read. Without objection, it is so ordered.

The Clerk read as follows:

LITTLE FALLS, N. Y., February 13, 1917.

Hon. HOMER P. SNYDER, M. C.,

Washington, D. C.:

We think Underwood amendment to internal revenue bill making oleomargarine tax 2 cents pound permitting coloring to be used as

adopted by the Senate Finance Committee is wrong principle of legalizing counterfeiting by payment of small license fee and should not be permitted. Please make effort to kill this amendment.

R. D. COOPER,  
President Dairymen's League.

### COMMONWEALTH OF MASSACHUSETTS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to have read a resolution adopted by the House of Representatives of the Commonwealth of Massachusetts.

The SPEAKER. Without objection, the resolution will be read.

There was no objection.

The Clerk read as follows:

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

Ordered, That it is the sense of the house of representatives that the citizens of the Commonwealth of Massachusetts, regardless of race, creed, color, or party, in the present national crisis, stand now, as always, as one man ready to support with their blood and treasure the President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; and be it further

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

JAMES W. KIMBALL, Clerk.

A true copy.

Attest:

JAMES W. KIMBALL,  
Clerk House of Representatives.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 minutes to 1.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 10 minutes to 1. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 43 minutes p. m.) the House stood in recess until 12 o'clock and 50 minutes p. m.

The recess having expired, the House resumed its session.

### COUNTING THE ELECTORAL VOTE.

At 12 o'clock and 55 minutes p. m. the Doorkeeper announced the Vice President and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The VICE PRESIDENT. Gentlemen of the Senate and House of Representatives of the Congress of the United States, this joint session of the two Houses of Congress is held in accordance with the Constitution of the United States, the laws enacted thereunder, and the concurrent resolution heretofore passed by the two Houses for the purpose of opening the certificates and ascertaining the electoral vote for President and Vice President of the United States. The tellers heretofore appointed by resolution of the two Houses—Mr. KERN and Mr. CLAPP, on the part of the Senate, and Mr. RUCKER of Missouri and Mr. MAPES, on the part of the House—will be seated at the Clerk's desk.

It has been the immemorial custom upon occasions such as this to refrain entirely from any manifestation of approval or disapproval. This custom has arisen from the fact that the result may not be entirely satisfactory to everybody, so the Chair requests that all in the gallery and the Members of both Houses refrain from any manifestation of approval.

In accordance with the law the Chair now opens the returns from the State of Alabama. If there be no objection, the reading of that portion of the return which is formal will be omitted. If any Senator or Representative desires it read in full, it will be read. If there be no objection, the formal reading will be dispensed with.

There was no objection.

The VICE PRESIDENT. The tellers will now count and announce the electoral vote of the State of Alabama.

Mr. KERN (one of the tellers). The certificate of the electoral vote of the State of Alabama seems to be regular in form and properly authenticated, and it appears therefrom that Woodrow Wilson, of the State of New Jersey, has received 12 votes for President of the United States, and that Thomas R. Marshall, of the State of Indiana, has received 12 votes for Vice President of the United States.

The VICE PRESIDENT. Is there any objection to this certificate? None being offered, the tellers will proceed to read, count, and announce the vote of the State of Arizona.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the sev-

eral States in their alphabetical order, and in each case objections, if any, were called for by the presiding officer, and none were offered.

The VICE PRESIDENT. All of the certificates having been read, counted, and announced, the tellers will make a list of the same and report the result to the Presiding Officer.

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

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

JOHN W. KERN,  
MOSES E. CLAPP,  
Tellers on the part of the Senate.  
WILLIAM W. RUCKER,  
CARL E. MAPES,  
Tellers on the part of the House of Representatives.

The VICE PRESIDENT. By the report of the tellers and the list made by them of the electoral vote of the several States, the state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

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

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

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

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

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

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

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

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

The purpose for which the joint convention assembled having been accomplished, I now dissolve this joint convention, and the Senate will retire to their Chamber.

The Senate retired from the Hall, and (at 1 o'clock and 43 minutes p. m.) the Speaker resumed the chair and called the House to order.

TRANSFER OF RETIRED ARMY OFFICERS TO THE ACTIVE LIST.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Military Affairs.

Mr. CALDWELL. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill S. 6850, an act authorizing transfer of certain retired officers to the active list.

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LLOYD in the chair.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: *Provided,* That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: *Provided further,* That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: *And provided further,* That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I send to the desk a letter that I would like to have the Clerk read in my time.

The Clerk read as follows:

DECEMBER 4, 1916.

Hon. S. H. DENT,  
Chairman Committee on Military Affairs,  
House of Representatives, Washington, D. C.

MY DEAR MR. DENT: I wish to bring to your attention Senate bill 6850, which is the same as H. R. 17424, now on the Union Calendar.

The act making appropriations for the support of the Army for the fiscal year 1916 contains a provision authorizing the transfer to the active list of officers of the Army previously transferred to the retired list for physical disability and provides that each officer so transferred be carried as an additional number and be given the place on the active list he would have had if he had not been retired. This act does not include officers who have been retired under the Panama Canal act, approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

Officers transferred to the active list under the present law have been advanced one or two grades in rank, whereas officers transferred under bill S. 6850 would return to the rank each held at the time of his retirement, or, as it happens, one grade lower than that held by each on the retired list.

The officers retired under the Panama Canal act were physically and mentally sound, well trained, and had had unusual experience for their age, and I consider it a good business proposition for the Government to obtain the active services of those who desire to return to the active list under the conditions of bill S. 6850.

One of the officers served 21 years in the Ordnance Department, and his return to the active list would help to meet a pressing shortage of experienced officers brought about by the increased burden placed upon that department through recent appropriation acts and by the loss of a number of such officers taken from the department by the inducements of private employment, which shortage could be relieved in no other prompt manner. There are now several demands for such an officer which there is no way of meeting.

I consider the enactment into law of bill S. 6850, as passed by the Senate on September 8, 1916, to be for the best interests of the Government.

Sincerely, yours,

NEWTON D. BAKER,  
Secretary of War.

Mr. CALDWELL. Mr. Chairman, this bill has been on the Unanimous Consent Calendar. When it was being considered by the House at that time certain objections were raised by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Wisconsin [Mr. STAFFORD] on the theory that the bill brought into the service certain men that made it objectionable.

The proposition here is that we are not trying to do a favor to any Army officer, nor are we trying to promote any Army officer, but what we are trying to do is to favor the United States and to save money to the Government of the United

States for the simple reason that these men are now on the retired list at a grade above that at which they will come back into the service. As long as they live and stay on the retired list they will continue to draw the retired pay, and if some other man is put into these positions he will draw more pay and we will be paying two men, one of whom is working and one of whom is not working. If, on the other hand, you let these men go back into the service at a grade at which they are now receiving you will save the retired pay and get a good and efficient, well-tried, and true Army officer to do the work that this Government now needs to have done.

Gen. Crozier was before our committee and this question was brought up, and he was asked why he was interested in this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Are we considering Senate bill 6850 now?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Is not that a general bill that would admit any retired Army officer who might have gone out of the service temporarily?

Mr. CALDWELL. No; this bill will only cover four Army officers, retired under the Panama Canal act, mentioned in the report.

Mr. MOORE of Pennsylvania. The report I have mentions no Army officer. I have a report brought in by the gentleman from New York [Mr. CALDWELL] from the Committee on Military Affairs to accompany S. 6850. It mentions no names, and does not indicate that it is in the interest of any special officer.

Mr. KAHN. If the gentleman will yield, there is an earlier report on the House bill which I assume the gentleman from New York refers to.

Mr. CALDWELL. Yes. If the gentleman from Pennsylvania will bear with me, I will explain. The bill seeks to enable four Army officers who were retired at the time Gen. Goethals retired to be placed on the active list. At that time it was found in the House that if these men who had been doing the work on the Panama Canal were sent back into active duty the fact that they went back into active duty would be practically a reduction in standing, and so for that reason the men were given an opportunity to retire, and four of them took advantage of the act, and this bill covers those four and no more.

Mr. MOORE of Pennsylvania. Were they employed on the Panama Canal when they were retired?

Mr. CALDWELL. They were in the United States service; three retired as majors and one as a colonel.

Mr. BROWNING. Who are the four men referred to?

Mr. CALDWELL. One was Col. Dickson, who received \$3,750 a year, and the three others were majors, receiving \$2,925 per year.

Mr. KAHN. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KAHN. These gentlemen, when retired, retired one grade higher under the Panama Canal act than that in which they had been serving.

Mr. CALDWELL. I have so stated.

Mr. BROWNING. Is Maj. Barbour one of the retired officers?

Mr. CALDWELL. I think not.

Mr. STAFFORD. Will the gentleman yield?

Mr. CALDWELL. Certainly.

Mr. STAFFORD. If I understand this bill, it is intended merely to permit one of the four officers who retired under the Panama Canal retirement act to regain service in the Army.

Mr. CALDWELL. We want to permit all four to return to the active list, but I understand that there is but one that will do it right away.

Mr. STAFFORD. Will the gentleman inform the committee whether the gentleman seeking to gain promotion in the service is employed in civilian life?

Mr. CALDWELL. No; he is now doing duty voluntarily in the Army, having gone back to the service as a retired officer. He is now at Watervliet doing duty on which he volunteered to work until March 4, 1917, after which, if this bill should not become a law, he will go back into civil life.

Mr. STAFFORD. Has he accepted the retirement provided for in the Panama Canal act?

Mr. CALDWELL. He did. At the time that Col. Dickson accepted that retirement his wife was in a very delicate condition. She was so badly off that it was impossible for him to stay in the service and properly care for her. He took advantage of this retirement clause and nursed his wife until she died. After she died and he was on the retired list, he was given a contract of employment in civil life, and just as he was beginning in the work the contract fell down and he

quit. Since that time he has been offered numerous places of employment at high salary, but because of his past experience and his association in the Army and his desire to spend that kind of a life, he is holding off from going into private employment in munition factories, hoping he can get into the United States Army and there perform the duty that we need just such men to perform.

Mr. STAFFORD. Have any of the other three who have accepted retirement under the Panama Canal act accepted service with munition factories or other private employment?

Mr. CALDWELL. I understand two of them have. I yield to the gentleman from Delaware [Mr. MILLER], who can tell the gentleman in respect to that.

Mr. MILLER of Delaware. Mr. Chairman, I understand there are two of them, and one of the five I will call to his attention is a chaplain, and so the question of going into employment in a munition factory could not lie against him.

Mr. STAFFORD. How many of these retired officers are at the present time performing service for private munition factories and at the same time accepting pay as retired officers?

Mr. MILLER of Delaware. I understand that there are two of them. These men are not known to me personally. I have found out, however, that none of the five men expected or wanted to take advantage of this act except Col. Dixon.

Mr. STAFFORD. These other two find it more profitable to work for private concerns with their retired pay than to go back into the United States Army and perform work so pressing needed by the Government?

Mr. MILLER of Delaware. I will not deny that, but they retired under the law passed here in the last Congress.

Mr. BROWNING. Mr. Chairman, can the gentleman tell me who those three majors are?

Mr. MILLER of Delaware. I will tell the gentleman from New Jersey. I just came into the Hall, and I have the list here.

Mr. BROWNING. I have been trying to find out.

Mr. MILLER of Delaware. There are three captains, Robert E. Wood of the Cavalry, Courtland Nixon of the Infantry, Frank O. Whitlock of the Cavalry; one major, Henry A. Brown, a chaplain; and one lieutenant colonel, Col. Dickson, in the Ordnance Arm.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield further?

Mr. CALDWELL. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. What distinguished service in connection with digging the Panama Canal did these men illustriously perform?

Mr. MILLER of Delaware. Under the act of March 4, 1915, these gentlemen and other gentlemen who wanted to take advantage of it had the right to retire.

Mr. MILLER of Minnesota. I understand all of that, but those names were added after the bill left the House, and some of us have been wondering ever since they were added just what they had done to merit this distinction.

Mr. MILLER of Delaware. I differ with the gentleman. The Panama Canal act does not name any particular officer. It simply provides that officers who have served a certain length of time on the Panama Canal have the right to apply for retirement.

Mr. MILLER of Minnesota. The bill as it passed the House limited the emolument to a very small number of people.

Mr. KAHN. Named in the bill.

Mr. MILLER of Minnesota. Yes; and these others were added, and if I may be permitted to say so, to the lasting disgrace of the whole proposition, and if I could pass a law that could bring them back and subject them to some punishment for going out, I would do it.

Mr. MILLER of Delaware. What did Congress pass an act for if it did not expect people to take advantage of its provisions?

Mr. MILLER of Minnesota. To be plain and frank with the gentleman, I have understood that it was at the earnest solicitation of these men that this act was going to benefit. I do not mean these particular men, but the group of individuals included in the provisions as it became a law—that those individuals were instrumental in at least asking for it.

Mr. CALDWELL. Mr. Chairman, as I understand the proposition, it was this: At the time that the statute was passed permitting some of the Army officers to retire, to take advantage of the fact that they had done work at Panama, it was pointed out that every man who was down there, from the lieutenant on up, had been in a very high executive position.

Mr. MILLER of Minnesota. Will the gentleman permit an amendment—I would say that every man from a shoveler, or who worked a steam shovel, up.

Mr. CALDWELL. The gentleman does not get my train of thought. All of the men who had been in executive positions had a position that was far above that which their relative rank in the ordinary branches of the Army would give them. In other words, their responsibilities were greater, and if they came back and went into the Regular Army service, it would be what was in the minds of the Army officers a "comedown." In other words, they have been for some years in very high positions and in coming back they would go down instead of up, as the service warranted. I was not a Member of Congress at that time, but Congress passed a bill that permitted these men who wanted to retire to do so. Now, in the particular case of Col. Dickson, who is the man we are trying to get back at this time and whom Gen. Crozier wants back because he has a place for him in some work that is necessary to be done and he does not know anybody else who can do it—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. MOORE of Pennsylvania. Why does not the gentleman bring in a bill to restore Col. Dickson and let us fight it out on its merits? Why does the gentleman want to get Col. Dickson back, and under cover of Col. Dickson open up the whole business, so that any man who has gone out of the service for his own benefit and perhaps for his own profit can come back under this blanket provision and be reappointed by the President on application?

Mr. CALDWELL. The War Department has asked that the bill be made broad enough to cover all these officers referred to in the report, which the gentleman now has a copy of before him, so they can be all gotten back, because they want all of those men if they can get them.

Mr. MOORE of Pennsylvania. The bill goes beyond these five officers mentioned in the report, a copy of which I have at last succeeded in getting. I understand some of them have been employed outside of the Government service at higher salaries than they would get in the service, and now they are very anxious to come back; and if they can come back under the provisions of this bill they will rank the men who have been faithful to the service while they have been gone looking after their own affairs. Now, will the gentleman—

Mr. GREENE of Vermont. Mr. Chairman, I will say to the gentleman from Pennsylvania—

Mr. MOORE of Pennsylvania. I am asking why they bring in a blanket resolution instead of covering each individual case?

Mr. GREENE of Vermont. If the gentleman will permit, these same men covered in this bill might still stay on the retired list at higher rank and pay than they would expect if they came in under the provisions of the act; so it is no direct monetary advantage to them or advantage in rank, but it is a sacrifice.

Mr. MOORE of Pennsylvania. They are still attached to the service, still under pay?

Mr. GREENE of Vermont. At present.

Mr. MOORE of Pennsylvania. And therefore the gentleman thinks it is a good proposition to put them back in the service, so they will be doing something for what they are now paid, and no longer be on the retired list?

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Let me ask the gentleman whether it is a good proposition, a good business proposition, for the Government in time of stress, when the country needs trained men, just such men as these men are, to give over to the service of private corporations or to outside concerns their talent and ability? The gentleman does not answer.

Mr. CALDWELL. Mr. Chairman, I will answer the gentleman and then I will yield some time. I will say in answer to the gentleman from Pennsylvania [Mr. MOORE]—

Mr. MOORE of Pennsylvania. I shall oppose this bill unless the gentleman indicates the men who want to come back. There are certain officers of the Army who have gone out of the service, and there may be good reasons why they should not come back.

Mr. CALDWELL. No; I will say to the gentleman from Pennsylvania that as I understand the situation it is this: These Army officers were trained for the United States Army in the United States Military Academy—

Mr. SLAYDEN. The chaplain was not.

Mr. CALDWELL. Except the chaplain; they have had a training that was at least beneficial to them. Now, those men who went into a private munitions factory had a further training which are the men who in the mind of the War Department are extremely valuable to us now that we have embarked on

a scheme of making our own munitions. We need men who have had charge of commercial enterprises. We need men who have had just the kind of schooling and training these men have had.

Now, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, answering the proposition of the gentleman from Pennsylvania [Mr. MOORE], I desire to call his attention to one or two matters. In the first place when these gentlemen retired, their places were immediately filled and there were no vacancies then to which they could have been appointed if they had applied for reappointment. The national-defense act, which created a great number of additional offices in the Army, did not pass until June 3, 1916. It was thereafter that men began to apply for the positions which were created by that act. It was only after the passage of that act that these people could see their way clear to get appointments in the United States Army. Now, if they go back into active service and the Government gets the benefit of their talent and ability, they will only get as pay practically what they are drawing as retired officers because—

Mr. GREENE of Vermont. No; they will go down a grade.

Mr. KAHN. They get practically the pay and allowances of the grade lower than the one at which they retired; and therefore, if they are reappointed, they get about the same pay which they are getting now.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. KAHN. Yes, sir.

Mr. SLAYDEN. Mr. Speaker, it seems to me, if I read his mind aright, what is puzzling the gentleman from Pennsylvania [Mr. MOORE] is that you take gentlemen who have rendered distinguished service, if you please, and permit them, when it is to their advantage to do it, to go out of the Army and then reinstate them by creating additional commissioned officers. You did not mention in your statement the fact that it is not proposed to make additional commissioned officers.

Mr. KAHN. I meant to say that.

Mr. SLAYDEN. And continue employment in the commercial world as long as it suits them, and, when it is more agreeable and profitable to come back, and you permit them to do it, it may be—I will not say demoralizing to the military service, but something that squints in that direction.

Mr. MOORE of Pennsylvania. You are discriminating against everybody who has been faithful to the service and who is in line of promotion.

Mr. SLAYDEN. I know Col. Dickson very well. He is an excellent officer and gentleman and I think his services are valuable; but I do not think we are warranted in creating more offices to accommodate a chaplain, for example, who has gone out to his own advantage and who is getting paid as a retired officer.

Mr. KAHN. I am not pleading the cause of the other officers, particularly, but I say that what the gentleman states may be correct and this bill may create some dissatisfaction. Still, at the present time the War Department is exceedingly anxious to get officers who know their business to fill the vacancies that even in the commissioned forces of the Army have been created by the passage of the national-defense act.

Mr. SLAYDEN. Are there any vacancies to which these gentlemen can go?

Mr. KAHN. There are, I think.

Mr. SLAYDEN. Why do you propose to create five additional vacancies, then?

Mr. KAHN. Probably in these higher grades there are no vacancies. There are vacancies in the lower grades, I know.

Mr. SHALLENBERGER. Does the gentleman from California agree with the gentleman in charge of the bill that the principal object of this bill is to get Col. Dickson back into the service?

Mr. KAHN. Yes.

Mr. SHALLENBERGER. Also the claim is made that if he is going into the service he is going back one rank lower than he held when he went out.

Mr. KAHN. One rank lower than he was retired at.

Mr. MOORE of Pennsylvania. Permit me to read:

*Provided*, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired.

Now, that puts him over the head of other officers.

Mr. KAHN. He would then get about the very pay he is getting now.

Mr. SHALLENBERGER. The point is, as I understand it, the War Department, referring to the statement of the gentleman from California [Mr. KAHN], is anxious to get Col. Dickson back into the service. The minute he is commissioned lieutenant colonel the War Department can next commission him a colonel or a brigadier general or a major general.

Mr. KAHN. I do not think so.

Mr. SHALLENBERGER. Has it not been done?

Mr. KAHN. If there happened to be vacancies in the higher grades.

Mr. SHALLENBERGER. That can be provided for. So that the proposition of the sacrifice on the part of the colonel is somewhat problematical, is it not, in coming back into the service? Is it not a fact?

Mr. CALDWELL. It is not so, for this reason: That if he goes back as lieutenant colonel, he would not be a brigadier general or anything else.

Mr. KAHN. They can advance him as vacancies in the higher grades occur. That is the only way they can advance anybody. The Chief of Ordnance, Gen. Crozier, appeared before the Committee on Military Affairs and stated it was exceedingly desirable to get Col. Dickson back into the service, inasmuch as he was a valuable man.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KAHN. In a moment. And Gen. Crozier stated he went out of the service under extraordinary circumstances; that his wife at the time he resigned was very ill and that he could not give her that care and attention he desired to give her so long as he continued in the service; that subsequently his wife died; that the obligation to look after her was removed, and from that time on he tried to get back again into the service. That is the statement, as I remember it, that Gen. Crozier made to our committee.

Now I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I have an understanding that Gen. Crozier desired the return of Col. Dickson, but I am at a loss to know why, when the committee is endeavoring to oblige the Ordnance Bureau by restoring Col. Dickson, it brings in four others, who may or may not be of special service to the department at this time and the introduction of whom means the presentation here of a general law that will admit anybody to restoration to duty.

Mr. KAHN. I think that only five retired as the result of the passage of the Panama Canal law.

Mr. MOORE of Pennsylvania. Would the gentleman be satisfied with an amendment to this bill providing for the restoration of Col. Dickson?

Mr. KAHN. So far as I am concerned, I would be satisfied.

Mr. MOORE of Pennsylvania. And cutting out the blanket clause of this measure?

Mr. GREENE of Vermont. May I suggest this to the gentleman from Pennsylvania?

Mr. CALDWELL. I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. GREENE of Vermont. I wanted to follow the continuity of this.

Mr. MILLER of Delaware. I yield to the gentleman from Vermont.

Mr. CALDWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. I do not want all of that. The terms of the act permit the application of its provisions to such officers as come under the language—

To transfer to such active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active list to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal—

And so forth.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. MILLER of Delaware. Mr. Chairman, is the gentleman proceeding in my time or not?

The CHAIRMAN. No. The gentleman from New York yielded to him. Now he yields to you.

Mr. MOORE of Pennsylvania. I will not take any more time now.

Mr. GREENE of Vermont. All right.

The CHAIRMAN. The gentleman from Delaware is recognized for 10 minutes.

Mr. MILLER of Delaware. Mr. Chairman, this is the bill which I discussed at some length when it was on the Unanimous Consent Calendar on the 15th of January of this year. I will not enter into the details as to why I am interested

in this matter; suffice to say I am interested in it purely from the standpoint of merited legislation. I would like to have the attention of gentlemen on the floor who seem to be opposed to this bill, and if my friend from Pennsylvania [Mr. MOORE] will bear with me for a moment I hope to be able to clear up several points that I see he has in his mind.

The gentleman from Vermont [Mr. GREENE] just read to the gentleman from Pennsylvania an extract from the Panama Canal act. That act was passed on the 4th of March, 1915, by Congress and became a law, and under that act certain officers in the Army had a right to apply for retirement. If the principle was wrong, the act was wrong at the time it was passed; but under that act five men applied for retirement and were retired. Only five men, as I understand it, have been affected and have retired under the Panama Canal act.

Mr. MANN. For what reason were they retired?

Mr. MILLER of Delaware. I will say to the gentleman from Illinois, without reading the whole act, that—

Mr. MANN. The Panama Canal act does not authorize retirement.

Mr. MILLER of Delaware. These men were retired under the Panama Canal act.

Mr. MANN. Oh, no; not at all. They were retired under the law relating to retirements. The Panama Canal act only provided that when retired they should be retired at one grade higher. That is all.

Mr. MILLER of Delaware. The bill says in substance, "For recognizing the services of certain officers of the Army and Navy," and so forth, "for their services in connection with the Panama Canal." That was the act under which these men were retired two years ago.

Mr. MANN. The gentleman is mistaken about that.

Mr. MILLER of Delaware. I will admit what the gentleman says, so that I can go ahead, but I do not want to be made to appear that I am making any misstatements here in order to mislead anybody.

Mr. MANN. There is no misstatement. There is simply a misunderstanding. The Panama Canal act only provided that when retired, officers should be retired one grade higher. I have the act before me.

Mr. MILLER of Delaware. I thank the gentleman for bringing out that point. These officers took advantage of that act, and they were retired. There were five of them. Their names are given in the report. One of these men was a very valuable man in the Ordnance Department, Col. Dickson. When I asked him specifically why he had retired from the service he stated to me that on account of the illness of his wife, on the Panama Canal Zone, it was necessary for him, if he did his duty by his wife, to leave the Army at that time, which he did, under the act of March 4, 1915. Subsequently his helpmeet failed to recover from her illness and died. About that time certain factories in this country were in need of trained help. The man was out of the Army. A contract was made with him, but later on it was found—although not due to any inability on his part—that the contract was such that he did not care to continue with it. That is the case of Col. Dickson; and for the last few months he has been utilized by the Chief of the Bureau of Ordnance at various arsenals throughout the country.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. I will be glad to.

Mr. MOORE of Pennsylvania. Does the gentleman know whether Col. Dickson appeared before the committee?

Mr. MILLER of Delaware. I can not say, because I am not a member of that committee; but I see the gentleman from California [Mr. KAHN] shakes his head.

Mr. MOORE of Pennsylvania. Does the gentleman know whether Col. Dickson's story has been told officially before any committee of this House?

Mr. MILLER of Delaware. I can not answer that; but I understand from the gentleman from California [Mr. KAHN] that he did not appear.

Mr. KAHN. If the gentleman will permit me, Gen. Crozier did appear before the Committee on Military Affairs and made a statement concerning the services of Col. Dickson.

Mr. MOORE of Pennsylvania. May I ask if these five officers appeared before the committee, or if Gen. Crozier spoke for them, all?

Mr. KAHN. Gen. Crozier spoke for them all.

Mr. SHERLEY. Will the gentleman yield?

Mr. MILLER of Delaware. Yes; I yield.

Mr. SHERLEY. Mr. Chairman, I do not think that most of the Members are concerned with the reasons why these men got out, but we are concerned with this basic question as to why they are permitted to come in on the same terms as if they had

stayed in, because that, to my mind, is a gross injustice to those who are in the service and puts a premium upon the action of men going out of the service and then coming back.

Mr. MILLER of Delaware. I find that only one of them will take advantage of the act. That is Col. Dickson. The Bureau of Ordnance is asking for him in no uncertain terms.

Mr. SHERLEY. I know the Bureau of Ordnance needs men, I have tried to give them additional men as much, perhaps, as any other man in the House; but, for the sake of a particular bureau, we can not afford to disregard a fundamental rule of equity. Here are men who go out of the service voluntarily. Now, they are permitted to come back with the same rank as if they had continuously stayed in the service. I submit to gentlemen that that is not fair to the other men who do stay.

Mr. MILLER of Delaware. I really think that the members of the Committee on Military Affairs, who reported the bill out, are better versed as to that point than I am, and they can answer the gentleman. I want to proceed to other points. One of these men will draw down \$3,750 as retired pay from the Government every year of his life.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Delaware is recognized for five minutes more.

Mr. MILLER of Delaware. Coming back to the active list, he will draw as lieutenant colonel, as I understand it, \$4,500, and he has 16 years yet to serve. Looking at it from a purely business standpoint, is it not good business for us to let this man come back when the bureau wants him, when he will draw down \$3,750 for the next 16 years and not be rendering the Government his service; and if we will take him back he will, of course, draw \$4,500 as a lieutenant colonel and \$5,000 as colonel, should he reach that rank?

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. MCKENZIE. Does the gentleman feel that these men, as suggested by the gentleman from Kentucky [Mr. SHERLEY], if they are put on the active list, should be allowed to take the place of the men who have remained in the service, or should they take their place at the bottom of the list?

Mr. MILLER of Delaware. I will say to the gentleman that this bill is reported from his own committee, the Committee on Military Affairs, and I am willing to follow the bill that they have reported out.

Mr. MCKENZIE. I want to say to the gentleman from Delaware that I am not in favor of that proposition.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. SNYDER. What salary is this gentleman drawing now, and is he employed outside of the service of the Government?

Mr. MILLER of Delaware. He gets his retired pay.

Mr. SNYDER. I thought the gentleman said he was employed by another concern outside.

Mr. MILLER of Delaware. He is working at the Watertown Arsenal now.

Now, I want to say to the gentleman from Pennsylvania [Mr. MOORE], without giving names, that under no circumstances, even under the widest interpretation of the proposed act, could a certain gentleman more or less connected in the past with Philadelphia affairs ever come back to the Army.

Mr. MOORE of Pennsylvania. If the gentleman will permit me to say, it is not a personal matter with me. You are offering legislation so broad that you encourage men to leave the service, with the expectation that they can come back and rank the others who have remained faithful to the service.

Mr. MILLER of Delaware. It only applies to men retired under the act of March 4, 1915. A question has been raised here about these other four men.

Mr. SHALLENBERGER. As I understood the gentleman from Illinois, he states that these men were not retired under that act, but under the act under which every officer retires.

Mr. MILLER of Delaware. No; the gentleman from Illinois was calling attention to a misunderstanding that I may have created by referring to the act in my opening remarks. I would like to yield further, but I have not much time left.

One of these men was a chaplain, so he could not be considered as a man going out to work for certain factories and then coming back again. One of these men was Frank O. Whitlock, to whom I happened to be introduced at one time, and I remembered his name when I saw it in the report. I wrote him a letter and asked him what he intended to do about this legislation, and I have a letter from him saying that as far as he is concerned, he does not want to take advantage of the

act, that he does not want to come back. I merely state that so as to dispose of one other man.

Mr. SLAYDEN. He is barred by age anyway.

Mr. MILLER of Delaware. No. I submit to you that if this act does bring back only one man, Col. Dickson, he is coming back perhaps even more valuable than he went out, because what experience he has will certainly accrue to the benefit of the Government, and to-day he is being used by the Government at the Watertown Arsenal, and formerly at the Watervliet Arsenal in New York. I sincerely hope that the suspicion aroused by this bill will not be such as to defeat it, because I think a good many of the points raised by our colleagues on the floor to-day have been disposed of by the debate that has ensued. Mr. Chairman, as I went into other details of this bill during the debate on January 15, 1917, I will yield at this point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I am quite willing to say that I agree with the general proposition that no special legislation should be designed or calculated to permit officers of the United States Army to go in and out of the Government service at pleasure, try experiments in commercial and industrial life outside, and then, possibly being disappointed in their expectations, to come back to the service without loss of rank. However, I favor the general proposition that the Secretary of War should be authorized by some legislation to return to active service certain men who are acknowledged experts in the Ordnance Department, and whose services at this time would be of particular value to the Government, more especially if the desire is expressed by those men to relinquish any possibilities of outside emoluments in addition to the pay they would be receiving all the time on the retired list without making any effort to earn it, and to come back into the service and earn pay, and only to receive the pay that they do earn.

Mr. SNYDER. Why can not these gentlemen go back into the service through the Officers' Reserve Corps?

Mr. GREENE of Vermont. They would not go back to the status that they have as officers of the regular service.

Mr. SNYDER. They would go back with some status, and would go into the service.

Mr. GREENE of Vermont. They would lose their status for retirement.

Mr. SNYDER. I only asked for information.

Mr. SHALLENBERGER. They also lose their right to promotion, do they not?

Mr. GREENE of Vermont. That is always implied. It seems to me the objections that have been presented here by some gentlemen on the floor in this discussion might be met if the bill were amended, on page 2, line 3, by striking out the words "would have" and the further words "if he had not been," and the words "when he was" inserted in the proper place, so that the line as amended would read:

He had when he was retired—

And the entire proviso would read:

Provided, That such officer shall be transferred to the rank and place on the active list which he had when he was retired—

And so forth.

Mr. CALDWELL. If the gentleman will yield, we are going to offer an amendment in almost those words when we get to that point in the bill.

Mr. GREENE of Vermont. That is another happy illustration of the fact that great minds often run in the same channel.

Mr. MOORE of Pennsylvania. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania is recognized in opposition to the bill for one hour.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois [Mr. MANN] so much time as he desires.

Mr. MANN. Mr. Chairman, I served for a good many years on the Committee on Interstate and Foreign Commerce, which had legislative jurisdiction over the Panama Canal. I served with the very distinguished gentleman from Georgia [Mr. ADAMSON], now the chairman of that committee. I made the first proposition which was made to give to Col. Goethals advancement in rank because of his services on the Panama Canal, my idea being to give a distinction to the head of that service for doing a great work in time of peace, such as has usually been accorded by nations to officers at the head of the service for great distinction in time of war. The gentleman from Georgia [Mr. ADAMSON] finally introduced a bill—he may have introduced one before, but he introduced a bill in the Sixty-second Congress—providing that the thanks of Congress be extended to Col. Goethals, Dr. Gorgas, Col. Hodges, Col. Seibert, and Commander Rousseau, all of whom were on the Isthmian Canal Commission

and at the head of various divisions of work on the Panama Canal, except Col. Goethals, who was at the head of the whole service. That bill provided for the promotion by the President of Gen. Goethals and Gen. Gorgas, and provided further that upon retirement the officers named should be advanced one grade in rank. That is the way the bill passed the House. It went to the Senate, and, without any consideration having been given it by the House, some hogs in the Army said that they would oppose, and did oppose, the passage of that bill in the Senate unless they were given preference and an increase in grade and the right to immediate retirement. The Senate put this section in the bill:

That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon retirement.

And then a provision for the advancement of any officer then on the retired list with similar service; and they added this section:

That at any time after the passage of this act any officer of the Army or Navy to be benefited by the provisions of this act may, on his own application, be retired by the President at 75 per centum of the pay of the rank upon which he is retired.

That bill came back to the House with this amendment in it. There was no one in the House who believed that these were proper provisions. There was no one in the House who liked to be held up, but the Army is a great institution, and it has a great many direct and indirect methods of influencing legislation. In discussing the matter among various Members of Congress who were interested in it, among others, I decided to yield to the hold-up in order to give the recognition which Col. Goethals had earned in behalf of the whole Army and Navy; to yield and give some of the little fellows what they were holding us up for. The House agreed to the Senate amendment. These men immediately made application for retirement, including a chaplain, who probably did not find it any harder to pray on the Isthmus of Panama than he would have to pray in the United States.

Mr. MILLER of Delaware. Will the gentleman state what is the date of the approval of the act he has mentioned?

Mr. MANN. March 4, 1915. It was enacted, I think, or the House agreed to the Senate amendments on the last night of the session. There was no chance for anything except to yield to the holdup, or else refuse the earned recognition in behalf of the whole Army and the whole United States by Gen. Goethals and his colleagues on the Canal Commission.

Mr. MCKENZIE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MCKENZIE. Does the gentleman assert it as a fact that all the men covered by this bill were retired at their own request under the provisions of the law he has just read?

Mr. MANN. I do not; but I am very sure of one thing—that they either were retired at their own request, or else they were retired because of physical or mental incapacity. If they were retired for physical or mental incapacity I take it that there is no disposition to reinstate them; if they were not, they were retired at their own request under the provisions of the law which were put in as a holdup.

Mr. MCKENZIE. I simply wanted to bring out the point that if they were retired at their own request the bill ought to be defeated.

Mr. MANN. Now, Col. Dickson went into the employ of somebody connected with the manufacture of arms, ammunition, or powder, and he is a very capable officer. It was a loss to the Government when he retired. He was, I believe, a lieutenant colonel and retired on the three-quarters pay of a colonel, which he is now receiving and is entitled to receive as long as he lives. He has been recently engaged by the Government, under Gen. Crozier, who needs his services. It would be well if the Government had his services, and yet I do not think the Government is dependent upon any one man in the world for its continuation or for its necessary use. Col. Dickson is an able man.

Mr. MILLER of Delaware. I do not know whether the gentleman was on the floor a few minutes ago when I made the statement—

Mr. MANN. I was on the floor when the gentleman was speaking.

Mr. MILLER of Delaware. When I made the statement that the health of Col. Dickson's wife was largely instrumental in his leaving Panama.

Mr. MANN. I have heard so many stories and always take them with many grains of allowance. A man comes to Washington, like the gentleman from Delaware or myself, and once in a while he says, "I never have good health in Washington"—charges his ill health to the climate. Bless our souls, we all die

after a while; we all have ailments as we go along, and people who charge a particular locality with their ailments usually commence with a nervous complaint, and they charge it to the climate.

Mr. MILLER of Delaware. The gentleman will admit that the greatest mortality in Washington is among the political deaths rather than physical deaths. [Laughter.]

Mr. MANN. Yes; I will say, though, that the mortality on the Isthmus of Panama among the people who are sent there is smaller than it is in any large community in the United States. I do not think, however, that that is a fair criterion. I am not trying to tell the House whether they ought to pass or defeat this bill. I wanted to make a statement of the history of the matter. The question is whether we shall, after we let a man get a provision in a bill for his own benefit, of which he has taken advantage, take him back just because he wants to come back or because we can make a profitable use of his services.

Mr. ADAMSON. I hope it will not divert the gentleman from his line of argument. He is probably entirely familiar with what I am going to call to his attention, and that is that the Committee on Interstate and Foreign Commerce has reported and has on the calendar a bill to repeal all of the mischief done by that Senate amendment to which the gentleman so fittingly alluded a few minutes ago, and if recognition is ever obtained, the committee desires to try and pass that bill not only on account of the inherent mischief which the amendment itself does but on account of the resulting mischief. The civil employees upon the Isthmus have put up the plea that because this special benefit was conferred on a few of these medical and Army officers therefore all of the thousands of employees who have been on the Isthmus ought also to have a large bonus, and their only argument is this ungodly amendment which was put on here in the hour of our extremity when Congress was about to adjourn without a quorum.

Mr. MANN. Mr. Chairman, I am not going to discuss the bill that the gentleman refers to. I think I understand the measure, but I do not understand how these people would be affected if we should repeal the provision of law under which they retired. An act is an act when it is passed, and you may repeal all of the laws of the world, but you can not change what was done yesterday.

Mr. ADAMSON. Their argument is that because Congress made one mistake it ought to make another one.

Mr. MANN. But the gentleman's provision repeals the provision under which these people were retired. There will be no authority of law for their retirement, but they are retired. I do not know whether that would reinstate them, but I apprehend it would not. It is up to the House.

Mr. ADAMSON. If they have already been retired, of course it could not affect them in their rights already vested.

Mr. MANN. We could affect them, certainly. This bill is for that very purpose. Here is the proposition, after all: Whenever an Army or a Navy runs along for any time it becomes inclined to be top-heavy. Because there are fewer deaths, fewer resignations, men at the top remain there, and men below get no chance for promotion. We do not pay high salaries to lieutenants or captains in the Army. We do endeavor to provide so that when they reach the age of retirement, they will have enough to live on economically and comfortably during the balance of their lives, and the incentive, the great incentive, to men to remain in the Army is the possibility of reaching a higher grade upon which they may eventually be retired. Of course, every officer in the Army hopes that he is going to be retired as a brigadier general. They all know that if they remain in the Army, and there are enough vacancies above them, they will be retired as colonels, but there must be enough vacancies above them. They would like to get rid of some of the officers in the higher grades from time to time, and for that reason it is always a little dangerous to put back in the Army men who are already upon the retired list and put them in the higher rank which will prevent some man who has remained in the service from reaching that rank at all.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CALDWELL. The gentleman realizes that the national-defense act passed at the last session provided that any officer who retired for disability on having the disability removed can get back into the service?

Mr. MANN. I do.

Mr. CALDWELL. These men retired not for disability, but as a favor. Why should not they come back into the service if the other men should come back?

Mr. MANN. For years we had refused to pass any such legislation; for years we had refused to permit men who were retired for any purpose to come back into the Army. When the national-

defense act was before the House with a large increase in the enlisted force of the Army and the number of regiments, and with a very large number of applications for men upon the retired list to get back by personal favoritism, private bills, I said to the gentleman from Virginia in charge of the national-defense act, publicly, privately, and other gentlemen did the same thing, that if he would give to the Army the general authority to reinstate these men we would not be opposed, because at that time there was such an increase in the number of regiments that they might absorb these men without doing great injustice to the other men who had remained in the service. But these people were retired involuntarily. It is barely possible, it is quite possible, they might absorb these men in view of the increase in the service; but this is distinctly entering upon a policy of reinstating a man who has voluntarily retired at his own solicitation, through his own work in obtaining the law under which he could be retired, and putting him back into the service where he may and probably will prevent some man from being promoted who has remained in the service all of the time. I say this is distinctly entering upon that policy, and you can not say to-day that you will do one thing for one man and to-morrow, under the same circumstances, say that you will not do it for another.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. SHALLENBERGER. Does the gentleman know that the amendment permitting these retired officers to be returned at the approval of the Secretary of War was very much widened by the amendment in the conference committee? As it passed the House, it fixed an age limit of 50 years, with considerable restrictions around it. As the bill is now a law, it has opened the door to the restoration of retired officers of any age.

Mr. MANN. Of what bill is the gentleman talking?

Mr. SHALLENBERGER. The particular amendment to which the gentleman just referred.

Mr. MANN. Oh, the national-defense act.

Mr. SHALLENBERGER. Yes. The conference committee removed the restriction of the limit of 50 years, and some have been put on the active list who were beyond the age of retirement.

Mr. MANN. Well, it is unescapable. You always have to pay some attention to the chance of promotion of men who go into Government service. You have got to do that. The mere amount of money that is paid to one man on the retired list is not very much compared with the advisability of giving men to understand they have a chance of promotion.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. I will.

Mr. LONGWORTH. This bill now provides that he shall be returned to the same rank, and also that he shall be promoted on the same date as the officer next above him. Is not that an unusual practice?

Mr. MANN. No; that is usual.

Mr. CALDWELL. There is an amendment pending to change that.

Mr. MANN. That is the usual provision.

Mr. CALDWELL. We propose to amend this bill by providing that if they go back they go into the same grade as when they went out.

Mr. MANN. This bill does more than that. Having given a man one bite of a cherry, and having bitten the cherry and swallowed it, the proposition now is to give him a new cherry, give him another cherry, and let him retire at a rank in advance of the one he then holds.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. MANN. I do not want to take all the time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MANN. I will.

Mr. GREENE of Vermont. I am quite in accord with the principle of equity to be followed which the gentleman has stated as to other officers; but does not the gentleman think the mistake was made in drawing this act in its general terms when it is really meant only to apply to Col. Dickson? The five other names mentioned were suggested in the report as names of men who could take advantage of it.

Mr. MANN. I will not say it is a mistake in view of the uniform practice of "the gentleman from Illinois" to object to these private bills to retire men in the Army and Navy.

Mr. MILLER of Delaware. Referring to what the gentleman from Illinois has said, I think it should be said in fairness that there is a specific provision which says they can not take advantage again of the Panama retirement act.

Mr. MANN. What does the gentleman mean by that?

Mr. MILLER of Delaware. I thought from what the gentleman said a moment ago it is more or less understood that these gentlemen might again, if they were taken back, come in under the Panama Canal act.

Mr. MANN. They will be if they live long enough.

Mr. MILLER of Delaware. The bill says specifically—

Mr. MANN. I know what the bill says.

Mr. MILLER of Delaware. May I read it?

Mr. MANN. No.

Mr. MILLER of Delaware. It is in the Senate amendment.

Mr. MANN. It is all very well, but the bill expressly provides "any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above except—except"—the gentleman did not read that.

Mr. MILLER of Delaware. I beg the gentleman's pardon.

Mr. MANN. "Except when retired for age or physical disability incurred in the line of duty," and when they are retired again they are retired at the rank above the rank which they have. That is what I said.

Mr. MILLER of Delaware. If they have a physical disability, they would not stay in the Army, but they would be retired automatically.

Mr. MANN. Certainly they could not be retired a second time on their own application. In this law it requires that when they are retired they will get the benefit of the Panama Canal act, giving retirement at a higher grade than they held in the service.

Mr. McKENZIE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McKENZIE. Under this bill, take the case of Col. Dickson. He is retired as a colonel; he was a lieutenant colonel and retired as a colonel. Now, if we pass this bill, we take him back in the service with the rank of lieutenant colonel. Suppose he serves five years and has the rank of colonel? Can he then, after receiving rank of colonel, voluntarily again retire with the rank of the next above rank?

Mr. MANN. He can not retire upon his own application at all.

Mr. McKENZIE. A second time?

Mr. MANN. No.

Mr. McKENZIE. He did the first time.

Mr. MANN. He did the first time.

Mr. McKENZIE. But he can not the second time?

Mr. MANN. And if he is retired for physical disability, he is retired under existing law, not the Panama Canal act; if he reached the rank of colonel, he would be retired as a brigadier general.

Mr. McKENZIE. I asked the question in order to bring that out.

Mr. PLATT. If he is carried as an additional number in the grade to which he may be transferred; but that does not interfere with the promotion of other officers, does it?

Mr. MANN. No; and, as far as Col. Dickson is concerned, I do not think his reinstatement would affect that situation at all. He is now getting the retired pay of a colonel. He could not be advanced beyond the rank of colonel if he went back into the service unless he was put at the head, which is not likely he would be. I yield back to the gentleman from Pennsylvania the remainder of the time, so he will not lose the time.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Just how are we proceeding? Does the gentleman—

Mr. CALDWELL. I have used 45 minutes of my time.

Mr. MOORE of Pennsylvania. Are we proceeding alternately?

The CHAIRMAN. The gentleman from New York has used 50 minutes.

Mr. MOORE of Pennsylvania. Does the gentleman want to conclude now?

Mr. CALDWELL. No; I want to give the gentleman from Texas [Mr. SLAYDEN] five minutes and then reserve five minutes.

Mr. SLAYDEN. Mr. Chairman, I shall try not to use all of the time granted to me. It gratified me as a citizen of the same State that Col. Dickson comes from to hear this tribute—and well-deserved tribute—to his capabilities as an officer of distinction formerly, at least, in one of the scientific branches of the military service. Col. Dickson is an extremely valuable man to the Government, and I think the wise thing to do would be to authorize his restoration to the Army without incorporating it, without hiding it, in this bill, which is a bad bill in some respects.

Now, the chaplain is barred, I take it, by age. He can not be restored; but other gentlemen can be. I do not know them.



They may be men of unusual ability; but, so far as I have been able to gather from this debate, there are no special requests from the Ordnance Bureau or any other branch of the Government that they shall be restored to the active list.

There are two or three things in the bill that I do not like. In fact, the only part I do like is the possibility of getting Col. Dickson's services for the Government again, not because he is a Texan, permit me to say, but because I think he is an unusually capable man for the military service. But some of this language has not been explained satisfactorily; we have no definite information as to what rank these gentlemen would have if they went back. It proposes to transfer them to the rank and place on the active list which they would have had had they not been retired. Now, it is possible that since their retirement there may have been such rapid promotion in the military service that these gentlemen would occupy a very much higher rank. The Army has been increased. Promotions have been provided for, and many vacancies created by law. And it is entirely possible that they might go back into a rank even as high as the rank of colonel. That ought not to be so. There ought to be a specific, definite statement about that, and I do not see why so small a matter can not be ascertained by a five-minute telephonic conversation with The Adjutant General. This information that office has accessible at all times, and, of course, each one of these gentlemen himself knows. He has a memorandum in his hand, in his head, or in his pocket by which he can tell you precisely the rank which he would receive if restored to the Army under the terms of this act.

And then it also provides in the last lines, the ones in italics, in the bill H. R. 17424, that he shall not again be entitled to the benefits of the Panama Canal act described above—that is, shall not again have the privilege of retiring at an advanced rank except when retired for age or for physical disability incurred in the line of duty. Now, if they live to be 64 years of age, it is certain they will all retire, and it is possible they will be retired for physical disabilities before that. I think the bill ought to be amended in two or three particulars, and I think it should be radically amended and provide for the reinstatement of Col. Dickson and stop there.

Mr. PLATT. What is the significance of the words in line 2 on page 2? Does that mean that he would go back to the same line and number—

Mr. SLAYDEN. That he would have had if he had continued in the service.

Mr. PLATT. It seems to me it is wrong to put in the same number of the service. That ought to be stricken out. It is all right as to the same rank.

Mr. SLAYDEN. Mr. Chairman, I yield back the balance of my time.

Mr. MOORE of Pennsylvania. Does the gentleman from New York want to go on?

Mr. CALDWELL. You take your time now.

Mr. MOORE of Pennsylvania. Mr. Chairman, when this bill came up on the unanimous-consent call I objected to it. It seemed to me it was a bill that ought to have more careful consideration than it could receive in a call of that kind. It was not such a bill as ought to have been passed without consideration. My judgment then has been confirmed by what has taken place this afternoon. The members of the committee themselves are not very well informed on this bill. Apparently they have not dug into the facts at all.

The gentleman from Delaware [Mr. MILLER], who has considerable information about one or two of the persons to be benefited by this act, has given some details with respect to those persons, but not one of them has appeared before the Committee on Military Affairs, which reported this bill, and the Committee on Military Affairs apparently has little or no information except as it has had a suggestion from Gen. Crozier, the efficient Chief of Ordnance.

Mr. MILLER of Delaware. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Delaware. On December 4, 1916, the Secretary of War wrote a long letter to the chairman of the Committee on Military Affairs advocating the passage of the bill, and I inserted it in my remarks on the bill in the RECORD of January 15, 1917.

Mr. MOORE of Pennsylvania. The Secretary of War wrote a letter to the chairman of the Committee on Military Affairs of the Senate, which is incorporated in the report on H. R. 17424, which is not a very long letter—

Mr. MILLER of Delaware. This is a subsequent letter, I will say to the gentleman.

Mr. MOORE of Pennsylvania (continuing). And which goes into no details whatever with respect to these men.

Mr. MILLER of Delaware. I will be very glad to show the letter to the gentleman.

Mr. MOORE of Pennsylvania. I am going to give the gentleman a chance to answer some questions.

Mr. MILLER of Delaware. All right.

Mr. MOORE of Pennsylvania. And if he can throw any light on this subject, I would be very glad to have him do it. In the first place, it is questionable whether Congress should so legislate that after caring for the education and the military training of certain of its young men, affording them excellent positions and relieving them from service on three-fourths pay, we should take them back into the service again without respect to the prior claims of men similarly educated who have been faithful to the tasks assigned to them and who have been looking forward to a promotion which might be denied them if this bill giving preference to those who have gone outside is passed.

There is one thing that a young officer of the Navy looks forward to, and that is the day when he may be called a rear admiral; and as the gentleman from Illinois [Mr. MANN] has indicated, there is one thing that the young officer of the Army looks forward to, and that is that he may some day be retired as a brigadier general. This bill prevents, or would tend to prevent, the very laudable ambition of many meritorious and efficient officers of the Army from ever having the distinction to which their faithful service to the Government would entitle them.

Mr. CALLAWAY. Mr. Chairman, is it not a fact that the retirement of these men automatically accelerated the promotion of the men beneath them to the amount of the number of men, and that these men being allowed to go back into the service would not change the original position of the men whose promotions were accelerated one whit by their retirement?

Mr. MOORE of Pennsylvania. Those men who have gone out of the service, if this bill be passed, are to come back to the rank and place on the active list which they would have had if they had not been retired.

Mr. CALLAWAY. Not "would have had."

Mr. MOORE of Pennsylvania. That they "would have had" if they had not been retired.

Mr. CALDWELL. If the gentleman will permit, I stated twice to the gentleman that the committee has intended to offer an amendment which would change that.

Mr. MOORE of Pennsylvania. But I am stating what the committee has actually done, coming before this House with this bill, which as it stands will give these officers a place of advantage over those who remained in the service.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. GREENE of Vermont. I call the gentleman's attention to the fact that this is a Senate bill that we are discussing, not a bill prepared by the House committee or a member of it.

Mr. MOORE of Pennsylvania. I ask the gentleman if the Committee on Military Affairs, which reported this Senate bill and which calls it up to-day, has taken the trouble to bring before it any of the particular individuals that are to be affected by this bill?

Mr. GREENE of Vermont. I do not understand that any private individuals except Col. Dickson are affected by it at their own request. The report shows the men to whom it might automatically apply.

Mr. MOORE of Pennsylvania. Here is a report of the Committee on Military Affairs, brought in by the gentleman from New York [Mr. CALDWELL], dated August 18, 1916, which states that "this bill will apply to the following officers," and five officers are named.

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Were these five officers called before the committee?

Mr. GREENE of Vermont. They were not.

Mr. MOORE of Pennsylvania. That is a fair answer to my question, and it shows that the committee has not called these men before the committee.

Mr. MILLER of Delaware. Let me suggest to the gentleman the fact that if they had been called before the committee, certain gentleman here might be saying that they were pushing their own selfish ends. But the fact that they did not come before the committee shows that it is the department which is pressing a well-merited bill.

Mr. MOORE of Pennsylvania. It may be that it would have been selfish if they had come forward and asked to be restored to the rank from which they voluntarily retired on three-fourths pay, but I would ask the gentleman this question: If the expressed preference on this floor now in behalf of Col. Dickson's request for restoration would not suggest that Col. Dickson, or

these four men who would be equally affected with Col. Dickson, ought not to have suggested the propriety of their being called before the committee so that the facts of the matter could have been ascertained? It has been stated that this bill ought to pass in the interest of Col. Dickson, but not in the interest of the four other men. If that is the fact, where does the committee stand if it was not duly informed as to the merits of the four other men?

Mr. CALDWELL. I will answer the gentleman's question. This bill was reported out because the War Department wanted it reported out. Gen. Crozier was asked about this at the hearings had before the committee, and he specifically took the position that he was backing this, not at the request of Col. Dickson, but for the benefit of the War Department, which was in need of the services of these men. He said he had seen Col. Dickson and he was sure Col. Dickson would take advantage of this legislation if it were enacted, and he not only needs Col. Dickson but needs these other officers who have had this kind of experience.

Mr. MOORE of Pennsylvania. Well, I will ask the gentleman a few questions that I expected to ask the gentleman from Delaware [Mr. MILLER]. If Gen. Crozier has laid all necessary information before the committee, why does it not appear in the report of the committee? The gentleman from Illinois [Mr. MANN] stated that this provision for the retirement of these officers who happened to have a sort of preferred service on the Panama Canal—but a service which was highly honorable and for which I commend them—this act giving them this special privilege of retirement was rushed through at the instance of another body in a crisis just ahead of the adjournment of Congress, and that perhaps it would not have passed if there had been a fair discussion of the subject on the floor, because the House is not inclined to rush men into retirement when they are in rattling good health and in splendid condition to render service to the Government. It has been questioned whether the House would put these men on the retired list in order to enable them to take other jobs and make good money while still paid by the Government for doing nothing.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McKENZIE. It has been intimated in this discussion that Col. Dickson has been in the employ of certain munition manufacturers of this country. Can the gentleman tell us by whom he was employed?

Mr. MOORE of Pennsylvania. That is what I am going to try to find out. I will ask the gentleman from Delaware or the gentleman from New York that question.

Mr. SHALLENBERGER. If the gentleman will permit, I will say he has been employed by the Remington Arms Co.

Mr. MOORE of Pennsylvania. Does the gentleman from Delaware confirm that statement?

Mr. MILLER of Delaware. I do; and if the gentleman will give me a moment, I want to say—

Mr. MOORE of Pennsylvania. The gentleman from Delaware, substantiating the statement of the gentleman from Nebraska [Mr. SHALLENBERGER], has stated that the officer here concerned, Col. Dickson, who was retired on three-fourths pay after serving on the Panama Canal, accepted employment with the Remington Arms Co., which is manufacturing munitions of war.

Will the gentleman state what salary Col. Dickson received while he was in this special employment?

Mr. MILLER of Delaware. Will the gentleman let me answer that?

Mr. MOORE of Pennsylvania. Surely.

Mr. MILLER of Delaware. I want to say that in my remarks on the bill a little while ago I made it plain that Col. Dickson took advantage of this retirement act at the time his wife's health was in such a state that he had to choose between his duty to his wife and his service to the Government.

Mr. MOORE of Pennsylvania. I heard the gentleman say that about Col. Dickson's wife, and I sympathize with him, and, of course, raise no question as to Col. Dickson's personal bereavement; but the gentleman does not say whether Col. Dickson received \$1,000 per annum or \$15,000 per annum for the service he rendered to the Remington Arms Co. while he was on the retired list of the Government.

Mr. MILLER of Delaware. He took advantage of this retirement act before a job was offered him by the Remington Arms Co., and he did it on account of his wife.

Mr. MOORE of Pennsylvania. I will not press the gentleman as to that, because I do not want to pry into Col. Dickson's personal affairs.

Mr. CALDWELL. As an evidence of what Col. Dickson's services were worth in private life, I will say that he was offered a contract to go to Russia to establish a munitions plant

such as we are about to establish, and they offered him \$25,000 a year, and he declined it, on the theory that he wanted to go back into the United States Army; and as far as his contract with the Remington Arms Co. is concerned, as I understand it, he has done practically no work there. The contract fell down, and they offered to give him other private employment, and he declined.

Mr. MOORE of Pennsylvania. Was Col. Dickson graduated at West Point?

Mr. CALDWELL. He was.

Mr. MOORE of Pennsylvania. The United States Government educated him?

Mr. CALDWELL. It did.

Mr. MOORE of Pennsylvania. And trained him to be the specialist that he is in this particular line of manufacture?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. So that the Government had some claim on Col. Dickson?

Mr. CALDWELL. And he desires to recognize that claim.

Mr. MOORE of Pennsylvania. Col. Dickson, I assume, is a patriot, and would stand by his country.

Mr. CALDWELL. And he wants now to go back and do service for his country at a smaller salary than he could obtain in private employment.

Mr. MOORE of Pennsylvania. Very well. I have indicated that I have no objection to the return of Col. Dickson, but I am calling attention to a system which the case of Col. Dickson illustrates, and I think this is the time to call attention to it. Our country is in a crisis. Our country has been agitated upon the question of war for the past two and a half years, and during that agitation certain officers of the Government of the United States have left the service for which they were educated by the United States to take positions with the manufacturers of munitions who are making munitions of war to be shipped to some countries that may be our enemies. These munitions of war have been going to countries with which we may have a conflict. At one time they went to a country with which we were supposed to have a conflict. They were shipped into Mexico, and yet they were being manufactured under the direction of men trained by the United States Government.

Mr. CALDWELL. As I understand, this bill does not cover any such men.

Mr. MOORE of Pennsylvania. Very well. This bill provides, and that is my objection to it, "that the President be, and he is hereby, authorized to transfer to the active list of the Army any officer under 50 years of age who may have been transferred," and so forth; so that you are giving to the President of the United States authority to restore to the active list any officer who has seen fit to leave it.

Mr. CALDWELL. No; who has seen fit to leave it under the Panama Canal act.

Mr. MOORE of Pennsylvania. Who has seen fit to leave it under the Panama Canal act. I grant you that.

Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. McKENZIE. It has been stated by the gentleman from Nebraska [Mr. SHALLENBERGER] that Col. Dickson was in the employ of the Remington Arms Co.

Mr. CALDWELL. He was.

Mr. McKENZIE. Can the gentleman from Pennsylvania tell me the name of the man who is at the head of the Remington Arms Co.?

Mr. MOORE of Pennsylvania. I can not tell the gentleman the name of the man who is at the head of the Remington Arms Co.

Mr. McKENZIE. Perhaps the gentleman from Delaware can?

Mr. MILLER of Delaware. I have no means of knowing. Possibly the gentleman from Connecticut [Mr. TILSON] might be able to answer it.

Mr. TILSON. It is not in my district.

Mr. MOORE of Pennsylvania. I desire the House, and particularly the Military Affairs Committee, to be advised that there are certain munitions plants—I will not name any—that are doing a thriving business just now, that are being operated under foreign contracts on a profit-percentage basis, and that the munitions thus being manufactured are not being used for the purposes of the United States, and that the officers of the United States who have left the service of the United States, to which we would expect them to be loyal, have gone in with gentlemen whose interests are foreign to the United States to manufacture munitions of war that might be used against the United States, as in the case of Mexico, or that might be used against the United States in other foreign lands. It is a grave

question in my mind whether we ought to encourage the boys who have not wanted to play with the other boys in the Army of the United States, but who have desired to go out and play with some other institutions, to come back and expect to be received as with the fatted calf. I am not speaking of Col. Dickson, who is so highly commended here; I am speaking generally.

Mr. PLATT. It is precisely because Col. Dickson was employed by the Remington Arms Co. that his services are more valuable to Gen. Crozier now, is it not?

Mr. MOORE of Pennsylvania. The gentleman has his theory about it.

Mr. PLATT. That is the truth.

Mr. MOORE of Pennsylvania. I question whether ethically it is wise for a trained officer of the United States to leave the service and go into the employ of a concern that is manufacturing munitions for foreign purposes, which may be used against the United States. He may not be just as safe in his old job as if he had gone right along with the United States.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. Why does not the gentleman offer an amendment to the general retirement law? That has been the law for years, and the gentleman has been in the House for years. It is under that law that they are retired.

Mr. MOORE of Pennsylvania. I would rather leave that question to a constitutional lawyer, a man who follows the decisions of the Supreme Court and embellishes the RECORD with them so often, as does the gentleman from Ohio. [Laughter.]

Mr. PLATT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PLATT. Is it not true that the building up of munition plants, to which the gentleman refers, has done more for the preparedness of this country than all acts that we have passed?

Mr. MOORE of Pennsylvania. That may be; it has put a great deal of money into the United States, this building of munition plants with foreign capital, but I have a theory that we have been buying a great many foreign bonds and are working over and over again the capital of the people of the United States, and when this war is over the prosperity that these munition plants are bringing to us now will put the workingman of the United States in the ditch. If the gentleman thinks the prosperity of the munition factories, temporarily erected for the purpose of perpetuating the foreign war, is good or lasting, that is his affair; but I do not believe in that kind of prosperity for general welfare. It costs too much.

The question is this, Should we permit a bill like this to pass without comment or should we say to our friends in the Army and in the Navy that this matter of slipping little riders into a bill on the other side of the Capitol shall be duly and properly observed when it reaches this side of the House?

The Panama Canal act provided for the retirement of certain officers who were assigned to work on the Panama Canal, and, as the gentleman from Illinois [Mr. MANN] has very clearly elucidated, it was intended as a reward to officers doing a great civic service, just as we had been generous to officers in the military service. Advantage was taken of the generosity on this side of the House when this Senate provision slipped in; but to further illustrate, let us take the committee report:

Tracy C. Dickson, Ordnance Department, lieutenant colonel, retired after service on the Panama Canal with the rank of colonel.

That gives him the pay that the gentleman from Delaware referred to a little while ago, \$3,750. That is as good as gold in the pocket of Col. Dickson, so long as the Government lasts and Col. Dickson lives. At what age was Col. Dickson retired? He was not an invalid, he was not enfeebled; we have heard that his wife was not well, with which we sympathize, but at what age was Col. Dickson retired in good health under the Panama Canal act? Forty-seven years. Retired after living out 47 years, after an education at West Point, after a fairly profitable service under the Government, and after honors had come to him by virtue of his service in constructing the canal. Was he incapacitated at 47? No; the statement of gentlemen on the floor is that after his Panama service closed he was able to give up his services, plus \$3,750 which the Government paid him per annum, to the Remington Arms Co., by which he was employed at a salary not stated, although it is admitted on the floor that he was offered \$25,000 per annum to engage his valuable services to the Russian Government.

Mr. DENISON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. DENISON. Has the gentleman been able to learn what salary he received from the Remington Arms Co.?

Mr. MOORE of Pennsylvania. No; no one has stated. I assume that his services were valuable. The Remington Arms

Co. was grabbing up men right and left and making such inducements to the officers of the Army as would almost make their eyes bulge, but they were temporary inducements. Such inducements were offered to neighboring manufacturing establishments; every man worth anything was induced to leave his old employer and go into the manufacture of arms or ammunition. Why? Because they had the money. I do not know whether it was foreign money or American money, but I know that all over New England and all over the East many manufacturing establishments, particularly independent iron and steel plants, were almost disabled at times because of their inability to hold expert workmen and foremen, and under those conditions, of course, the Government of the United States with the best-trained Army officers, I hope, on earth, with the best-trained Navy officers, I hope, on earth, was a fruitful field for the munition makers. They needed these well-trained men and were obliged to pay high to get them.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GREENE of Vermont. The gentleman has no objection to a man already on the retired list accepting civil employment?

Mr. MOORE of Pennsylvania. In certain instances, yes. I will illustrate in the case of Robert E. Wood, whom I do not know and against whom I have no particular criticism. He is one of the men named in this list to be given advantages of this act. Robert E. Wood, cavalry captain, retired with the rank of major, present age—not his age of retirement in 1915 but his present age at the time this bill was reported—37 years.

Will somebody kindly tell me what the compensation of this major of Cavalry was when he was retired at the age of 37 years? He had done service on the Panama Canal. It has been indicated that one of these captains had no desire to take advantage of this particular act to come back into the Government service; that he was satisfied to go along with the three-quarters pay vouchsafed to him. We educate these men at Annapolis and West Point, and we go to considerable trouble to get them there, and we are at great expense to maintain them there. Certainly the country is entitled to some return for the splendid service and ability they are capable of performing.

Mr. CALDWELL. And yet the gentleman does not want them to come back into the service now when they want to come back.

Mr. MOORE of Pennsylvania. I want to do something in line with the suggestion of the gentleman from Illinois [Mr. MANN] to prevent this sneaking in of riders to various bills in this House that give special privileges to some.

Mr. GREENE of Vermont. Permit me to suggest to the gentleman that that water has already run under the mill and the mill is torn down. That was in the last Congress.

Mr. MOORE of Pennsylvania. I am using my time in this way so that it will be known that somebody is watching this situation. The gentleman from Georgia [Mr. ADAMSON] has already indicated that the Committee on Interstate and Foreign Commerce has a bill which proposes to do away with some of this iniquity, I think he called it, that was slipped into it when the Panama act was passed. It may be that these five gentlemen will go through; it may be that they will get the benefits of this act. I do not object to them personally. We have given them the retirement privilege, and they are within their rights, but it may be that the system will become understood, and that eventually there may be something in the nature of an abridgment of existing conditions.

Mr. GREENE of Vermont. Then, the gentleman is talking for posterity.

Mr. MOORE of Pennsylvania. If the gentleman wants me to go into details, I will say that I was advised yesterday of a gentleman who was retired, not in this particular bill, but who gets, I think, three-quarters pay from the Government of the United States, which is in the nature of a pension far greater than that paid to any soldier who fought in the ranks, as the gentleman from Vermont well knows, and this particular gentleman occupies another position in the Government service of a political character, from which he draws about \$2,500 or \$3,000 a year. He is a liberal spender and enjoys life. It may be all right, but I think we might say to the young men who enlist in the service of the United States at West Point or Annapolis that since Congress gives them assured compensation for life and guarantees them retirement compensation, they should be steadfast in the positions they are appointed to serve. This is fair to those who are looking for promotion.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] seemed to be very much wrought up over the question which he could not get answered, as to how much Col. Dickson received as a salary from the Remington Arms people. Perhaps Col. Dickson's own letter, written to Mr. MILLER of Delaware, will best answer the question. This letter is dated December 20, and in it he says:

As I told you, I spent my savings and got badly into debt in the effort to restore my wife's health—

By the way, it might be well to add that his wife, shortly after he was retired, died—

I refused two offers from munition companies, but later on, when desperate, I accepted an offer to design and erect a plant for the Remington Co. The plant was to have been erected for Great Britain. While negotiations were under way, I helped design and erect and start a plant at Bridgeport. About the date the Bridgeport plant was completed, Great Britain decided it would not erect the plant and refused to sign the contract. The Remington Co. was willing to assign me to other work, but I did not care for it, and decided to return to active duty if I could. I felt the company had acted in good faith, but had failed to get the contract on which it employed me to work, through no fault on its part. I most heartily desired to return to the work I really love, so the company and I mutually agreed to annul my contract, and last September it was annulled. I therefore have had no contract or other connection with the Remington since last September. So far as I know, the Remington does not know that I am trying to return.

Apparently it seems his employment with the Remington Co. did not amount to anything at all. Respecting all of this muddle about bills that have been passed heretofore, and about which the gentleman from Pennsylvania [Mr. MOORE] now seems to be very much exercised, I suggest that if the bill he now talks so much about was bad he ought to have fought it when it passed. He has not been addressing himself to this bill. This is a plain proposition. We may have been culpable or foolish or criminal in passing the law under which Col. Dickson and some others resigned.

The proposition up to us now is this: Here is an able, valuable officer, capable of serving the United States in the present emergency—if it is an emergency—and the officers in charge of the military affairs and our preparations for defense want him for service and have asked for the passage of this bill. He is a man in splendid physical and mental health and splendidly equipped for serving our country now. His service is needed by the Government, and every man who wants this Government prepared to meet possible emergencies would be glad to have him back. He says: "Gentlemen tell you that I have all sorts of private contracts I could get at immense salaries—it was even intimated as high as \$25,000 a year from Russia, to be supplemented with the retired pay—but I want to renounce anything of that kind, and I want to come back into actual service and help my country now, and its official people are asking me to come back. I do not ask anything more. My wife no longer lives, and I am able to serve my country and anxious to serve it." He wants to come back, and we want men who can serve; and for an hour and a half we have been fooling away here with arguments about other men and other things when the only question is, Is the House willing to take back a valuable servant who tenders his service to us at less pay than he could get elsewhere? If he comes back, he has got to go back somewhere where he can serve; and where will you put him? The proposition of the committee is to put him in where he went out. Well, it is intimated that a whole lot of officers under him might jealously object to his coming back into the service because it might lessen their chance of promotion. There is but one of him, and it might interfere in an infinitesimal degree with promotions. I apprehend the officers of the United States Army will not be found backing that objection. Not only that, but, as stated by Mr. CALLAWAY, the truth is when he went out he increased their opportunity to rise and fill his place. When he comes back they are relatively in the same position they would have been in had he stayed in. It is too much of a little thing to raise that objection if we need the man. Gen. Crozier says we need him, and I believe we do. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I send an amendment to the Clerk's desk and ask unanimous consent that it may be read and considered as pending.

Mr. MANN. Mr. Chairman—

The CHAIRMAN. It will be read for information.

Mr. MANN. It can not be; there is no time left; the time is all exhausted.

The CHAIRMAN. No; there are five minutes.

Mr. CALDWELL. I have three minutes remaining.

Mr. MANN. I beg the gentleman's pardon; I thought he used all his time.

Mr. CALDWELL. No; I have three minutes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky in the gentleman's time.

The Clerk read as follows:

Amendment by Mr. FIELDS: Page 2, line 2, after the word "list," strike out "which he would have had if he had not been retired" and insert "next below the rank at which he was retired."

Mr. CALDWELL. I have two minutes remaining, and I yield those to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, so far as I know, the only case presented to the Committee on Military Affairs was the case of Col. Dickson, and I desire the Clerk to read, in my time, what Gen. Crozier said about the case of Col. Dickson.

The Clerk read as follows:

With further reference to the case of Col. Dickson, which is before the committee, and concerning which there is a bill pending before Congress now, my understanding of that case is as follows, and I think it is correct; Col. Dickson, together with several other officers of the Army, served for a number of years in connection with the construction of the Panama Canal in the Panama Canal Zone. In recognition of their services Congress passed the act commonly known as the Panama Canal beneficiary act, which authorized the officers affected to retire from active service whenever they should wish to do so at an advance of one grade over that held by them in the Army at the date of their retirement. Col. Dickson took advantage of the special privilege accorded by the act.

My understanding of his reasons for doing so is that they were largely because of the health of his wife, which was not good and which was such that she needed more and better attention than he could give her while on the active list of the Army, either because of the limitations as to his pay or because of the limitations as to his time, or both. I understand that after his retirement he entered the employ of one of the makers of war material which had received large orders from Europe, and in connection with that I understand that he made a very advantageous contract for services, which still holds or which held until a short time ago—perhaps it may still hold. It was intended, I understand, to erect a factory, which he should be in charge of, but, either because of the nonreceipt of expected orders or for other reasons—I do not know what—the factory was not erected. In the meantime Col. Dickson's wife died. Col. Dickson then became anxious to return to active duty in the Ordnance Department. In doing so I understand that he would make a considerable pecuniary sacrifice, but, having fewer demands upon his resources, he is willing to make the sacrifice because of his liking for active service in the Ordnance Department. Under the provision of the bill, if it should become a law, he would be allowed to return to the rank and position in his grade that he would have attained if he had not retired. As the matter stands, that would bring him back at the grade of lieutenant colonel, which was the grade at which he retired, and would require him to give up the advance grade of colonel, which was granted upon his retirement.

There is something of a precedent for this legislation in an existing statute which applies to officers retired for other reasons. An officer in the situation of Col. Dickson, with the exception that he would have retired for disability instead of as a special reward, could come back in the manner now contemplated by this special bill relating to Col. Dickson without any special legislation, and this pending legislation simply extends to the officers who have been retired as a reward the same privilege which they would already have if they had been retired for disability, provided, of course, that they had recovered from the disability. I mention that only to invite your attention to the fact that my advocacy of this measure has nothing to do with aiding Col. Dickson; I am not thinking of that at all. As I say, peculiarly he would suffer a disadvantage, but he would come back to a service that he is enthusiastically fond of, and my difficulty is a lack of officers, and my reason for wanting him to come back is a public reason, concerning solely the interests of the United States. He is very badly needed in the Ordnance Department, and he offers one of the extremely limited opportunities and the only one which is now pending before Congress or anywhere else for getting into the department what I might call ready-made Ordnance officers.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: *Provided*, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: *Provided further*, That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: *And provided further*, That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I desire to offer an amendment. Page 2, line 3, after the first word "he," strike out the words "would have," and after the word "had" strike out the words "if he had not been," and in place of the last words

stricken out insert the word "when," so that the line will read "when he had retired."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "he," where it occurs the first time, strike out the words "would have," and after the word "had" strike out the words "if he had not been" and insert in lieu thereof the word "when," so that the proviso, as amended, will read:

"Provided, That such officer shall be transferred to the rank and place on the active list which he had when retired, shall be carried as an additional number," etc

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

Mr. MANN. Mr. Chairman, I would like to know from some member of the Committee on Military Affairs who is thoroughly posted as to the rank and grade as to just what this means. The man when he was retired before as an officer had a certain rank. He had a certain place in that rank, sometimes referred to as the number.

Mr. CALDWELL. Yes; they call it a file.

Mr. MANN. A file number?

Mr. CALDWELL. A file number.

Mr. MANN. Sometimes referred to as the lineal rank?

Mr. CALDWELL. Yes.

Mr. MANN. Suppose it was No. 10 or No. 48 that he had. Now he goes back to that same number.

Mr. CALDWELL. Yes; as an extra number.

Mr. MANN. What becomes of the man who has got the number now?

Mr. CALDWELL. He keeps it; but he has it as an extra number, according to the place he had at the time he retired.

Mr. MANN. You say he goes back to the same place. Now, does he go back to the same number? If the two are contradictory, that is another thing. Do not let us have them contradictory. The amendment offered by the gentleman is that he goes back to the place on the active list that he had when retired. When I ask what that means, he says that means the number he had when retired. Does he take that number? The gentleman says no.

Mr. CALDWELL. I said that he takes the number, an extra number, at the same place.

Mr. MANN. You can not have the two numbers the same.

Mr. CALDWELL. Two objects can not occupy the same place, as has been suggested here; but the proposition is this—

Mr. MANN. That it shall be carried as an additional number?

Mr. CALDWELL. In other words, if he has number ten, there shall be two number tens, because the rest of the bill goes on to say so. I am not particularly wedded to the wording of this bill. If the gentleman has in mind what we want and will suggest something that will do it, I will agree.

Mr. MANN. I understand that perfectly well; but I have not. But I can see that the gentleman's amendment, if I understand the purpose of it, apparently would first say that he goes back to No. 10, say, if that is the number, or maybe No. 1. I do not know what it is. That is not the number he goes back to?

Mr. CALDWELL. Yes; an extra number of the same grade.

Mr. MANN. When we put them back as additional numbers, do they take the same number?

Mr. CALDWELL. Yes; as I understand it.

Mr. TILSON. The words "additional number" refer to the number of that grade. Suppose the law allows 20 lieutenant colonels, and we put in another lieutenant colonel. The law allows but 20, so we say that he shall be carried as an additional number.

Mr. MANN. In the grade of lieutenant colonel. During the time he is lieutenant colonel he has the extra number on the list of lieutenant colonels, when there are actually 21.

Mr. CALDWELL. Can the gentleman from Connecticut suggest words that will accomplish what we want to do?

Mr. SHALLENBERGER. Will not the gentleman accomplish the purpose by striking out the word "place" and insert the word "grade"?

Mr. MANN. Where is the word "grade"? That is the controversy here. That is the important thing. That is what determines as to promotion. If there are 148 lieutenant colonels, the man who is 148 has not near as good a chance as the man who is No. 1.

Mr. MILLER of Delaware. As I understand the amendment of the gentleman from New York, if there were 20 lieutenant colonels ahead of this man on the list when he retired, if this amendment is adopted and the bill becomes a law there will be 20 ahead of him, according to this amendment. In other words, he will lose his place as the list has pushed forward. The lieutenant colonels who were right with him on the list will move forward, and if this amendment is adopted he will

have as many lieutenant colonels ahead of him on the active list as he had when he retired.

Mr. MANN. Why not take the number of lieutenant colonels behind him instead of ahead of him? Why does the gentleman select the number ahead and not the number behind?

Mr. MILLER of Delaware. I take it for granted that there are the same number of lieutenant colonels.

Mr. MANN. There are a good many more lieutenant colonels now than there were. The gentleman, of course, all the time is talking about Col. Dickson. This bill applies to various other people besides Col. Dickson.

Mr. FIELDS. Would this language add to my amendment: "With the same grade last held by him in such rank"?

Mr. TILSON. The gentleman has his words transposed.

Mr. MANN. The word "grade" does not mean "place." The words "grade" and "rank" come pretty near meaning the same thing.

Mr. TILSON. No; grade refers to whether he is colonel or lieutenant colonel. Rank may determine his position or place in that grade.

Mr. MANN. Place determines his position.

Mr. TILSON. So does rank.

Mr. MANN. Not as used here, it does not. With "rank" and "place" here, one means the grade and one place.

Mr. CALDWELL. Mr. Chairman, I move a further amendment, on page 2, line 2, by striking out the words "and place," so that the proviso will read "that such officer shall be transferred to the rank on the active list which he had when retired, shall be carried as an additional number," and so forth.

Mr. MANN. Oh, no; there is no "and shall be."

Mr. CALDWELL. "Shall be carried as an additional number in the grade to which he shall be transferred."

Mr. MANN. That does not indicate where he will be placed.

Mr. CALDWELL. I think it does. If the gentleman will point out where it does not, or point out some words that will indicate it, I would be glad.

Mr. MANN. I will undertake to say it will not.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. CALDWELL: Strike out in line 2, page 2, the words "and place," so that as amended the proviso will read: "Provided, That such officer shall be transferred to the rank on the active list which he had when retired."

Mr. MANN. Now, Mr. Chairman—

Mr. PADGETT. Mr. Chairman, will the gentleman yield just a moment, to permit me to make a suggestion?

Mr. MANN. Yes.

Mr. PADGETT. The usual language heretofore has been to take rank next after some particular officer named, as an extra number. That defines exactly where he would come, and he comes as an extra number, to take rank next after John Smith, Bill Brown, or whoever it is, as shown in the Army Register, as an extra number.

Mr. MANN. I may be in error, but I assume that this bill was drafted by the War Department?

Mr. CALDWELL. Yes.

Mr. MANN. While I do not think they always use good judgment in drafting bills, they evidently made a distinction here between rank and place, calling rank "grade," although right after that they use the word "grade." Now, if "rank" means grade, then the gentleman probably accomplishes what he wanted to.

Mr. CALDWELL. Does it?

Mr. MANN. I am not sure, but the War Department evidently thought it did.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will yield to anybody who is familiar with military affairs.

Mr. MILLER of Delaware. I do not want to get the floor under those conditions, but I would like to suggest, if the word "lineal" is inserted before the word "rank" in line 2, would not that obviate the objection?

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me—

Mr. MANN. I do—

Mr. LONGWORTH. Though without pretense to military knowledge.

Mr. MANN. Yes.

Mr. LONGWORTH. It seems to me the gentleman has pointed out the weak spot in this proposition, as to whether the men ahead of this particular individual are to be counted or the men below. If there has been a large increase in the number of lieutenant colonels, it would be of great importance. I understand that that change has taken place.

Mr. MANN. I do not think it has taken place in the Ordnance Department, where Col. Dixon would serve, but it has in other departments.

Mr. KAHN. I understand it has taken place in other departments.

Mr. LONGWORTH. Then the amendment offered by the gentleman from New York [Mr. CALDWELL] would not obviate that objection.

Mr. MANN. Perhaps some gentleman who is a member of the Committee on Military Affairs can tell us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKENZIE. Mr. Chairman, I doubt very much whether the amendment offered by the gentleman from New York [Mr. CALDWELL] ought to be adopted, or whether it is necessary. I am inclined to think that this bill is properly drawn. It is only a question of whether or not we want to give to these men the benefits that are proposed under this bill. It simply means this, that these particular officers, after taking advantage of the act that was passed for the benefit of the officers who served on the Panama Canal and voluntarily retired, shall now be reinstated in the active service of the Army of the United States; and if we feel disposed to authorize it to be done, then this bill simply provides that they shall be carried as additional numbers to the number of officers fixed by law, and that they shall take their place in the lineal rank of officers just the same as if they had not been out of the service at all. It will not interfere with the promotion of any other officers in the service, but when the time comes for the promotion of the officer holding the number that will correspond with the number, for instance, that Col. Dixon held when he went out of the service, that officer will be moved up, and Col. Dixon will move up alongside of him and simply make two promotions for the particular office. It will not interfere with the other officers of the line.

In my judgment we have killed a good deal of time here this afternoon and perhaps prevented a number of other bills from coming up, and I think we have come to the place now where it is perhaps just as well to forget all these amendments and vote them down and pass the bill if the members of the committee believe that this ought to be done. [Applause.]

Mr. CALDWELL. I am willing to withdraw my amendment.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MCKENZIE. Yes.

Mr. SLOAN. I should like to ask the gentleman why not reinstate him where he first began as lieutenant colonel before, at the bottom of the list? Let him go back to this grade where he entered before instead of having a special berth provided for him.

Mr. MCKENZIE. I will say to the gentleman that personally I am opposed to legislation of this sort. I think it is a mistake for this House or the Congress to promote men in the Army or in the Navy or to reinstate men who go out voluntarily to engage in business or speculate, or for any other purpose. I think it is a great mistake, and if it is going to be the policy of this House or Congress to do that thing, then there is no great harm in this bill.

Mr. SLOAN. Would it not be more definite to put him at the bottom of the list?

Mr. KAHN. Mr. Chairman, I desire to be heard.

Mr. CALDWELL. I have withdrawn my amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from California—

Mr. CALDWELL. Mr. Chairman, a point of order. The amendment having been withdrawn, I demand the regular order.

The CHAIRMAN. The gentleman from New York demands the regular order.

Mr. CALDWELL. I withdraw it if the gentleman from California wishes to be heard.

The CHAIRMAN. The gentleman from California—

Mr. KAHN. Mr. Chairman, in matters of this kind it is usual to bring in a bill stating just where the officer shall be on the lineal list, by saying that his name shall come after or before a certain other officer, naming that officer. That is the usual way of doing this thing. Of course, placing a man who has been out for some time back into the place he held on the lineal list at the time he retired creates dissatisfaction in the Army. The officers who are given a setback by reason of the legislation all feel aggrieved, and properly so. When a man continues in the service right straight along it is only natural for him to feel that he should not be displaced by some man who has been out for a period of years and then wants to come back; and when this subject was up on the national defense bill the Committee on Military Affairs recognized that principle in section 24 of that bill, where they provided that the Secretary of War might reinstate certain officers who had re-

signed. The law states specifically that those officers would have to go back at the bottom of the grade in which they were before their resignation. That seems to be fair to every officer in the Army. To place men back where they were is not fair. However, I have no objection to the provision in the bill so far as Col. Dickson is concerned. I believe that if the other officers were to come back, there should be some provision made that they come back at the bottom of the list of their grades. So far as the committee is concerned, their cases were not presented fully to the committee. As far as I know, nobody made a statement on their behalf to show the reason why they should come back. There was a strong case made out for Col. Dickson, and he is in a branch of the service that is really in need of skilled officers. I hope that the bill can be amended in such a way that it can apply only to Col. Dickson.

Mr. CALDWELL. Let us have a vote.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I should like to know whether the gentleman will accept an amendment which will read something like this: That the President is hereby authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army, Tracy C. Dickson, United States Army, with the rank of lieutenant colonel.

Mr. CALDWELL. I can answer no, that to accept such an amendment as that would be perfectly futile, because in the closing hours of Congress we could not get it passed in the Senate, and if we are going to need these men at all we are going to need them very quickly.

Mr. STAFFORD. The gentleman is fully aware that we are passing any number of private bills of similar import, that are being passed daily in the other body.

Mr. MOORE of Pennsylvania. The ranking member of the minority of the Military Affairs Committee has just stated that the Military Affairs Committee did not go into the matter of these four other officers named in the report—Henry A. Brown, Robert E. Wood, Courtland Nixon, and Frank O. Whitlock.

Mr. KAHN. I said so far as I knew, because I was not present when the original bill was reported.

Mr. MOORE of Pennsylvania. The chairman of the Committee on Military Affairs is here, and so are many members of that committee, and in view of the fact that we are asked to pass a bill for the relief of five men, including Col. Dickson, who seems to have been represented before the committee, I desire to ask whether the committee itself had any direct information as to Henry A. Brown, chaplain; Robert E. Wood, captain of Cavalry; Courtland Nixon, captain of Cavalry; and Frank O. Whitlock, captain of Cavalry? I yield to the gentleman from Alabama [Mr. DENT], chairman of the Committee on Military Affairs.

Mr. DENT. I will state to the gentleman from Pennsylvania [Mr. MOORE] that the present chairman of the Committee on Military Affairs was not chairman of the committee when this bill was considered and reported. It was reported at the last session of Congress, and I confess that the present chairman of the committee is not familiar with the facts other than those relating to Col. Dickinson, because this bill was considered when I was not chairman of the committee.

Mr. GREENE of Vermont. May I bring to the attention of the gentleman the fact, which has several times been referred to, that the names of those four or five officers in the report are mentioned only to indicate such men as might be affected by this general legislation if they sought to take advantage of it? There was no application on their part to have the legislation passed; consequently their cases have not been examined.

Mr. MOORE of Pennsylvania. The gentleman will answer this question—

Mr. GREENE of Vermont. If he can.

Mr. MOORE of Pennsylvania. I think he will be able to answer it yes or no. It has been stated here that the committee did have before it the matter of Col. Dickson's desire to come back into the service.

Mr. GREENE of Vermont. That is right.

Mr. MOORE of Pennsylvania. Does the gentleman know, as a member of the Military Affairs Committee, whether anything has been said before the committee with respect to these other four officers whose names I have read?

Mr. GREENE of Vermont. Not to my recollection.

Mr. MOORE of Pennsylvania. Then, as a matter of fact, the committee has reported a bill naming specifically five men—

Mr. GREENE of Vermont. I beg the gentleman's pardon. It names nobody.

Mr. MOORE of Pennsylvania. It has presented a report specifically naming five men who are to be the beneficiaries of a blanket act.

Mr. GREENE of Vermont. Oh, no.

Mr. MOORE of Pennsylvania. And four of those men have not been before the committee at all, and the committee has no knowledge as to whether they will reenter the service?

Mr. GREENE of Vermont. It has not reported a bill the effect of which is, as the gentleman has stated, to make certain men the beneficiaries of anything. It has reported a bill in such general terms that certain men, upon application and upon passing certain tests and being accepted, reenter the service of the United States, because the United States might want them back.

Mr. MOORE of Pennsylvania. If they reenter the service they will get more pay on the active list than they get now on the retired list, will they not?

Mr. TILSON. The Government will have their services, which it would not otherwise have.

Mr. MOORE of Pennsylvania. Then they will certainly be beneficiaries of the act. This is an intensely commercial age, and if they are going to get more pay for coming back on the active list, they will certainly be beneficiaries of it. But they have not asked for it, and the committee is reporting for them without having any knowledge of their intent.

Mr. PLATT. I take it from the gentleman's previous remarks that these gentlemen could make more money in civil life than they could in the Army on the active list with full pay.

Mr. MOORE of Pennsylvania. Yes; in the manufacturing of munitions. I would like to ask the gentleman from New York if he knows who is the president of the Remington Arms Co.?

Mr. PLATT. I do not.

Mr. MOORE of Pennsylvania. Can any gentleman tell us who is the president of the Remington Arms Co.? Is Cleveland H. Dodge associated with that company?

Mr. SNYDER. No; he is not.

Mr. CALDWELL. Mr. Chairman, I believe my amendment has been withdrawn.

Mr. DYER. It has not.

Mr. CALDWELL. I asked unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. DYER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. CALDWELL. Mr. Chairman, a point of order. I think the Chairman is in error. I asked to withdraw my amendment and the Chair stated my request, and the Chair stated that the amendment had been withdrawn. Following that the gentleman from Pennsylvania got the floor and got recognition by reason of moving to strike out the last word.

The CHAIRMAN. The Chair thinks this is what took place: The gentleman from New York said he would withdraw the amendment. The Chair said "the gentleman from New York withdraws his amendment," but about that time the gentleman from California [Mr. KAHN] arose and asked for recognition. The gentleman from New York said he would withdraw his demand for the regular order if the gentleman from California desired to speak.

Mr. CALDWELL. I followed that by making a point of order and renewed the point of order in order that the gentleman from California [Mr. KAHN] might speak, because I had called for the regular order.

Mr. LONGWORTH. Mr. Chairman, the gentleman from New York asked unanimous consent to withdraw his amendment, but the Chair never submitted that request.

The CHAIRMAN. The Chair did not submit the request until a moment ago when he submitted it, and the gentleman from Missouri [Mr. DYER] objected. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

A MEMBER. Let the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. HARDY. I object.

Mr. MANN. Can we not know what we are going to vote on?

Mr. HARDY. It has been discussed for an hour or more.

Mr. MANN. Then I shall make a point of order of no quorum if we can not have the amendment reported.

Mr. HARDY. Mr. Chairman, I do not want any point of order made at this time, and I withdraw the objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MANN) there were 34 ayes and 53 noes.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Missouri [Mr. DYER] and the gentleman from New York [Mr. CALDWELL].

The committee again divided; and the tellers reported that there were 29 ayes and 48 noes.

So the amendment was rejected.

Mr. DYER. Mr. Chairman, I make a point of order that no quorum is present. [Cries of "No!" "No!"]

Mr. DYER. I will withdraw it temporarily.

Mr. SLOAN. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 2, line 1, after the word "Provided," strike out the remainder of line 1, all of line 2 and line 3 down to and including the word "retired," and insert in lieu thereof the following: "That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement, and."

So that the provision will read as follows:

"Provided, That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement and shall be carried as an additional number in the grade to which he may be transferred," etc.

Mr. SLOAN. Mr. Chairman, I submit this amendment because it seems to me, after listening to debate for two hours, that it is a just procedure. It is in line with the policy in existence heretofore in control of the Army. I call your attention to the act of June 3, 1916:

*Provided further,* That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall rank at the foot of the respective grades which they held at the time of their separation from the Army.

Now, my amendment is to follow out that line of procedure, which we have sanctioned by legislation here within the last year.

It seems to me that, where an officer has obtained an honorable and high rank in the Army, such as lieutenant colonel or colonel, and has lived long enough so that he has the right to be retired, and voluntarily does retire, and with no compulsion in the matter separates himself from the service, becomes a part of the industrial system of the country, those who come in after him have a right to be secure in their order of precedence, succession, and promotion. It is not fair that he should come into that rank and be elevated to a precedence above those who had voluntarily stayed in the service. It may be that a number of those who would have numbers behind him under the bill as it now is are older in the service than he and were subject to retirement had they seen fit to retire. But they saw fit to stay with the Government which educated them rather than seeking fields of greater remuneration, and then later when prospects of promotion appear to have improved seek reinstatement in the Army. Let us slaughter the calf for the prodigal, give him the veal, but leave the herd and the mansion to the faithful.

As a matter of choice they did separate themselves from the service, and now having exercised that choice, having gone out into civil life, I think it is absolutely unfair that they should be reinstated at the door where they passed out. I think they should be placed at the foot of the list. I submit that as a matter of fairness to the men whom these men might precede unfairly they should be so placed. I am inclined to think that there should not be any special encouragement given to those men who have become subject to retirement to retire at the first opportunity; but they should stay in until they are sure they want to get out, and stay out.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SLOAN. Yes.

Mr. CALDWELL. This would put him at the foot of the list of colonels?

Mr. SLOAN. I understand that would place the individual you have in mind at the foot of the list of lieutenant colonels, or whatever the rank is. I have no particular person in mind. I am thinking how these officers should be permitted as a class to reattach themselves to the service. If rewards are to be given, grant them to those who long remained devoted and faithful to the Army service.

Mr. CALDWELL. Mr. Chairman, let the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALDWELL and Mr. ANTHONY rose.

Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment with a favorable recommendation.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I desire to offer.

Mr. CALDWELL. I insist upon my motion.

Mr. MANN. But the gentleman can not insist upon his motion.

Mr. CALDWELL. Mr. Chairman, I had the floor and was recognized, and I move that the committee do now rise and report the bill as amended with a favorable recommendation.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise—

Mr. STAFFORD. Mr. Chairman, I rise to a point of order. The precedents are many that a motion to rise and report a bill is not in order whenever a Member is claiming recognition upon the floor for the purpose of offering an amendment. The gentleman from Kansas [Mr. ANTHONY] demanded recognition for the purpose of offering an amendment. In fact, his amendment is now in the Reading Clerk's hands at the desk. The Chair must take notice of the demand of the gentleman from Kansas asking for recognition, which he stated was for the purpose of offering an amendment. If the Chair desires precedents, they are easy to cite and are numerous.

The CHAIRMAN. The Chair supposed that the gentleman from New York would withdraw his motion, the gentleman from Kansas being a member of the committee.

Mr. MANN. This is a preferential motion. Both gentlemen were on their feet at the same time asking for recognition.

The CHAIRMAN. The only reason the Chair recognized the gentleman from New York was because he is in charge of the bill.

Mr. MANN. That is correct; but the gentleman from Kansas states that he has a preferential motion.

The CHAIRMAN. Does the gentleman from Kansas rise for the purpose of offering an amendment to the bill?

Mr. ANTHONY. Yes; I have risen several times to do that.

The CHAIRMAN. The Clerk will report the amendment.

Mr. CALDWELL. Mr. Chairman, before that is done, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MANN. Let us hear what the amendment is, and perhaps there will be no trouble about it.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 2, line 14, after the word "above" strike out the rest of the paragraph.

Mr. ANTHONY. Mr. Chairman, the effect of the amendment which the Clerk has just read will, if adopted, prevent what I believe to be the intention of this bill, and which most of the gentlemen who have spoken upon it have not dilated upon. Under the language of the bill unquestionably Col. Dickson, if reinstated to the rank on the active list which the bill will give him, will, when he retires in the regular course under the law, be retired at the advanced grade of a brigadier general. In other words, the proper caption for this bill would be to confer the rank of brigadier general upon Col. Dickson. That is the milk in the coconut, that is the crux of this whole thing, and probably one of the reasons why the officer desires to return to the active list. Now, Mr. Chairman, I agree with the gentlemen who have spoken in regard to the abilities of Col. Dickson and the desirability of placing him again upon the active list of the Army, but I do not believe in passing legislation the effect of which will be when an officer is finally retired to give him an advanced grade, and that the grade of brigadier general.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. GREENE of Vermont. Of course, the gentleman has taken into consideration the fact that Col. Dickson, if restored to the Army now, would have 15 years to serve before being retired automatically, and might be made brigadier general and more, too.

Mr. ANTHONY. That is true, but I will say to the gentleman if restored now to the grade on the active list which he formerly had, by reason of the additional increments in the Ordnance Corps and increases in the Army which come after the 1st of July next, and which our committee, as the gentleman knows, have already authorized to be made at once, with the increase in the Ordnance Corps the rank of this officer will be considerably advanced within the next year or two, when the time comes for him to retire for age he will have the full status of a colonel, and with this language of the Panama Canal act, which this bill especially retains in force, will unquestionably give Col. Dickson, when retired, the rank of a brigadier general. My amendment proposes to withdraw the promotion to the grade

of brigadier general which would ultimately accrue if this language remains in the bill.

Mr. MANN. Will the gentleman yield for a question, or will some member of the Committee on Military Affairs inform me if Col. Dickson—and this whole bill seems to revolve about Col. Dickson as the other four men do not count for anything at all—goes back in the Ordnance Department, does he?

Mr. ANTHONY. He does.

Mr. MANN. What is the highest grade an officer can reach in the Ordnance Department?

Mr. ANTHONY. The highest grade an officer can reach is that of colonel unless especially designated by the President to be a general—

Mr. MANN. Brigadier general, what is known as Chief of Ordnance?

Mr. ANTHONY. Yes, sir.

Mr. MANN. But if he retires while he is Chief of Ordnance, does he retire with the rank of a brigadier general or with the rank of a colonel?

Mr. ANTHONY. I understand he would retire at the grade which he holds upon the regular lineal list.

Mr. MANN. That would be colonel?

Mr. ANTHONY. Yes.

Mr. MANN. There is only one colonel in the Ordnance Department?

Mr. ANTHONY. Three, some gentleman says—Mr. HULL of Iowa.

Mr. MANN. Full colonels?

Mr. HULL of Iowa. Three colonels and I think one brigadier general.

Mr. ANTHONY. There must be at least the number the gentleman says.

Mr. MANN. Of course if Col. Dickson reached the grade of colonel under the Panama Canal act and was retired after that, he would be retired as a brigadier general?

Mr. ANTHONY. Yes.

Mr. MANN. Which no other officer in the Ordnance Department can reach?

Mr. ANTHONY. I think that is true, and I contend that in the ordinary courses of promotion he reaches the grade of colonel, and by virtue of the Panama Canal act, which this bill expressly retains in effect, that will give him the grade of brigadier general when he retires. That is what I wish to strike out. I am willing to have him restored to active duty, but I do not want him to have two shots under this one act of Congress.

Mr. GREENE of Vermont. I quite heartily agree with the gentleman from Kansas in the proposition that if once men take advantage of the Panama Canal act giving preference to promotion on retirement, they ought not to have a subsequent opportunity, and if that is the limiting effect of the gentlemen's amendment and no other I will be inclined to favor it.

Mr. ANTHONY. I will say that is my contention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. CALDWELL. Mr. Chairman, I have a right to answer the gentleman. Mr. Chairman, I hope the amendment does not carry, because if it does it defeats the bill and defeats the purpose of the bill, which is to get an ordnance officer who is able to take care of the necessities of this Government at this time.

Mr. GORDON. But what rank and grade and pay does it give him?

Mr. CALDWELL. It gives him when he comes in exactly the same grade, rank, and pay as when he went out of the service. We do not want to promote him to any place. We want him to come back to exactly where he went out. The amendment that has just passed here by this committee puts him even below where he went out, and that is all we ask for. If this bill is passed, that is all we ask for.

Mr. BLACK. I would ask the gentleman in charge of the bill if the bill is passed without the amendment of the gentleman from Kansas what will be the rank of Col. Dickson in the Army?

Mr. CALDWELL. A lieutenant colonel, at the bottom of the lieutenant-colonel list. And I will say this, that when he went out of the service he was not at the bottom of the lieutenant-colonel list at all, and by going back into the service he will go below the file that he had when he left the service. Therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House,



with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6850) authorizing transfer of certain retired Army officers to the active list, and had directed him to report the same to the House with a certain amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri [Mr. DYER] makes the point of order that there is no quorum present, and the Chair will count. [After counting.] One hundred and one gentlemen are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. It is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 295, nays 15, answered "present" 4, not voting 120, as follows:

YEAS—295.

- |                |                  |                 |                 |
|----------------|------------------|-----------------|-----------------|
| Abercrombie    | Eagan            | Kettner         | Raker           |
| Adair          | Eagle            | Key, Ohio       | Ramseyer        |
| Adams          | Ellsworth        | Kliss, Pa.      | Randall         |
| Aiken          | Elston           | Kincheloe       | Rauch           |
| Alexander      | Emerson          | King            | Rayburn         |
| Allen          | Esch             | Kinkaid         | Reavis          |
| Almon          | Fess             | Kitchin         | Relly           |
| Anderson       | Fields           | Konop           | Ricketts        |
| Anthony        | Fitzgerald       | Kreider         | Riordan         |
| Ashbrook       | Focht            | Lafean          | Roberts, Nev.   |
| Aswell         | Fordney          | La Follette     | Rogers          |
| Austin         | Foss             | Lazaro          | Rouse           |
| Ayres          | Frear            | Lee             | Rowland         |
| Barkley        | Freeman          | Lenroot         | Ruby            |
| Barnhart       | Fuller           | Leshner         | Rucker, Ga.     |
| Beales         | Gallagher        | Lever           | Russell, Mo.    |
| Bell           | Gallivan         | Lieb            | Russell, Ohio   |
| Black          | Gandy            | Lindbergh       | Sanford         |
| Blackmon       | Gard             | Linthicum       | Shallenberger   |
| Booher         | Gardner          | Littlepage      | Sherley         |
| Borland        | Garland          | Lloyd           | Sherwood        |
| Bowers         | Garner           | Lobeck          | Shouse          |
| Britt          | Gillett          | Longworth       | Siegel          |
| Browne         | Godwin, N. C.    | Loud            | Sims            |
| Browning       | Good             | McArthur        | Sinnott         |
| Bruckner       | Gordon           | McClintic       | Slayden         |
| Buchanan, Tex. | Gould            | McGillcuddy     | Slemp           |
| Burke          | Gray, Ala.       | McKinley        | Sloan           |
| Byrnes, S. C.  | Gray, Ind.       | McLaughlin      | Small           |
| Byrns, Tenn.   | Green, Iowa      | McLemore        | Smith, Idaho    |
| Caldwell       | Greene, Vt.      | Madden          | Smith, Mich.    |
| Callaway       | Griest           | Magee           | Smith, Minn.    |
| Candler, Miss. | Griffin          | Mapes           | Smith, N. Y.    |
| Cannon         | Hadley           | Mays            | Smith, Tex.     |
| Carlin         | Hamilton, Mich.  | Meeker          | Snell           |
| Carter, Mass.  | Hamilton, N. Y.  | Miller, Del.    | Snyder          |
| Carter, Okla.  | Hardy            | Miller, Minn.   | Stafford        |
| Cary           | Harrison, Va.    | Miller, Pa.     | Steagall        |
| Church         | Hastings         | Montague        | Stedman         |
| Coady          | Hawley           | Moon            | Steele, Iowa    |
| Coleman        | Hayden           | Moore, Ind.     | Steele, Pa.     |
| Collier        | Heaton           | Morgan, Okla.   | Steenerson      |
| Connelly       | Heflin           | Morin           | Stephens, Miss. |
| Cooper, Ohio   | Helm             | Morrison        | Stephens, Tex.  |
| Cooper, W. Va. | Helvering        | Moss            | Sterling        |
| Cox            | Hensley          | Murray          | Stiness         |
| Crago          | Hernandez        | Neely           | Stone           |
| Crisp          | Hillard          | Nicholls, S. C. | Sulloway        |
| Curry          | Holland          | Nichols, Mich.  | Sumners         |
| Dale, N. Y.    | Hollingsworth    | Nolan           | Sutherland      |
| Dale, Vt.      | Hood             | North           | Sweet           |
| Dallinger      | Houston          | Oakey           | Swift           |
| Danforth       | Howard           | Oldfield        | Switzer         |
| Darrow         | Huddleston       | Oliver          | Tague           |
| Davis, Tex.    | Hughes           | Olney           | Tabott          |
| Decker         | Hull, Iowa       | O'Shaunessy     | Taylor, Colo.   |
| Dempsey        | Hull, Tenn.      | Overmyer        | Temple          |
| Denison        | Humphrey, Wash.  | Padgett         | Thomas          |
| Dent           | Humphreys, Miss. | Park            | Thompson        |
| Dickinson      | Hutchinson       | Parker, N. J.   | Tilman          |
| Dies           | Igoe             | Parker, N. Y.   | Tilson          |
| Dill           | Johnson, Ky.     | Peters          | Timberlake      |
| Dixon          | Johnson, Wash.   | Phelan          | Tinkham         |
| Doolittle      | Kahn             | Platt           | Towner          |
| Doremus        | Kearns           | Powers          | Treadway        |
| Doughton       | Keating          | Pratt           | Venable         |
| Dowell         | Keister          | Quin            | Vinson          |
| Dunn           | Kennedy, Iowa    | Ragsdale        | Volstead        |
| Dupré          | Kennedy, R. I.   | Rainey          | Walker          |

- |             |                 |              |                |
|-------------|-----------------|--------------|----------------|
| Ward        | Whaley          | Wilson, Fla. | Wood, Ind.     |
| Wason       | Wheeler         | Wilson, Ill. | Woods, Iowa    |
| Watkins     | Williams, T. S. | Wilson, La.  | Woodyard       |
| Watson, Pa. | Williams, W. E. | Wingo        | Young, N. Dak. |
| Watson, Va. | Williams, Ohio  | Wise         |                |

NAYS—15.

- |           |               |          |            |
|-----------|---------------|----------|------------|
| Bacharach | Dyer          | James    | Moore, Pa. |
| Bailey    | Greene, Mass. | Lehlbach | Norton     |
| Capstick  | Haskell       | McKenzie | Norton     |
| Caraway   | Jacoway       | Mann     | Walsh      |

ANSWERED "PRESENT"—4.

- |              |        |        |      |
|--------------|--------|--------|------|
| Cooper, Wis. | Haulin | London | Webb |
|--------------|--------|--------|------|

NOT VOTING—120.

- |                 |                 |                  |                 |
|-----------------|-----------------|------------------|-----------------|
| Barchfeld       | Driscoll        | Hill             | Page, N. C.     |
| Beakes          | Drukker         | Hinds            | Paige, Mass.    |
| Benedict        | Edmonds         | Hopwood          | Patten          |
| Bennet          | Edwards         | Howell           | Porter          |
| Britten         | Estopinal       | Hulbert          | Pou             |
| Brumbaugh       | Evans           | Husted           | Price           |
| Buchanan, Ill.  | Fairchild       | Johnson, S. Dak. | Roberts, Mass.  |
| Burgess         | Farley          | Jones            | Rodenberg       |
| Burnett         | Farr            | Kelley           | Rowe            |
| Butler          | Ferris          | Kent             | Rucker, Mo.     |
| Campbell        | Flood           | Langley          | Sabath          |
| Cantrill        | Flynn           | Lewis            | Saunders        |
| Carew           | Foster          | Liebel           | Schall          |
| Casey           | Garrett         | Loft             | Scott, Mich.    |
| Chandler, N. Y. | Glass           | McAndrews        | Scott, Pa.      |
| Charles         | Glynn           | McCracken        | Scully          |
| Chipherfield    | Goodwin, Ark.   | McCulloch        | Sears           |
| Clark, Fla.     | Graham          | McDermott        | Sells           |
| Cline           | Gray, N. J.     | McFadden         | Shackleford     |
| Conry           | Gregg           | McKellar         | Sisson          |
| Copley          | Guernsey        | Maier            | Sparkman        |
| Costello        | Hamill          | Martin           | Stephens, Nebr. |
| Cramton         | Hamlin          | Matthews         | Stout           |
| Crosser         | Harrison, Miss. | Mondell          | Taggart         |
| Cullop          | Hart            | Mooney           | Tavener         |
| Davenport       | Haugen          | Morgan, La.      | Taylor, Ark.    |
| Davis, Minn.    | Hayes           | Mott             | Van Dyke        |
| Dewalt          | Helgesen        | Mudd             | Vare            |
| Dillon          | Henry           | Nelson           | Winslow         |
| Dooling         | Hicks           | Oglesby          | Young, Tex.     |

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

- Mr. SCULLY with Mr. WINSLOW.
- Mr. PATTEN with Mr. ROWE.
- Mr. BEAKES with Mr. McCULLOCH.
- Mr. CASEY with Mr. HOWELL.
- Mr. GREGG with Mr. FAIRCHILD.
- Mr. YOUNG of Texas with Mr. BARCHFELD.
- Mr. VAN DYKE with Mr. MOTT.
- Mr. HULBERT with Mr. NELSON.
- Mr. McKELLAR with Mr. BENEDICT.
- Mr. SHACKLEFORD with Mr. BENNET.
- Mr. BRUMBAUGH with Mr. BRITTEN.
- Mr. BUCHANAN of Illinois with Mr. CHIPERFIELD.
- Mr. BURNETT with Mr. BUTLER.
- Mr. HENRY with Mr. CAMPBELL.
- Mr. CANTRILL with Mr. CHANDLER of New York.
- Mr. CAREW with Mr. CHARLES.
- Mr. STEPHENS of Nebraska with Mr. COSTELLO.
- Mr. CLARK of Florida with Mr. COPLEY.
- Mr. TAYLOR of Arkansas with Mr. CRAMTON.
- Mr. CONRY with Mr. DAVIS of Minnesota.
- Mr. CROSSER with Mr. DILLON.
- Mr. TAGGART with Mr. DRUKKER.
- Mr. DEWALT with Mr. EDMONDS.
- Mr. DOOLING with Mr. FARR.
- Mr. DRISCOLL with Mr. GLYNN.
- Mr. STOUT with Mr. GRAHAM.
- Mr. ESTOPINAL with Mr. GRAY of New Jersey.
- Mr. EVANS with Mr. GUERNSEY.
- Mr. FARLEY with Mr. HAUGEN.
- Mr. FERRIS with Mr. HAYES.
- Mr. FLOOD with Mr. HELGENSEN.
- Mr. SISSON with Mr. HICKS.
- Mr. FOSTER with Mr. HILL.
- Mr. GLASS with Mr. HINDS.
- Mr. GOODWIN of Arkansas with Mr. HOPWOOD.
- Mr. HAMILL with Mr. HUSTED.
- Mr. HAMLIN with Mr. JOHNSON of South Dakota.
- Mr. HARRISON of Mississippi with Mr. KELLEY.
- Mr. HART with Mr. LANGLEY.
- Mr. GARRETT with Mr. McCRACKEN.
- Mr. JONES with Mr. McFADDEN.
- Mr. LIEBEL with Mr. MARTIN.
- Mr. LOFT with Mr. MATTHEWS.
- Mr. McANDREWS with Mr. MONDELL.
- Mr. McDERMOTT with Mr. MOONEY.
- Mr. MAHER with Mr. PAIGE of Massachusetts.
- Mr. SEARS with Mr. PORTER.
- Mr. WEBB with Mr. MUDD.

Mr. OGLESBY with Mr. ROBERTS of Massachusetts.  
 Mr. PAGE of North Carolina with Mr. RODENBERG.  
 Mr. POU with Mr. SCHALL.  
 Mr. PRICE with Mr. SCOTT of Michigan.  
 Mr. RUCKER of Missouri with Mr. SCOTT of Pennsylvania.  
 Mr. SABATH with Mr. SELLS.  
 Mr. SAUNDERS with Mr. VARE.

Mr. CRAGO. Mr. Speaker, I am paired with the gentleman from Tennessee [Mr. McKELLAR], but on a particular question that is to come up later. It is not a general pair. I voted "yea."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. CALDWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Also, on motion of Mr. CALDWELL, the bill H. R. 17424, of similar tenor, was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

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

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.; and

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER announced his signature to enrolled bills of the following titles:

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

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

S. 1378. An act to amend the military record of John P. Fitzgerald; and

S. 1361. An act for the relief of Thomas Smart.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington.

#### LEAVE OF ABSENCE.

Mr. RUCKER of Missouri, by unanimous consent, was granted leave of absence, indefinitely, on account of illness in his family.

#### VOCATIONAL EDUCATION BILL.

Mr. HUGHES, by direction of the Committee on Education, presented for printing, under the rule, the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

#### EXTENSION OF REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing the speech made by yourself on March 16 last on "The making of Representatives," together with a few observations of my own.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. DENT. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SHALLENBERGER], a member of the Committee on Military Affairs, to call up House joint resolution 335, reported by that committee.

The SPEAKER. What calendar is it on?

Mr. SHALLENBERGER. On the House Calendar.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

*Resolved, etc.*, That John W. West, of Maine; James W. Wadsworth, of New York; H. H. Markham, of California; and Guy T. Helvering, of Kansas, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed Frederick J. Close, of Kansas; James W. Wadsworth, of New York; H. H. Markham, of California; and Thomas S. Brigham, of Maine, whose terms of office expired April 21, 1916.

Mr. SHALLENBERGER. Mr. Speaker, I would like to ask the gentleman from Kansas [Mr. ANTHONY] if we can agree upon time?

Mr. ANTHONY. I think so. Some gentlemen on this side would like to be heard on the resolution. What the gentleman suggested to me privately, 40 minutes to a side, is sufficient.

Mr. SHALLENBERGER. That is satisfactory to me. Mr. Speaker, I ask unanimous consent that the time for debate upon the resolution be limited to 40 minutes to a side, the gentleman from Kansas [Mr. ANTHONY] to have control of the time upon his side and I to have control upon this side.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] asks unanimous consent that the debate on this resolution be confined to 40 minutes to a side, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. ANTHONY]. Is there objection?

There was no objection.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal to-morrow I be permitted to address the House for 20 minutes in reply to the speech of the gentleman from Pennsylvania [Mr. MOORE] of yesterday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, he be permitted to speak not exceeding 20 minutes, answering the speech of the gentleman from Pennsylvania [Mr. MOORE] on yesterday. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, inasmuch as I do not know what the gentleman from Massachusetts [Mr. GARDNER] intends to say to-morrow in answer to me, I ask unanimous consent that I may have 20 minutes to reply. [Applause and laughter.]

Mr. KITCHIN. Will not the gentleman make it 10 minutes?

The SPEAKER. The gentleman from Pennsylvania, being in doubt as to what the gentleman from Massachusetts is going to say about him [laughter], asks 20 minutes in which to reply.

Mr. MOORE of Pennsylvania. Or so much thereof as I may need.

The SPEAKER. Of course. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, I will state to the gentleman from Pennsylvania that I do not intend to criticize him in any way.

The SPEAKER. Then the gentleman can yield back the 20 minutes. [Laughter.]

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. SHALLENBERGER. Mr. Speaker, this resolution which we have before the House now for consideration is for the appointment of a Board of four Managers for the National Home for Disabled Volunteer Soldiers. Two of the present members are reappointed under this resolution. There are two new members offered for these positions—one from Maine, Mr. John

W. West, a veteran of the Civil War, and one new member from the State of Kansas, the Hon. GUY T. HELVERING, a Member of this House and a veteran of the Spanish-American War. The Military Committee believed it necessary that the member from Kansas, who now holds that position should be retired from it. Therefore we offer the name of Mr. HELVERING, of Kansas. I will say to the Members of the House that I understand there is no opposition to the appointment of the new man from Maine. The present member retires voluntarily, because of old age and consequent disabilities. Therefore the only question is as to the appointment of the new member from Kansas, and the majority of the committee, after consideration, have recommended the appointment of Mr. HELVERING for the position of the member from Kansas, now occupied by Mr. Close. So far as I am concerned, I have nothing further to offer to the House at present, and reserve the balance of my time. [Applause.] I yield to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, the minority members of the Committee on Military Affairs unanimously dissented from the report of the majority on this resolution. In the first place, there is already upon the calendar of the House another resolution, H. J. Res. 244, reported out of the Committee on Military Affairs last July, I think, covering the appointment of members of this very board. For some reason the majority of the Committee on Military Affairs have never called up that resolution, although it has been upon the calendar all this time. But a few days ago they brought before the Committee on Military Affairs the present resolution, substituting in place of the name of one gentleman reported in the resolution of last July a new name for consideration by the House. No adequate reason was advanced by any member of the committee why such a questionable step should be taken by a responsible committee of this House. A virtual repudiation of a former report of this committee to this House. The man whose name was reported out last July for one of these places, George W. Findlay, of Kansas, is a man of the highest character and standing in our State, a veteran soldier of the Civil War, against whom not a word of any kind can be said in disparagement. In fact, when the majority members of our committee advanced the proposition to bring out a new resolution to fill these places on the board of managers, they frankly stated to the members of the minority on the committee that they did it for partisan reasons only. Their only objection to Mr. Findlay was that he was a "stand-pat" Republican, as one of my Democratic colleagues from Kansas frankly stated.

Mr. COX. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Indiana.

Mr. COX. What has been the practice heretofore as to placing serving Members of Congress upon these boards?

Mr. ANTHONY. I will say to the gentleman that within my knowledge of that board, which probably covers 25 years, there has never been any partisan action taken in connection with it. It has been composed indiscriminately of Republicans and Democrats.

Mr. COX. I do not think the gentleman caught my question. What has been the practice as to appointing serving Members of Congress upon these boards?

Mr. ANTHONY. Serving Members have been appointed from time to time.

Mr. COX. How many times?

Mr. ANTHONY. I think twice. I remember Mr. Brownlow, of Tennessee.

Mr. FIELDS. I understand there have been five.

Mr. ANTHONY. Perhaps there have been. I remember Mr. Brownlow, of Tennessee, and another gentleman from Tennessee, a few years ago. Now, let me say to the gentleman from Indiana—

Mr. COX. Just one question further, if the gentleman will yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. COX. Are all these other members proposed to be appointed to this board, except Mr. HELVERING, soldiers of the Civil War?

Mr. SHALLENBERGER. Three of them are soldiers of the Civil War and one of the Spanish War.

Mr. ANTHONY. Now, let me say to the gentleman from Indiana that no member of our committee has the slightest personal objection to either of the gentlemen who are named in the resolution which has just been brought before the House. The thing that we are protesting against is the injection of partisan politics in the selection of members of this board.

Mr. GORDON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. How many Democrats were on this board when the Democrats came into power in this House?

Mr. ANTHONY. I do not know, exactly.

Mr. GORDON. There was just one, and he was overlooked.

Mr. ANTHONY. I had that question asked me to-day, why there were so few Democrats at that time, and the gentleman from California [Mr. KAHN] tells me it was because no Democratic Member of this House placed in nomination the name of any Democratic Member.

Mr. GORDON. Because it was of no use.

Mr. ANTHONY. Oh, no; the gentleman is in error. Now, let me say that the membership of this board at present consists of seven men. As now constituted two are Republicans and five are Democrats. We are contending that a fair and equitable division would be three Republicans and four Democrats. There is not the slightest idea of interfering with the Democratic control of that board.

We believe it just and proper that they have a majority, but when the resolution was brought before the Committee on Military Affairs last summer at the time Mr. Findlay, a Republican of Kansas, was named for membership, it was agreed by Mr. Hay, the then chairman of the committee, and by all the members of the committee who were present that day, that it was just and proper to have another Republican member on the board.

Mr. GORDON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. How many members of the committee were present?

Mr. ANTHONY. I do not remember.

Mr. GORDON. Was a quorum present?

Mr. ANTHONY. I do not know.

Mr. SLOAN. If the members of the committee were not there, they should have been there.

Mr. ANTHONY. They should have, and if the gentleman from Ohio was not there he should have been there.

Mr. SLOAN. Now, the minority does not question the character or propriety or the ability of the gentleman from Kansas [Mr. HELVERING] to serve on the board, does it?

Mr. ANTHONY. Not the slightest.

Mr. WINGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WINGO. You do not question the propriety of having Members of Congress on the board?

Mr. ANTHONY. I do not, although some members of the committee do.

Mr. WINGO. I see no reason why a Member of Congress should not serve on the board and I can see some good reasons why he should serve. Now, if you do not object to the character of the gentleman from Kansas and do not object to a Member of Congress serving on the board, the result is that you put yourself into the very position that you complain of as a partisan question.

Mr. ANTHONY. My objection is to the questionable methods of the committee, reporting a resolution naming an honorable gentleman and then repudiating the action without just cause and only for avowed partisan purposes.

Mr. WINGO. Did not that occur once under Republican control?

Mr. ANTHONY. No; and I want to tell the House what has been the result of exactly this same state of affairs existing two years ago that exists to-day. A gentleman of high character was named by the Military Committee for one of these vacancies. He happened to be a Republican. At that time some Democratic influences in the State of Kansas made up their minds that they wanted a Democratic member. Those who came before the majority of the Committee on Military Affairs influenced them to change their former action and to report out the name of a Democrat from Kansas who was afterwards placed on the board. The majority of the committee named this man over my protest and over the protest of other members of that committee as to his fitness. The man was a broken-down politician, known to be without responsibility in my State, and I so stated to the members of the committee. In spite of that protest he was placed on the board. What has followed it is proper to acquaint the House with, and the result of this attempted partisan control of what should be one of the most sacred institutions we have, that of caring for the veteran soldier, is not one that the Democratic members of the Military Committee or of this House can be very proud of.

This man, placed by the majority of our committee on the board of managers, afterwards elected as president of that board by his party associates, was placed in charge of the funds of the home, the sacred funds which are accumulated there for the use of the veteran soldiers. The records of the Appropriation Committee, beginning on page 513, in the hearings on the sundry civil bill of 1917, contain a shameful record of

mishandled moneys and peculations of this fund. The records show that this man, placed on the board for partisan purposes only, made investments that have resulted in swindling the Government out of \$46,000 of one of the funds intrusted to his care. The records show in that transaction that in the purchase of about \$46,000 worth of wildcat granite mining bonds located in Colorado, somebody was paid a cash commission of \$6,000. The records show that there was \$25,000 stock of that company also issued in the name of a member of the Soldiers' Home Board.

Following this disreputable financial transaction that was fully disclosed by the patient work of the Committee on Appropriations last year, there came a run of resignations among some of the officials of the different branches of the homes over the country. In the places of many of these old Republican employees there were appointed men known to be political henchmen and personal associates of this man Close, the broken-down Democratic Kansas politician, who was made president of the board in the manner which I have outlined to the House. For instance, there was appointed governor of the Milwaukee home a man by the name Ijams, who was put in that responsible position, a man who before had been associated with Close in business in Kansas City. This man Ijams, made governor by his old crony, Close, had at one time been the agent of this wildcat Colorado mine for the sale of these bogus securities which were afterwards unloaded on the Government. That is the way the chain of fraud had been carried out under the administration of the gentleman I have named.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. Has there been a prosecution of this man?

Mr. ANTHONY. I will say to the gentleman that the board of managers has taken very proper action. They have ordered that a full transcript of the evidence be placed in the hands of the Attorney General of the United States, and I understand it is now there, awaiting action by that official.

Mr. COOPER of Wisconsin. How long since these disclosures were first made?

Mr. ANTHONY. These disclosures were made in the hearings upon the sundry civil appropriation bill for 1917.

Mr. COOPER of Wisconsin. Over a year ago?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. Has anything been done by the Attorney General's Office to prosecute these people?

Mr. ANTHONY. Not that I am aware of.

Mr. COOPER of Wisconsin. About how long does it take after facts like that, which show plain embezzlement, for this official to take action?

Mr. ANTHONY. That evidently depends upon the degree of political influence.

Mr. COOPER of Wisconsin. It does not depend on anything else, does it?

Mr. GORDON. Does the gentleman claim that there has been embezzlement there?

Mr. ANTHONY. I believe there has been practical embezzlement.

Mr. GORDON. Practical!

Mr. ANTHONY. That the money of the Government has been invested in fraudulent securities without commercial value.

Mr. GORDON. The gentleman's statement was that he unwisely invested the money.

Mr. ANTHONY. I refer the gentleman to the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], who can give perhaps better testimony than I. Mr. FITZGERALD disclosed this fraud in a very able examination of Close before the Committee on Appropriations.

Mr. GREEN of Iowa. Did I understand the gentleman to say that one party upon this board received a commission?

Mr. ANTHONY. That is part of the evidence, I will say. What we are protesting against is the continuation of this partisan control. For many years, for a period of over 18 years, in successive Republican Congresses, Gen. Franklin, a gentleman from Connecticut, a Democrat, was continued president of that board. Until the last two years there have never been any partisan politics on that board, and I believe that for the honor of this House and the country this resolution should be defeated. I reserve the remainder of my time.

Mr. SHALLENBERGER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, there is an attempt being made to deceive this House in reference to conditions here. Our Republican friends can not let go, and they are seeking to invoke partisan spirit and misrepresentation for the purpose of

misleading the House. In reference to the resolution that is said to have been reported out by this committee last July, I went home on the 1st of July and remained there for several weeks, and was not present, but I have not succeeded up to date in finding anybody that was present at the time this action was taken. But how is that important or material? At a fully attended meeting of the committee and after careful consideration, after these charges of improper management had been made by Mr. ANTHONY, the majority members of the Committee on Military Affairs decided they wanted a man on that board in Kansas of unquestioned integrity, a man concerning whom they knew something, because Congress is charged officially with the responsibility of the proper management and conduct of these homes, and, therefore, they selected a gentleman from Kansas, a Member of this House who has been two or three times elected to this body, for the very reason that they wanted a man against whose integrity nothing could be said. That was primarily the reason for selecting Mr. HELVERING, not because of his politics, but the trouble with the gentleman from Kansas [Mr. ANTHONY] is that because he is a member of the committee and one of the old ringers of this House, he thinks he ought to control. When the Republicans had a majority of the House and were charged officially with the responsibility they had, I am told, all of these members but one. When the Democrats came into power in 1910, every member of this board was Republican but one. I do not know why they did not take him.

Mr. HASTINGS. How many members did they have at that time on the board?

Mr. GORDON. Eleven.

Mr. HASTINGS. And 10 of them were Republicans?

Mr. GORDON. Yes. This idea that the Republicans have a vested right in all of these offices is an idea that obscures the minds of some Republican Members here. I undertake to say that the selection of Mr. HELVERING is not a partisan matter. The primary object in selecting him was to have a man in whom the Members of this House would have confidence, and the fact that he is a Democrat does not disqualify him, I hope.

Mr. ALMON. Will the gentleman yield for a question?

Mr. GORDON. I will.

Mr. ALMON. State whether or not Mr. HELVERING is a Spanish-American War veteran.

Mr. GORDON. He is. It has already been stated on the floor of this House that he is a Spanish War veteran. I think this Congress, being especially charged by law—it is a bad law, the law ought to be repealed, in my judgment, and these homes ought to be placed under the War Department, because it is an executive function—but Congress has enacted a law providing that the men in charge of these homes should be selected by the House, and now, as the House is charged with the official responsibility of selecting these men, it ought to select men in whom it has confidence, and the fact that this gentleman of whom the gentleman from Kansas [Mr. ANTHONY] complains has unwisely invested funds, if he has—

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GORDON (continuing). Is a matter that is now being investigated, he says, by the Attorney General. It is all the more reason why—

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GORDON. I will in a minute—is all the more reason why we ought to select a man in whom the House has confidence. I now yield to the gentleman.

Mr. O'SHAUNESSY. I want to ask the gentleman from Ohio if the gentleman against whom these allegations are made of poor investments is not about to retire, and is not Mr. HELVERING suggested in his place?

Mr. GORDON. Certainly; this resolution retires him and puts Mr. HELVERING in his place.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GORDON. I will.

Mr. GREENE of Vermont. The gentleman just suggested on the matter of merit that this whole business should be administered by the War Department because it is an executive function.

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then why does the gentleman deliberately select a man connected with the legislative branch to fill a position of this kind?

Mr. GORDON. A very pertinent question, which I will answer: Because the law charges this House with the official responsibility for the management of these homes, and we ought to use special care in the matter, and I do not know how the House can manage them any better than by selecting a reputable and able Member of it and charging him with that official responsibility. Does that answer the question?

Mr. GREENE of Vermont. Will the gentleman further yield?

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then the gentleman is selecting a man from among those who have been authorized as Members of this House to go and do a thing and then come back and pass upon his own act. Every judge is made his own executioner?

Mr. GORDON. Yes; but this House is charged with the faithful administration of these homes, and I believe it is proper for this House to select for the proper management of them a man in whom it has confidence and whom it can hold responsible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to ask a question. Was not the original resolution, which I find Calendar No. 149 of the House Calendar, introduced by Mr. James Hay himself?

Mr. SHALLENBERGER. That was reported to the House. Mr. PARKER of New Jersey. It was introduced in the House by Mr. Hay?

Mr. SHALLENBERGER. Yes, sir.

Mr. PARKER of New Jersey. And referred to the committee and then reported by Mr. ANTHONY?

Mr. SHALLENBERGER. Yes. Will the gentleman from Kansas yield some of his time?

Mr. ANTHONY. Does the gentleman wish to use any now? I desire to yield to the gentleman from Illinois later. How many more speeches is the gentleman to have?

Mr. SHALLENBERGER. About two, I think.

Mr. ANTHONY. I have only one more and Mr. CANNON.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, touching this matter of making Mr. HELVERING, our colleague, one of the managers of the soldiers' home in Kansas, I can not see why any of our Republican friends should object to him. I can not see why there should be any objection to any man who is well enough thought of by the people of his district to be repeatedly elected as a Member of the American Congress. Our good friend on the committee [Mr. ANTHONY], and he is our friend and a gentleman of the highest integrity—

Mr. TILSON. Will the gentleman yield to me?

Mr. QUIN (continuing). Seems to be a little bit perturbed because Mr. HELVERING is a Democrat.

Mr. TILSON. Will the gentleman yield?

Mr. QUIN. I will.

Mr. TILSON. Would the gentleman be willing to follow that logic a little further and say that every member on that board should be a Member of this House? If we are going to give it personal supervision, would the gentleman be in favor of making the entire board out of the membership of this House?

Mr. GORDON. I would, if they would accept it.

Mr. QUIN. It becomes necessary at times for the Government to be aided by having a United States Senator or a Representative on one of these boards.

Mr. COOPER of Wisconsin. Will the gentleman yield for one question?

Mr. QUIN. Yes.

Mr. COOPER of Wisconsin. What does the gentleman think of the propriety of a man in a legislative body voting upon his own official acts?

Mr. QUIN. I think it is indeed a fortunate thing for a man sometimes to take stock of himself. [Laughter.]

Mr. Speaker, in the old days, when the Republican Party had the supervision of these homes, we had a distinguished Senator by the name of Warren as a member. We had another distinguished Republican Senator by the name of Sewall as a member, and we had that good Republican Brownlow, of Tennessee, a Member of this House, a member of the board of the home in his own State. Now, forsooth, because this committee has presented the name of GUY HELVERING, a distinguished and honorable citizen of the State of Kansas, and a distinguished Member of this House, as a member of that board for the soldiers' home in his State, we have objection from the Republican side.

When you were in power—and I do not blame you for it—you had all of them except one lonesome Democrat, and I do not think his politics hurt him very much or he would not have been allowed to be there.

The Democrats are now in control, and, as a matter of right, if you please, I think they ought to have a majority of that board. If you put it on partisan reasons, the Democrats should not vote for a Republican Member to be on there. We know the average Democrat would prefer a Democrat. No man need attempt to fool himself. Let us be honest. You know I would not put a Republican postmaster in my district under my recommendation. You know that I am not a partisan, and

I would not vote for a Republican to go on that board instead of a Democrat. Do not fool yourselves. You vote like I do, and you know it, and if you Democrats do not vote for GUY HELVERING I do not know what excuse you could offer to your own conscience and your party. Do you not know that these Republicans are not going to vote for GUY HELVERING? And what nonsense it is talking about partisanship cutting no figure in it. We know that you Republicans are going to vote against the Democrat, and we are going to vote for the Democrat. There is no teat to suck in this position. There is no salary. There is a little expense allowed in order to enable him to go to and fro, in order to attend to that office.

Mr. KING. I understand you to say that Mr. HELVERING is a Democrat?

Mr. QUIN. And a good one.

Mr. KING. And there is no salary connected with it?

Mr. QUIN. Not a bit.

Mr. KING. Then, what on earth does a Democrat want with a place like that?

Mr. QUIN. They want to work for glory. They have always gone out under the Democratic banner, under the red fires, and fought for honor. [Laughter.] They do not have to have gold dollars hung up in front of them for them to have that incentive to do service for their country. [Applause.]

Mr. GREENE of Vermont. I was very much interested in the gentleman's rather lucid explanation of the Democratic platform. They fight for nothing. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. QUIN] has expired.

Mr. ANTHONY. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. Twenty-seven minutes.

Mr. ANTHONY. I yield 15 minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, I do not think I shall require 15 minutes. I tried to pass by unanimous consent a resolution in July, I think, or August, that is now on the calendar, filling this place with the man referred to, the Union soldier who served during the Civil War. The gentleman from Nebraska [Mr. SHALLENBERGER] asked for the unanimous consent, and I think the gentleman from Kansas [Mr. HELVERING], who is now reported to go upon the board, objected. Well, I am not going to tear passion to tatters about this matter. There is a branch soldiers' home in Danville, which I think is one of the best, perhaps, of any of them, and I am not speaking disrespectfully of any of them. I am fairly familiar with the work of the home. I helped to make appropriations for it, and I saw the home while it was building.

Now, let me clear up the fog. Benjamin F. Butler was the first president of the Board of Managers of the Soldiers' Home, away back in the seventies. He was discontinued, and Maj. Gen. Franklin of the State of Connecticut, succeeded him, and remained, not, as the gentleman says, 17 years, but continuously, as my recollection runs, from the time he became president of the board of managers to the time of his death. Then, I think, there was a short period when somebody, whose name now escapes me, from New Jersey, a Republican, I believe, served. Then he was succeeded by Gen. McMahon, of New York City, a gallant soldier on the Union side during the war, and he remained until his death. He was also a Democrat.

He was succeeded by James W. Wadsworth, who as a young man was in the Union Army and participated in the Battle of the Wilderness when his father, the elder Wadsworth, who was at one time governor of the State of New York, was killed. These men were all good, honest business men, and in all these years I have never heard the question of partisanship come up in the House in connection with them until now.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. CANNON. Yes.

Mr. GORDON. I think the gentleman from Illinois has given very close attention to this matter.

Mr. CANNON. I know about it.

Mr. GORDON. And is it just a coincidence that this board was almost solidly Republican before the Democrats came in?

Mr. CANNON. Oh, Gen. John C. Black, now dead and gone, at one time Commissioner of Pensions, appointed by Mr. Cleveland, was a member of that board, and many other Democrats served on that board. Gentleman, let us be fair. What is the use in trying to cover up anything? The gentleman from California [Mr. KAHN], now a member of the Committee on Military Affairs, said there never had been a soldier's name or any Democratic name mentioned—

Mr. GORDON. Prior to the time you came into power. There never is a Democrat when the Republicans are in power unless you can handle him.

Mr. CANNON. Oh, the gentleman's party was in power in the House of Representatives from 1874 to 1880, and the gentleman's party was in power from 1893 to 1897, for four years. Oh, that child does not respond to the gentleman's suggestion. [Laughter.]

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman permit a question?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. I was under the impression that Gen. Franklin was a Democrat. Am I correct?

Mr. CANNON. Oh, yes; an absolute Democrat all his life, before the Civil War and after the Civil War, and there was no more gallant Union soldier serving under a major general's commission than he. He had a brother who was an admiral in the Navy. They were of fighting stock. Gen. Martin McMahon, an Irishman, as I judge, succeeded a Democrat, and continued until he died, and the question of Democracy or Republicanism never came up, until in the last Congress, touching this board.

Now, I understand about how it came up there. I was succeeded in 1913 by Mr. O'Hair, who was a member of the Committee on Military Affairs. I think he voted for the change. I will not mention names, but suffice it to say a man with one arm who, I think, had served in the Union Army, but I am informed did not lose his arm there—and I will not speak about his character, you know, or of his faults—went on the board from Kansas, I guess right across from Kansas City, Mo. Well, there is a home up at Leavenworth, and a home at Milwaukee, and a home at Dayton.

Now, I never cared personally who went on the board, provided they were good men and honest men, and I think substantially they have been honest men. I think the board now in service is composed of honest men, with the exception of one. Mr. Close—they call him Maj. Close—called the Democrats of the board together, and they signed a call for a meeting to be held in New York in March, or possibly in February, to consider the general business of the board.

Now, James W. Wadsworth had been for many years a member of that board, and he was president of the Board of Managers. I think he was as good a one as we ever had. We all know him. It was just about six weeks before his term would expire and a new president of the board chosen; but Mr. Close, with other Democratic members of the board, called a meeting of the board at New York, and when they got there the first thing that board did, when partisanship came in, was to elect Mr. Close president of the Board of Managers. The president of the board has charge of the post fund. That is a fund that is raised, not by a direct appropriation, but by contributions from the men, reinforced by funds of the soldiers who die and have no relatives. It comes in various ways, and it is used legitimately for the entertainment of the members of the home, for the hiring of people, for shows, music, and moving pictures, and all that kind of thing. That is the post fund. Now, the president of the board has charge of the post fund.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GORDON. Is the governor required to give bond for the faithful discharge of his duty?

Mr. CANNON. The president of the board of managers, in this instance Mr. Close, was required to give bond of \$150,000.

Mr. GORDON. Who approved it?

Mr. CANNON. I do not recollect. But that was the order of the board.

Mr. ANTHONY. Mr. Speaker, will the gentleman permit an interruption right there?

Mr. CANNON. Yes.

Mr. ANTHONY. I will state that the board did demand a bond of Maj. Close when he was elected president in June, 1915. He failed to give that bond, as I understand, until about three months after, and in the meantime, before he gave the bond, this questionable transaction took place.

Mr. GORDON. Who is to blame for it?

Mr. CANNON. I will tell you who is to blame for it, and the chairman of the Appropriations Committee [Mr. FITZGERALD] or some other member, the gentleman from Wyoming [Mr. MONDELL] or some other member of that committee is here and can tell you about the inquiry made by that committee. Mr. Close was required to give a bond. He did not give a bond. He proceeded to invest \$46,000 of the post fund, not in a rainbow but in the equivalent of it, as the evidence showed—an undeveloped alleged granite quarry in Colorado. Strange to say, the

money was paid upon his order before the bond was given. Strange again to say, the evidence shows that stock equal to the amount of bonds was issued to him. He denied it on the examination. Strange to say, a son of Mr. Close was appointed the agent of the company to promote it. But if you will read that evidence it stamps Mr. Close as a swindler of the first class, and I believe is subject to prosecution under the law. Morally, in the sight of God, he is worse than a thief. [Applause.] Let us not mince matters.

Mr. GORDON. How did Maj. Close get possession of these funds without giving bond is what we should like to know?

Mr. CANNON. Oh, Maj. Wadsworth was relieved, and under the by-laws Maj. Close was entitled to the possession of the funds, and he took them by that authority. Well, they were a very sick set of people when they found out. Let me do justice to the members of the board.

Mr. GORDON. Is Wadsworth still on the board?

Mr. CANNON. Oh, yes; he is still on the board. Let me do justice to the other members of the board. One is a citizen of my county, an honest man. Why, Maj. Close tried to sell some of this same stock to him, and he tried here and there. He was in that business. Why, the gentleman from New York [Mr. FITZGERALD] is here. He can state about it if he will take a little time. I do not want to take much time. It is not in glee, it is in sorrow, I tell of the loss of this money.

Mr. GORDON. Do you not think you have furnished a most excellent reason for putting on this board a man who knows something and is a man of the highest integrity, who has the confidence of this House, as we are seeking to do by this resolution? [Applause.]

Mr. CANNON. Jimmie Wadsworth is on this board. The president of the board of managers now, I am informed, is an honest man, Mr. Wood. I believe his home is at Dayton. He lives there. He was a Spanish War soldier; he is, I believe, a man of high character. Oh, this man, Mr. Close, knew enough. Good God, he knew enough, you know, to get possession of the money.

Mr. GORDON. A very poor business man.

Mr. CANNON. Oh, a very poor business man! Who is responsible for it?

Mr. GORDON. Why, the directors of the home are, the men we appointed.

Mr. CANNON. When did you appoint them? You appointed them two years ago.

Mr. GORDON. How many did we appoint then?

Mr. CANNON. Well, I do not know. There was Close, and the man from my county, the one from Maine, and one from—

Mr. GORDON. Most of them were reappointments, too.

Mr. CANNON. Oh, no.

Mr. STAFFORD. Will the gentleman yield?

Mr. GORDON. That is my understanding about it.

Mr. CANNON. Why, the gentleman is so zealous in his partisanship that he rushes in where angels fear to tread, without knowledge. [Laughter.] I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I have the names right here. I can give them.

Mr. CANNON. Certainly.

Mr. STAFFORD. There were Mr. Wood, Mr. Nelson, Mr. Close, and Mr. Bridgman, as successors of Maj. Warner, of Missouri; Franklin Murphy, of New Jersey; Mr. Gottschall; and Mr. Barry.

Mr. GORDON. How many are there on this board altogether?

Mr. CANNON. Seven. Now, if the Kansas man goes on, there will then be two Republicans and five Democrats.

Mr. TILSON. And there would be four Democrats and three Republicans if Mr. Anthony's resolution should go through.

Mr. CANNON. Precisely. Now, if our friend, Mr. HELVERING does not go on, the Union soldier from Kansas, a man of high character, goes on—

Mr. GORDON. How old is he?

Mr. CANNON. God knows. I do not know. He was old enough and young enough to serve for four years during the Civil War. [Applause.]

Mr. GORDON. I was not reflecting especially on his age; but does not the gentleman think we have had too many old men on this board?

Mr. CANNON. Oh, no; we had one old man, a wicked old man, that you put on two years ago.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ANTHONY. I yield to the gentleman from Illinois five minutes more.

Mr. CANNON. If it is to be a partisan board, I think four Democrats to three Republicans is fair. You would have four Democrats and we would have three Republicans.

Mr. GORDON. What is the gentleman's objection to Mr. HELVERING?

Mr. CANNON. I am not making any objection to Mr. HELVERING. I could take out any Democratic Member, even you, and make it solid.

Mr. GORDON. The business would be attended to if I was there.

Mr. CANNON. Precisely; the gentleman confesses it.

Mr. SHALLENBERGER. What does the gentleman know about Mr. Finlay?

Mr. CANNON. My information is that he is a man of the highest character. What does the gentleman know about him?

Mr. SHALLENBERGER. I do not know anything.

Mr. CANNON. What does the gentleman from Kansas [Mr. HELVERING] know about his character? I am willing to leave it to him.

Mr. SHALLENBERGER. We ought to be better informed about these men.

Mr. CANNON. You do not show it. Ask Mr. HELVERING about this man. I will leave it to him.

Now, gentlemen, I want to say in conclusion that, so far as I know, and I measure my words when I say it, with one of these branch homes in my town that has been there since 1896 or 1898, one of the best of the lot—so far as I know and believe, there never has been partisanship or politics played out in one of these homes, and certainly that is true as to the home at Danville, Ill.

Mr. CALDWELL. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CALDWELL. The other day I heard the gentleman from Illinois make a speech on the postmaster provision in the bill we were then considering. I understood the gentleman to say that he thought that the party in power had the responsibility and ought to have the places.

Mr. CANNON. Ought to have the administrative places, so as to be in harmony with the administration.

Mr. CALDWELL. Is not this an administrative place?

Mr. CANNON. Oh, not in that sense at all. These are guardians of the men that are waiting for death, who served their country, who from age or service are entitled to be cared for, and it is wonderful how few of them require this care—2,300,000 in the conflict and less than 30,000 in the homes.

Now, they put out the best governor in the branch home out there that I knew of. He was a Union soldier and a good business man. He went along about his business, for he did not have to have the place. There was no grumbling, but there are some little bits of 6-by-9 people—and I trust that they have not got any in Cleveland—who said, "Oh, well, now the Republicans will lose that vote out there," and so on and so on. I laughed. I did not visit the home from the time the new governor was appointed or had communication with it except to answer letters that were written now and then, and I did not answer them as much I ought to. I never went inside that home until the Friday night before the last election, when I went, as my habit had been, to address the members. The governor, a Democrat, a man of good character, let me tell you, who succeeded Mr. Barker, presided under the regulations. I told them that I thought a good deal of this home, although I had received complaints. I had answered them where I thought they ought to be answered, but I had been careful to stay away, not because I did not like them but because I did want things to go harmoniously; but I kept away for the reason that somebody might say, as there was a Democratic governor of the home and Democratic officials in the main, that I was there to make mischief. The truth is a large majority of the vote of members of the home are Republicans, and I got the usual Republican vote.

Mr. GORDON. Is not that proof that the home is honestly and fairly managed?

Mr. CANNON. I have no objection touching the home at Danville. I do think, in fairness, considering the way homes have been administered from the commencement, that it is fair that the Union soldiers should have a representation, the Spanish War soldiers having the president of the board of managers. They have something more of sympathy with their comrades with whom they fought. Oh, yes; sympathy. I do not know that the gentleman from Ohio [Mr. GORDON] understands what it means. [Laughter.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the resolution proposes to appoint Representative GUY T. HELVERING, of Kansas, as a member of

the board of managers. Mr. HELVERING is also a Member elect of the next House. The Constitution of the United States provides in reference to the qualifications of Members of Congress:

And no person holding any office under the United States shall be a Member of either House during his continuance in office.

The Manual states in reference to this provision of the Constitution:

The Judiciary Committee has concluded that members of commissions created by law to investigate and report, but have no legislative, executive, or judicial powers, etc., are not officers within the meaning of the Constitution.

This office, however, has executive powers. The Manual states:

Where a Member has accepted an incompatible office, the House has assumed or declared the seat vacant. In the cases of Baker and Yell the Elections Committee concluded that the acceptance of a commission as an officer of volunteers in the national Army vacated the seat of a Member, and in another similar case the Member was held to have forfeited his right to a seat.

It further states:

But when he retains the incompatible office and does not qualify, a vacancy has been held to exist. A resolution excluding a Member who has accepted an incompatible office may be agreed to by a majority vote.

Mr. Speaker, the next House of Representatives has 215 Members elected as Republicans, 215 Members elected as Democrats, 3 Members elect with Republican affiliations in the past, and 1 Member elect with Democratic affiliations in the past, and I might say a Socialist Member elect also with Democratic affiliations. The organization of the next House will be extremely close. I hope and trust that it may be organized without special conflict, but it is inevitable that if Mr. HELVERING accepts an office which, under the Constitution disqualifies him for membership in the House, that question will be raised against him when the next House meets. I hope that that condition will not be allowed to come about. I yield back the remainder of my time.

The SPEAKER. The gentleman yields back one minute. If nobody desires to speak, the Chair will put the question.

Mr. SHALLENBERGER. Mr. Speaker, I call for a vote.

Mr. ANTHONY. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, the acts of Congress creating the National Homes for Disabled Volunteer Soldiers have uniformly made it plain that it was the desire of Congress that preference in employment in the homes be given to the veterans who had seen service. In the selection of the board of managers from time to time this has been further emphasized. This has not been fully carried out by the present board.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DYER. I can not yield. I have only three minutes.

Mr. GORDON. Does not the gentleman know that this man is a Spanish War veteran?

The SPEAKER. The gentleman declines to yield.

Mr. DYER. Not only does the law provide what I said, but the board of managers on November 10, 1914, adopted this resolution:

That in making appointments of officers at any branch of the home preference shall be given, first, to veterans of the Civil War; second, to the veterans of other wars of the United States, and civilians will not be appointed if a proper candidate with record of military service can be obtained.

Mr. Speaker, I am opposed to the continuing in office, as provided in this resolution, of members of the Board of Managers who have not enforced the law and the wishes of Congress in the past. If we adopt the recommendation of the Committee on Military Affairs we will be retaining some of these gentlemen in service for another term of office. I do not believe it proper or right that men should accept public service, and especially where it has to do with the heroic veterans of our country, unless they are able, willing, and anxious to do their sworn and prescribed duty. My examination of the records of the homes show that over a half of the officers now employed in the various branches never saw any service whatever in the Army, the Navy, or the Marine Corps. They are purely civilian appointments, in most cases largely political.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes; but I have only a minute.

Mr. BYRNES of South Carolina. If it be true, as the gentleman from Illinois [Mr. MANN] has argued, that the acceptance by the gentleman from Kansas that this appointment would probably disqualify him from serving in the next House, would it not be wise for the gentleman and all others upon his side to elect him to this board, so that the gentleman's side will be sure of the organization of the next House?

Mr. DYER. Oh, well, I hope the gentleman will not take up my time in asking so irrelevant a question. I have not criticized Mr. HELVERING's selection for one of the members of the Board of Managers. I have no objection to him whatever. It is my judgment that the men who serve their country, as Mr. HELVERING did during the Spanish War, should have the management and control of these homes in the interest of the veterans of our country. It is also necessary to properly discharge their duties that the members of the Board of Managers should visit the homes from time to time and take an active interest in them. Some of the present members of the Board of Managers are men who are unable to do this because of their advanced years. They have not the physical ability. Younger men, such as Mr. HELVERING, should be selected. The only possible objection to Mr. HELVERING is the fact that he is a Member of Congress, and whether or not he would have to neglect his duties as a member of the Board of Managers of the Homes by reason of that is a material and important consideration for the House. I am sure that Mr. HELVERING would do everything possible for the best interest of the homes.

Mr. Speaker, the volunteer soldiers' homes should be conducted for their best interests. Positions connected with the homes, including the officers and other employees, should be given in every instance possible to men who have seen active service. This is the desire of Congress; and this is the desire of the country. Unless the Board of Managers bring about right changes in this respect in the near future it is my opinion that Congress will rightfully complain, and if nothing else can be done the management of the homes will be taken out of the board as at present and placed elsewhere. I sincerely hope that radical and important changes in respect to the selection of the officers and employees of the homes will be made soon. I want to see the homes taken out of politics and put under some manner of management that will cause them to be run solely in the interest of the soldiers and not of the politicians. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. ANTHONY. Mr. Speaker, I would like to make a motion to amend the resolution by substituting this resolution in its place. Substitute the name of George W. Findlay for GUY T. HELVERING, and I will ask the gentleman from Nebraska the initials of Mr. West.

Mr. SHALLENBERGER. Has the gentleman got the floor, Mr. Speaker, for amendment?

Mr. ANTHONY. And substitute the name of John W. West in place of Thomas S. Brigham.

Mr. FIELDS. Mr. Speaker, I make the point of order that the gentleman has not got the floor.

The SPEAKER. The gentleman has got the floor. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for "GUY T. HELVERING" the name of "George W. Findlay," and in line 10 strike out "Thomas S. Brigham" and substitute "John W. West."

Mr. ANTHONY. That is to make it in conformity with the others.

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. Has debate upon this resolution finished?

The SPEAKER. Here is the way it was originally: If any gentleman got the floor, he had the right to an hour, but the gentleman from Nebraska asked that general debate be confined to 40 minutes to a side.

Mr. SHALLENBERGER. How did the gentleman from Kansas get the floor?

The SPEAKER. Why, the gentleman offered an amendment.

Mr. MANN. The gentleman from Kansas had the floor. He had 40 minutes of time.

Mr. GORDON. His time expired.

Mr. MANN. He got the floor and offered an amendment at the end of his time.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Has the time of the gentleman from Nebraska expired?

The SPEAKER. The gentleman may use his time if he chooses to do so.

Mr. SHALLENBERGER. I have several gentlemen who wish to speak. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 25 minutes; the time on the other side is exhausted.

Mr. FIELDS. That is what I had in mind a while ago when I made the point of order that the gentleman from Kansas did not have the floor, as his time was exhausted and the time of the gentleman from Nebraska was not exhausted.

The SPEAKER. The gentleman from Nebraska had asked twice for a vote, and the Chair was justified in drawing the conclusion that he did not want to use any more of his time, although if he wants to debate it the Chair will recognize the gentleman from Nebraska; but the gentleman from Kansas is entirely within his rights to offer an amendment at the right time.

Mr. SHALLENBERGER. I understand, then, those gentlemen wishing to be heard—

The SPEAKER. The Chair will recognize anybody to whom the gentleman from Nebraska yields.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it in order to offer amendments during general debate if a gentleman got the floor?

The SPEAKER. Yes. The Chair was justified in his conclusion that the gentleman from Nebraska did not want to use his time, and the other side has used up its time, and, putting those two facts together, the time has come when the gentleman could offer an amendment if he wanted to do so.

Mr. WINGO. Mr. Speaker, my parliamentary inquiry is not a discussion of the proprieties of what had occurred, but whether or not, under the rules, anyone who can catch the attention of the Speaker can offer an amendment during general debate.

The SPEAKER. Yes. It is a bill on the House Calendar.

Mr. WINGO. That is the information I wanted to get. I was not sure of that.

The SPEAKER. The gentleman from Kentucky [Mr. FIELDS] is recognized for five minutes.

Mr. FIELDS. Mr. Speaker, I was one of the members of the committee who was not present last summer when the original resolution referred to by the gentleman from Kansas [Mr. ANTHONY] was agreed to and reported out, and I am frank to say that I have been unable to find any Members who were present except, apparently, the chairman of the committee and the gentleman from Kansas [Mr. ANTHONY]. At least, I have not heard any other gentleman say that he was present.

Mr. ANTHONY. Will the gentleman permit a question?

Mr. FIELDS. Yes.

Mr. ANTHONY. Is not the name of Mr. Hay, as the author of the resolution reported out last summer, a sufficient guaranty to the gentleman that it was regularly reported out?

Mr. FIELDS. Yes. I want to say to the gentleman that I have the highest respect for the former chairman of the committee, but I always reserved the right to differ with his judgment when I saw fit to do so. I was one of the members of the committee who doubted the wisdom of appointing a Member of this House as a member of the board; and I defeated the submission of the report of the committee at one time because of that objection. But upon investigation I found that on five different occasions Members of the House had served upon this board, and I therefore could not further urge my objection. I had no objection to Mr. HELVERING. Every Member in this House on either side recognizes his ability and his integrity. When I learned, as I say, that five other Members of the House at different times had been members of the board I withdrew my objection. I was anxious to have Col. George Black, of Kansas, a veteran soldier, substituted for Mr. Findlay. Now, if there be any politics in it, it seems that my friend Mr. ANTHONY, of Kansas, a gentleman whom we all admire, succeeded in getting Mr. Findlay, a man of his own party, designated as the man to succeed a Democrat. If it is going to be a political play on one side, we might as well be frank and say we will play politics on the other side. I am frank to say I think politics should not enter into it.

Mr. CANNON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. CANNON. Why do you not take all the places?

Mr. GORDON. Like you did.

Mr. FIELDS. I am frank to say I do not favor that. I had hoped, Mr. Speaker, that the name of Col. Black might be substituted for the name of Congressman HELVERING; and I had hoped that even when this proposition was brought up on the floor of the House the committee might decide upon that course. And, Mr. Speaker, in view of the complication, or threatened complication, suggested a few minutes ago, in view of the fact that Gen. Black is a Federal soldier, I, within my individual right as a member of the committee, move now, or shall move at the proper time, an amendment to the amend-



ment of the gentleman from Kansas [Mr. ANTHONY] to substitute the name of Col. George Black in lieu of the name of Mr. Findlay. And I would like to ask the gentleman from Kansas if he will agree to a proposition of that kind?

Mr. ANTHONY. Does not the gentleman think that it would be a better plan to refer the matter back to the committee? Now, the reason I say that is because I asked Mr. TAGGART the other day what he knew about Col. Black, who is one of his constituents, and he told me that he did not know him, and I thought, in view of the fact that the gentleman's Congressman did not know him, the committee ought to be fully advised as to his qualifications.

Mr. FIELDS. I have read the recommendations of Col. Black, and I hope the gentleman will accept him.

Mr. ANTHONY. I will say to the gentleman if there is any gentleman on that side of the House can assure me personally of the qualifications of Col. Black from his own knowledge, I will accept his statement and accept Col. Black. But at the same time I want to say to the gentleman from Kansas [Mr. HELVERING] that personally I would prefer him as a member.

Mr. HELVERING. Mr. Speaker, I want to say, inasmuch as my name has been brought into this, that I have insisted from the first on the appointment of Col. Black. I can vouch for him as a man of the highest character, a man who fought in the Civil War, and the man whom I wanted to see on this board.

Mr. FIELDS. Mr. Speaker, I move to amend the amendment of the gentleman from Kansas by substituting the name of George W. Black for the name of Mr. Findlay.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas [Mr. ANTHONY] and the amendment to the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

Mr. SHALLENBERGER. Does the gentleman from Kansas [Mr. ANTHONY] accept the amendment?

Mr. ANTHONY. I hardly think it is the proper procedure to accept it. I would like to have the names suggested regularly to the committee whose duty it is to pass upon it.

Mr. FIELDS. These gentlemen have all been discussed by the committee. There is no question about the integrity of each one of the three gentlemen named, in my opinion.

Mr. ALMON. Did not the gentleman from Kansas say a few moments ago that if any Member here would vouch for Mr. Black he would accept him?

Mr. O'SHAUNESSY rose.

The SPEAKER. For what purpose does the gentleman from Rhode Island rise?

Mr. O'SHAUNESSY. I ask to proceed for one minute.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] has control of the time.

Mr. SHALLENBERGER. I yield one minute to the gentleman.

Mr. O'SHAUNESSY. Mr. Speaker, I understood the gentleman from Kansas [Mr. ANTHONY], if I correctly heard him, to say that he would be perfectly satisfied if any Member on the floor would assure him as to the standing and integrity of Col. Black, and that he would in that event accept the amendment proposed.

Mr. ANTHONY. I will say in response to the statement of the gentleman that I may have said something like that, but it occurs to me that that is hardly the way to pass upon the qualifications of a member for this board.

Mr. O'SHAUNESSY. It was the regular way, in the gentleman's opinion, only a moment ago.

Mr. ANTHONY. It ought to be suggested in the regular way.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield to me for a minute?

Mr. SHALLENBERGER. Mr. Speaker, I demand a vote on the amendment of the gentleman from Kentucky [Mr. FIELDS].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Strike out the name of "George W. Findlay" and insert in lieu thereof the name of "Col. George W. Black."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky [Mr. FIELDS].

Mr. STAFFORD. Mr. Speaker, will the gentleman permit a suggestion?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. I think there should be a further amendment. I believe Col. Black is from Missouri, whereas the report states "Kansas."

Mr. SHALLENBERGER. No; he is from Kansas.

Mr. MANN. I would suggest this to the gentleman: That in no place in any of these resolutions have we put in the title except in this case, "Colonel."

Mr. FIELDS. I withdraw that part of it, Mr. Speaker.

Mr. TILSON. Mr. Speaker, will the gentleman from Nebraska yield me just one minute?

Mr. SHALLENBERGER. Yes.

Mr. TILSON. It seems to me, Mr. Speaker, that we on this side of the House, if we should accept Col. Black, are going to put ourselves in this attitude: That while we appear to object to Mr. HELVERING, we do not object to Col. Black. That is not the case at all. We are equally opposed to the appointment of Col. Black. No one has presented any objection whatever to Mr. HELVERING as to his being a competent man for this board. In my opinion there is valid reason against appointing a man who is to continue as a Member of Congress. The objection on the part of the committee was largely, however, on the ground that, having acted in good faith in nominating Mr. Findlay as a member of the board, we now have no good reason outside of a partisan one for striking out the name of Mr. Findlay and inserting Mr. HELVERING. It is no reflection on Mr. HELVERING. Nobody on the committee and nobody on this side, so far as I know, is opposed to the action of the majority of the committee on personal grounds. It is admitted by gentlemen on the other side that the change was made for partisan reasons alone. We feel that action on such grounds is unwise, unfair to Mr. Findlay, and unfortunate for the Soldiers' Homes.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 78, noes 61.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-nine gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. It is an automatic roll call. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 125, nays 92, answered "present" 5, not voting 212, as follows:

YEAS—125.

Abercrombie	Dill	Kincheloe	Russell, Mo.
Adair	Dixon	Kitchin	Sears
Adamson	Doolittle	Konop	Shallenberger
Aiken	Doremus	Lee	Sherwood
Almon	Doughton	Leshar	Sisson
Ashbrook	Dupré	Lieb	Small
Ayres	Eagan	Littlepage	Stegall
Bailey	Eagle	Lloyd	Stedman
Bell	Fields	McClintic	Steele, Iowa
Black	Gallagher	McGillicuddy	Steele, Pa.
Blackmon	Gallivan	McLemore	Stephens, Miss.
Bruckner	Gandy	Mays	Stephens, Tex.
Buchanan, Tex.	Gard	Moss	Stone
Burke	Godwin, N. C.	Murray	Sumners
Byrnes, S. C.	Gordon	Neely	Tague
Byrns, Tenn.	Gray, Ala.	Nicholls, S. C.	Taylor, Ark.
Caldwell	Griffin	Oldfield	Taylor, Colo.
Candler, Miss.	Harrison, Va.	Oliver	Thomas
Caraway	Hastings	Olney	Thompson
Carlin	Hayden	O'Shaunessy	Tillman
Carter, Okla.	Helm	Page, N. C.	Venable
Church	Helvering	Park	Vinson
Coady	Hensley	Phelan	Walker
Collier	Hillard	Quin	Watkins
Connelly	Holland	Ragsdale	Whaley
Cox	Hood	Raker	Wilson, Fla.
Crisp	Huddleston	Randall	Wilson, La.
Crosser	Hughes	Rauch	Wingo
Dale, N. Y.	Hull, Tenn.	Riordan	Wise
Decker	Humphreys, Miss.	Rouse	
Dent	Jacoway	Rubey	
Dickinson	Keating	Rucker, Ga.	

NAYS—92.

Anthony	Gardner	Kennedy, R. I.	Miller, Minn.
Cannon	Gould	Kiess, Pa.	Moore, Pa.
Cary	Green, Iowa	King	Moore, Ind.
Cooper, Wis.	Greene, Vt.	Kinkaid	Morgan, Okla.
Cramton	Hadley	Kreider	Morin
Curry	Hamilton, Mich.	Lafan	North
Dale, Vt.	Haugen	La Follette	Norton
Dallinger	Hawley	Langley	Oakey
Darrow	Hayes	Leibach	Parker, N. J.
Denison	Heaton	Lindbergh	Platt
Dillon	Hollingsworth	McArthur	Powers
Dowell	Hull, Iowa	McCracken	Ricketts
Dyer	Hutchinson	McLaughlin	Roberts, Nev.
Ellsworth	James	Magee	Rogers
Esch	Johnson, S. Dak.	Mann	Slomp
Fess	Kearns	Mapes	Sloan
Fordney	Keister	Meeker	Smith, Idaho
Foss	Kennedy, Iowa	Miller, Del.	Smith, Mich.

Smith Minn.	Swift	Treadway	Williams, T. S.
Stafford	Switzer	Walsh	Williams, Ohio
Sterling	Temple	Wason	Wood, Ind.
Sulloway	Tilson	Watson, Pa.	Woods, Iowa
Sutherland	Timberlake	Wheeler	Woodyard

ANSWERED "PRESENT"—5.

Browning	Emerson	London	The Speaker
Crago			

NOT VOTING—212.

Alexander	Dunn	Husted	Price
Allen	Edmonds	Igoe	Rainey
Anderson	Edwards	Johnson, Ky.	Ramseyer
Aswell	Elston	Johnson, Wash.	Rayburn
Austin	Estopinal	Jones	Reavis
Bacharach	Evans	Kahn	Reilly
Barchfeld	Fairchild	Kelley	Roberts, Mass.
Barkley	Farley	Kent	Rodenberg
Barnhart	Farr	Kettner	Rowe
Beakes	Ferris	Key, Ohio	Rowland
Beales	Fitzgerald	Lazaro	Rucker, Mo.
Benedict	Flood	Lenroot	Russell, Ohio
Bennet	Flynn	Lever	Sabath
Booher	Focht	Lewis	Sanford
Borland	Foster	Liebel	Saunders
Bowers	Frear	Linthicum	Schall
Britt	Freeman	Lobeck	Scott, Mich.
Britten	Fuller	Loft	Scott, Pa.
Browne	Garland	Longworth	Scully
Brumbaugh	Garner	Loud	Sells
Buchanan, Ill.	Garrett	McAndrews	Shackleford
Burgess	Gillett	McCulloch	Sherley
Burnett	Glass	McDermott	Shouse
Butler	Glynn	McFadden	Siegel
Callaway	Good	McKellar	Sims
Campbell	Goodwin, Ark.	McKenzie	Sinnott
Cantrill	Graham	McKinley	Slayden
Capstick	Gray, Ind.	Madden	Smith, N. Y.
Carew	Gray N. J.	Maher	Smith, Tex.
Carter, Mass.	Greene, Mass.	Martin	Snell
Casey	Gregg	Matthews	Snyder
Chandler, N. Y.	Griest	Miller, Pa.	Sparkman
Charles	Guernsey	Mondell	Steenerson
Chiperfield	Hamill	Montague	Stephens, Nebr.
Clark, Fla.	Hamilton, N. Y.	Moon	Stiness
Cline	Hamlin	Mooney	Stout
Coleman	Hardy	Morgan, La.	Sweet
Conry	Harrison, Miss.	Morrison	Taggart
Cooper, Ohio	Hart	Mott	Talbott
Cooper, W. Va.	Haskell	Mudd	Tavener
Copley	Heflin	Nelson	Tinkham
Costello	Helgesen	Nichols, Mich.	Towner
Cullop	Henry	Nolan	Van Dyke
Danforth	Hernandez	Oglesby	Vare
Davenport	Hicks	Overmyer	Volstead
Davis, Minn.	Hill	Padgett	Ward
Davis, Tex.	Hinds	Paige, Mass.	Watson, Va.
Dempsey	Hopwood	Parker, N. Y.	Webb
Dewalt	Houston	Patten	Williams, W. E.
Dies	Howard	Peters	Wilson, Ill.
Dooling	Hulbert	Porter	Winslow
Driscoll	Humbert	Pou	Young, N. Dak.
Drukker	Humphrey, Wash.	Pratt	Young, Tex.

Mr. KETTNER with Mr. HUMPHREY of Washington.  
 Mr. KEY of Ohio with Mr. RAMSEYER.  
 Mr. LAZARO with Mr. JOHNSON of Washington.  
 Mr. LEVER with Mr. LENROOT.  
 Mr. LEWIS with Mr. LONGWORTH.  
 Mr. LOBECK with Mr. MCKENZIE. —  
 Mr. MONTAGUE with Mr. MCKINLEY.  
 Mr. MORGAN of Louisiana with Mr. MADDEN.  
 Mr. MORRISON with Mr. NICHOLS of Michigan.  
 Mr. OVERMYER with Mr. PARKER of New York.  
 Mr. PADGETT with Mr. PETERS.  
 Mr. RAINEY with Mr. PORTER.  
 Mr. RAYBURN with Mr. PRATT.  
 Mr. REILLY with Mr. REAVIS.  
 Mr. SHERLEY with Mr. RODENBERG.  
 Mr. SIMS with Mr. ROWLAND.  
 Mr. SLAYDEN with Mr. RUSSELL of Ohio.  
 Mr. SMITH of New York with Mr. SIEGEL.  
 Mr. SMITH of Texas with Mr. SINNOTT.  
 Mr. SPARKMAN with Mr. SNELL.  
 Mr. TAVENNER with Mr. SNYDER.  
 Mr. WATSON of Virginia with Mr. STEENERSON.  
 Mr. WM. ELZA WILLIAMS with Mr. TINKHAM.  
 Mr. BORLAND with Mr. TOWNER.  
 Mr. ALEXANDER with Mr. VOLSTEAD.  
 Mr. LINTHICUM with Mr. WARD.  
 Mr. CALLAWAY with Mr. WILSON of Illinois.  
 Mr. SAUNDERS with Mr. YOUNG of North Dakota.  
 Mr. GLASS with Mr. BROWNE.  
 Mr. CLINE with Mr. CAPSTICK.  
 Mr. FLOOD with Mr. GARLAND.  
 Mr. LOFT with Mr. HASKELL.

The result of the vote was announced as above recorded.  
 The SPEAKER. A quorum has voted. The Doorkeeper will unlock the doors.

Mr. SHALLENBERGER. Mr. Speaker, I move the previous question on the resolution and the amendments thereto to the final passage.

The SPEAKER. The gentleman moves the previous question on the resolution and amendments to the final passage.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for a division.  
 The question was taken; and there were 97 ayes and 79 noes.

Mr. MANN. I demand the yeas and nays.  
 The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 77, answered "present" 3, not voting 231, as follows:

YEAS—123.

Abercrombie	Dixon	Kincheloe	Russell, Mo.
Adair	Doolittle	Kitchin	Sears
Adamson	Doremus	Konop	Shallenberger
Aiken	Doughton	Lee	Sherwood
Almon	Dupré	Leshler	Shouse
Ayres	Eagan	Lever	Sisson
Balley	Eagle	Lieb	Small
Bell	Fields	Littlepage	Steagall
Black	Gallagher	Lloyd	Steele, Iowa
Blackmon	Gallivan	McClintic	Steele, Pa.
Bruckner	Gandy	McGillicuddy	Stephens, Miss.
Buchanan, Tex.	Gard	McLemore	Stone
Burke	Goodwin, Ark.	Mays	Summers
Burnett	Gordon	Murray	Tague
Byrnes, S. C.	Gray, Ala.	Neely	Taylor, Ark.
Byrns, Tenn.	Gray, Ind.	Nicholls, S. C.	Taylor, Colo.
Caldwell	Griffin	Oldfield	Thomas
Candler, Miss.	Harrison, Va.	Oliver	Thompson
Carlin	Hastings	Olney	Tillman
Carter, Okla.	Hayden	O'Shaunessy	Venable
Cline	Helm	Park	Vinson
Coady	Helvering	Phelan	Walker
Collier	Hilliard	Quin	Watkins
Connelly	Holland	Ragsdale	Whaley
Crisp	Hood	Raker	Williams, W. E.
Crosser	Huddleston	Randall	Wilson, Fla.
Cullop	Hughes	Rauch	Wilson, La.
Dale, N. Y.	Hull, Tenn.	Riordan	Wingo
Dent	Humphreys, Miss.	Rouse	Wise
Dickinson	Jacoway	Rubey	The Speaker
Dill	Keating	Rucker, Ga.	

NAYS—77.

Anthony	Fordney	Kennedy, Iowa	Moore, Pa.
Cannon	Foss	Kennedy, R. I.	Moores, Ind.
Cary	Glynn	King	Morgan, Okla.
Curry	Greene, Vt.	Kinkaid	Morin
Dale, Vt.	Hadley	Kreider	North
Dallinger	Hamilton, Mich.	Lafean	Norton
Darrow	Haskell	La Follette	Oakey
Denison	Hawley	Langley	Parker, N. J.
Dillon	Hayes	Lehibach	Platt
Dowell	Heaton	Lindbergh	Powers
Dyer	Hutchinson	McCracken	Ricketts
Ellsworth	James	McLaughlin	Roberts, Nev.
Emerson	Johnson, S. Dak.	Mann	Rogers
Esch	Kearns	Mapes	Russell, Ohio
Fess	Keister	Miller, Del.	Sloan

So the amendment of Mr. FIELDS was agreed to.  
 The Clerk announced the following additional pairs:  
 On the vote:  
 Mr. CLARK of Florida (for amendment) with Mr. STINESS (against).  
 Mr. MCKELLAR (for amendment) with Mr. CRAGO (against).  
 Mr. SHOUSE (for amendment) with Mr. SANFORD (against).  
 Until further notice:  
 Mr. ASWELL with Mr. KAHN.  
 Mr. TALBOTT with Mr. BROWNING.  
 Mr. MOON with Mr. SWEET.  
 Mr. ALLEN with Mr. COPLEY.  
 Mr. BARKLEY with Mr. ANDERSON.  
 Mr. BARNHART with Mr. AUSTIN.  
 Mr. BOOHER with Mr. BACHARACH.  
 Mr. BURGESS with Mr. BOWERS.  
 Mr. CASEY with Mr. CARTER of Massachusetts.  
 Mr. CULLOP with Mr. COLEMAN.  
 Mr. DAVENPORT with Mr. COOPER of Ohio.  
 Mr. DAVIS of Texas with Mr. COOPER of West Virginia.  
 Mr. DIES with Mr. DANFORTH.  
 Mr. FARLEY with Mr. DUNN.  
 Mr. EDWARDS with Mr. HILL.  
 Mr. FERRIS with Mr. ELSTON.  
 Mr. FITZGERALD with Mr. FOCHT.  
 Mr. FLYNN with Mr. FREAR.  
 Mr. FOSTER with Mr. FREEMAN.  
 Mr. GARNER with Mr. FULLER.  
 Mr. GRAY of Indiana with Mr. GILLETT.  
 Mr. HAMLIN with Mr. GOOD.  
 Mr. HARDY with Mr. GREENE of Massachusetts.  
 Mr. HART with Mr. GRIEST.  
 Mr. HEFLIN with Mr. HAMILTON of New York.  
 Mr. GLASS with Mr. HASKELL.  
 Mr. HOUSTON with Mr. HERNANDEZ.  
 Mr. HOWARD with Mr. HICKS.  
 Mr. IGOE with Mr. HOWELL.

Smith, Minn. Swift  
Stafford Switzer  
Sterling Temple  
Sulloway Timberlake  
Sutherland Treadway

## ANSWERED "PRESENT"—3.

Ashbrook

Browning Cramton  
NOT VOTING—231.

Alexander Edwards Johnson, Wash.  
Allen Elston Jones  
Anderson Estopinal Kahn  
Aswell Evans Kelley  
Austin Fairchild Kent  
Bacharach Farley Kettner  
Barchfeld Farr Key, Ohio  
Barkley Ferris Kiess, Pa.  
Barnhart Fitzgerald Lazaro  
Beakes Flood Lenroot  
Beales Flynn Lewis  
Benedict Focht Liebel  
Bennet Foster Linthicum  
Booher Frear Lobeck  
Borland Freeman Loft  
Bowers Fuller London  
Britt Gardner Longworth  
Britten Garland Loud  
Browne Garner McAndrews  
Brumbaugh Garrett McArthur  
Buchanan, Ill. Gillett McCulloch  
Burgess Glass McDermott  
Butler Godwin, N. C. McFadden  
Callaway Good McKellar  
Campbell Gould McKenzie  
Cantrill Graham McKinley  
Capstick Gray, N. J. Madden  
Caraway Green, Iowa Magee  
Carew Greene, Mass. Maher  
Carter, Mass. Gregg Martin  
Casey Griest Matthews  
Chandler, N. Y. Guernsey Meeker  
Charles Hamill Miller, Minn.  
Chiferfield Hamilton, N. Y. Miller, Pa.  
Church Hamlin Mondell  
Clark, Fla. Hardy Montague  
Coleman Harrison, Miss. Moon  
Conry Hart Mooney  
Cooper, Ohio Haugen Morgan, La.  
Cooper, W. Va. Hefflin Morrison  
Cooper, Wis. Helgesen Moss  
Copley Henry Mott  
Costello Hensley Mudd  
Cox Hernandez Nelson  
Crago Hicks Nichols, Mich.  
Danforth Hill Nolan  
Davenport Hinds Oglesby  
Davis, Minn. Hollingsworth Overmyer  
Davis, Tex. Hopwood Padgett  
Decker Houston Page, N. C.  
Dempsey Howard Paige, Mass.  
Dewalt Howell Parker, N. Y.  
Dies Hulbert Patten  
Dooling Hull, Iowa Peters  
Driscoll Humphrey, Wash. Porter  
Drukker Husted Pou  
Dunn Igoe Pratt  
Edmonds Johnson, Ky. Price

Mr. BARKLEY (for) with Mr. CRAMPTON (against).

Mr. CARAWAY. Mr. Speaker, can I vote?

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. CARAWAY. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. CRAMTON. Mr. Speaker, I find that I am paired, and I wish to withdraw my vote of "no" and answer "present."

Mr. MANN. Mr. Speaker, I respectfully ask that the vote be announced.

The SPEAKER. We have not yet got a quorum.

Mr. MANN. That does not make any difference.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present," as above recorded.

The SPEAKER. There are 202 Members present, and it takes 218 to make a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move a call of the House.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SHALLENBERGER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 68, noes 70.

Mr. CRISP. Mr. Speaker, I demand tellers.

Mr. SHALLENBERGER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering a call of the House. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 103, nays 79, answered "present" 2, not voting 249, as follows:

Wood, Ind.  
Woodyard

Adair  
Adamson  
Aiken  
Almon  
Ashbrook  
Ayres  
Barnhart  
Bell  
Black  
Blackmon  
Bruckner  
Buchanan, Tex.  
Burke  
Burnett  
Byrnes, S. C.  
Candler, Miss.  
Caraway  
Carlisle  
Carter, Okla.  
Cline  
Coady  
Collier  
Connelly  
Crisp  
Crosser  
Cullop

Anthony  
Cannon  
Cary  
Curry  
Dale, Vt.  
Dallinger  
Darrow  
Denison  
Dillon  
Dowell  
Ellsworth  
Emerson  
Esch  
Foss  
Greene, Mass.  
Greene, Vt.  
Hadley  
Haskell  
Haugen  
Hawley

Abercrombie  
Alexander  
Allen  
Anderson  
Aswell  
Austin  
Bacharach  
Bailey  
Barchfeld  
Barkley  
Beakes  
Beales  
Benedict  
Bennet  
Booher  
Borland  
Bowers  
Britt  
Britten  
Browne  
Brumbaugh  
Buchanan, Ill.  
Burgess  
Butler  
Byrns, Tenn.  
Caldwell  
Callaway  
Campbell  
Cantrill  
Capstick  
Carew  
Carter, Mass.  
Casey  
Chandler, N. Y.  
Charles  
Chiferfield  
Church  
Clark, Fla.  
Coleman  
Conry  
Cooper, Ohio  
Cooper, W. Va.  
Cooper, Wis.  
Copley  
Costello  
Cox  
Crago  
Danforth  
Davenport  
Davis, Minn.  
Davis, Tex.  
Decker  
Dempsey  
Dewalt  
Dickinson  
Dies  
Dill

## YEAS—103.

Dale, N. Y.  
Dent  
Dixon  
Doughton  
Dupré  
Eagan  
Fields  
Gallagher  
Gallivan  
Gandy  
Garner  
Godwin, N. C.  
Goodwin, Ark.  
Gordon  
Gray, Ala.  
Gray, Ind.  
Griffin  
Harrison, Va.  
Hastings  
Hayden  
Helvering  
Hensley  
Hilliard  
Hood  
Hull, Tenn.  
Humphreys, Miss.  
Jacoway  
Keating  
Kincheloe  
Kitchin  
Lee  
Leshner  
Lever  
Lieb  
London  
McGillicuddy  
Mays  
Murray  
Neely  
Nicholls, S. C.  
Olney  
O'Shaunessy  
Page, N. C.  
Park  
Phelan  
Quin  
Raker  
Randall  
Rauch  
Rayburn  
Riordan  
Rouse

## NAYS—79.

Hayes  
Heaton  
Hernandez  
Hutchinson  
James  
Johnson, S. Dak.  
Kearns  
Keister  
Kennedy, Iowa  
Kennedy, R. I.  
Kiess, Pa.  
King  
Kinkaid  
Kreider  
Lafean  
La Follette  
Langley  
Lehbach  
Lindbergh  
McCracken  
McLaughlin  
Mann  
Mapes  
Miller, Del.  
Miller, Pa.  
Moore, Pa.  
Moore, Ind.  
Morgan, Okla.  
Morin  
North  
Norton  
Oakley  
Parker, N. J.  
Platt  
Powers  
Ricketts  
Roberts, Nev.  
Rogers  
Sloan  
Smith, Mich.  
Smith, Minn.  
Stafford  
Sterling  
Sulloway  
Sutherland  
Sweet  
Swift  
Switzer  
Temple  
Timberlake  
Walsh  
Wason  
Watson, Pa.  
Wheeler  
Williams, T. S.  
Williams, Ohio  
Wood, Ind.  
Woods, Iowa

## ANSWERED "PRESENT"—2.

Browning

Cramton

## NOT VOTING—249.

Dooling  
Doolittle  
Doremus  
Driscoll  
Drukker  
Dunn  
Dyer  
Eagle  
Edmonds  
Edwards  
Elston  
Estopinal  
Evans  
Fairchild  
Farley  
Farr  
Ferris  
Fess  
Fitzgerald  
Flood  
Flynn  
Focht  
Fordney  
Foster  
Frear  
Freeman  
Fuller  
Gard  
Gardner  
Garland  
Garrett  
Glass  
Glynn  
Good  
Gould  
Graham  
Gray, N. J.  
Green, Iowa  
Gregg  
Griest  
Guernsey  
Hamill  
Hamilton, Mich.  
Hamilton, N. Y.  
Hamlin  
Hardy  
Harrison, Miss.  
Hart  
Hefflin  
Helgesen  
Helm  
Henry  
Hicks  
Hill  
Hinds  
Holland  
Hollingsworth  
Hopwood  
Houston  
Howard  
Howell  
Huddleston  
Hughes  
Hubert  
Hull, Iowa  
Humphrey, Wash.  
Husted  
Igoe  
Johnson, Ky.  
Johnson, Wash.  
Jones  
Kahn  
Kelley  
Kent  
Kettner  
Key, Ohio  
Konop  
Lazaro  
Lenroot  
Lewis  
Liebel  
Linthicum  
Littlepage  
Lloyd  
Lobeck  
Loft  
Longworth  
Loud  
McAndrews  
McArthur  
McClintic  
McCulloch  
McDermott  
McFadden  
McKellar  
McKenzie  
McKinley  
McLemore  
Madden  
Magee  
Maher  
Martin  
Matthews  
Meeker  
Miller, Minn.  
Mondell  
Montague  
Moon  
Mooney  
Morgan, La.  
Morrison  
Moss  
Mott

Stiness	Tilson	Volstead	Wilson, La.
Stout	Tinkham	Ward	Winslow
Taggart	Towner	Watson, Va.	Young, N. Dak.
Talbott	Treadway	Webb	
Tavener	Vare	Whaley	
Taylor, Colo.	Vinson	Wilson, Ill.	

So a call of the House was ordered.

The Clerk proceeded to call the roll.

During the calling of the roll the following occurred:

Mr. BARKLEY (for) with Mr. CRAMTON (against).

Mr. MANN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. I think the Speaker ordered the doors closed.

The SPEAKER. The Speaker made a mistake in that.

Mr. MANN. This is not an automatic call. It does not require a quorum.

Mr. KITCHIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KITCHIN. It was developed a while ago on the count that there was no quorum present. Does not that automatically require a call of the House?

Mr. MANN. No; it does not.

Mr. NORTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NORTON. A roll call can not be interrupted.

The SPEAKER. The gentleman from Illinois asked a question, if the roll call is out of order. The rule is—

Mr. MANN. I did not make the point of order that the roll call is out of order. I made the point that it is not in order to order the doors to be closed until a call of the House has been ordered.

The SPEAKER. The rule is that, "Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered."

Mr. MANN. That rule does not apply here.

Mr. KITCHIN. Mr. Speaker, if it was not an automatic call and the question of no quorum was made, then the previous question was carried. If that be true—

Mr. GARNER. Mr. Speaker, the very fact that the Speaker announced himself that there was not a quorum present, 211 Members being present, and 218 being required to make a quorum, is a sufficient statement that there was not a quorum present, and under the rule there is an automatic call of the House.

The SPEAKER. The rule provides that "whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause," and so forth. But no objection was made or suggested.

Mr. KITCHIN. If that be true, Mr. Speaker, the previous question was ordered.

The SPEAKER. Oh, no. There was not a quorum present.

Mr. KITCHIN. Nobody made objection to it.

The SPEAKER. They did not have to make objection. The fact that there was no quorum present was sufficient.

Mr. KITCHIN. No quorum was needed.

The SPEAKER. Not on the roll call.

Mr. MANN. Mr. Speaker—

Mr. GARNER. Mr. Speaker, when the gentleman from Illinois is through I would like to be heard.

Mr. MANN. The rule which the Speaker read is not applicable to the case. That is the new rule, that when objection is made that no quorum votes and no quorum is present there shall be a call of the House, and so forth. That is not the rule under which we are operating at present.

The SPEAKER. The Chair understands that.

Mr. MANN. The gentlemen over there do not seem to understand it. When a roll call shows that there is no quorum present, the Speaker has to announce that there is no quorum. That roll call does not require a quorum present. That is the motion upon which the roll call is now being had, and upon that there is demanded a roll call, but not on the point of no quorum. I simply called attention to the fact that the Speaker ordered the doors closed. I do not think it is in order to order the doors closed until a call of the House has been ordered.

The SPEAKER. The gentleman is right about that.

Mr. GARNER. Mr. Speaker, the Chair has just read a rule in which the Speaker himself pointed out that there was no objection made. No objection was made that there was no quorum present. It is not necessary.

The SPEAKER. What does the rule say?

Mr. GARNER. The rule says there is an automatic call.

The SPEAKER. The rule says nothing of the sort, unless objection is made.

Mr. GARNER. Objection to what?

The SPEAKER. To the point that there is no quorum present.

Mr. GARNER. The Chair himself raised the objection that there was not a quorum present. The Chair himself has objected, and that comes within the rule and requires an automatic roll call.

Mr. CRISP. Mr. Speaker, I must agree that the gentleman from Illinois is correct in the position which he takes in this matter. When I addressed the Chair a moment ago it was for the purpose of calling attention to the fact that when the yeas and nays disclosed the absence of a quorum the Speaker must take cognizance of it, and nothing could be done. Now, it seems to me this matter is very plain. Under the rules of the House there are two provisions for a call of the House. Under the old rules there was only one provision for a call, and that was the provision that 15 Members in the absence of a quorum could send out and bring in a quorum. The House has since adopted a rule known as the automatic call, and, in my opinion, that means that when the House is dividing by a viva voce vote or by tellers or otherwise, except by yeas and nays, and the want of a quorum is disclosed, and the point is made, then the automatic call applies, and the Speaker should order the doors closed and the Sergeant at Arms to notify the absentees and the yeas and nays on the question.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GARNER. If I understand the gentleman's contention, when the want of a quorum is discovered by a viva voce or by tellers an automatic call ensues.

Mr. CRISP. When the point is made that there is no quorum present.

Mr. GARNER. We have just discovered the absence of a quorum by a roll call. Can the gentleman distinguish between discovering it by tellers or a viva voce vote and discovering the absence of a quorum by a roll call?

Mr. CRISP. I think there is a difference. I think the yeas and nays is the last method of taking a vote on any question that may come before the House, and it is the best way of ascertaining a quorum. I think the intent of the House when they adopted the rule was that if on viva voce, rising vote, or on tellers there was not a quorum, instead of having to order a call of the House, the automatic rule should apply and the yeas and nays be ordered on the pending question.

Mr. GARNER. But we have discovered now the absence of a quorum. Why does not the automatic call apply in discovering the absence of a quorum by a roll call the same as it does by a division of the House?

Mr. CRISP. That was not the intention of Congress in adopting the rule. I have never known it to apply. The practice of the House is the other way. I wish I could agree with the gentleman.

The SPEAKER. The Clerk will continue the call.

The Clerk completed the roll call.

The result of the vote was announced as above recorded.

The SPEAKER. The Sergeant at Arms will notify absentees, the Doorkeeper will lock the doors, and the Clerk will call the roll.

Mr. KITCHIN. We are voting on the previous question.

Mr. MANN. No; we are voting on the call of the House.

The SPEAKER. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alexander	Carew	Drukker	Glynn
Allen	Carter, Mass.	Dunn	Good
Anderson	Carter, Okla.	Dyer	Gould
Aswell	Casey	Edmonds	Graham
Austin	Chandler, N. Y.	Edwards	Gray, N. J.
Barchfield	Charles	Elston	Gregg
Barkley	Chipperfield	Estopinal	Griest
Beakes	Clark, Fla.	Fairchild	Guernsey
Beales	Coleman	Farley	Hamill
Bennet	Conry	Farr	Hamilton, Mich.
Booher	Cooper, Ohio	Ferris	Hamilton, N. Y.
Borland	Cooper, Wis.	Fess	Hamlin
Bowers	Copley	Fitzgerald	Hardy
Britt	Costello	Flood	Harrison, Miss.
Britten	Crago	Flynn	Hart
Browne	Danforth	Fordney	Heffin
Brumbaugh	Davenport	Foster	Helgesen
Buchanan, Ill.	Decker	Frear	Henry
Burgess	Dempsey	Freeman	Hicks
Butler	Dent	Fuller	Hill
Caldwell	Dewalt	Gardner	Hinds
Callaway	Dies	Garland	Holland
Campbell	Dooling	Garrett	Hollingsworth
Cannon	Doremus	Gillett	Hopwood
Cantrill	Driscoll	Glass	Howard

Howell	McKinley	Pratt	Smith, N. Y.
Hulbert	McLemore	Ragsdale	Smith, Tex.
Hull, Iowa	Madden	Ralney	Snell
Humphrey, Wash.	Magee	Ramseyer	Snyder
Husted	Maher	Reavis	Steenerson
Igoe	Martin	Roberts, Mass.	Stephens, Nebr.
Johnson, Ky.	Matthews	Rodenberg	Stephens, Tex.
Johnson, Wash.	Miller, Minn.	Rowe	Stiness
Jones	Mondell	Rowland	Stout
Kahn	Moore	Rucker, Ga.	Taggart
Kelley	Mooney	Rucker, Mo.	Talbott
Kent	Morgan, La.	Russell, Mo.	Tavener
Key, Ohio	Mott	Russell, Ohio	Taylor, Colo.
Lazaro	Mudd	Sabath	Tilson
Lenroot	Nelson	Sanford	Tinkham
Lewis	Nichols, Mich.	Saunders	Towner
Liebel	Nolan	Schall	Vare
Linthicum	Oakey	Scott, Mich.	Vinson
Lloyd	Oglesby	Scott, Pa.	Volstead
Loft	Oliver	Scully	Ward
Loud	Overmyer	Sells	Watson, Va.
McAndrews	Padgett	Shackleford	Webb
McArthur	Parker, N. J.	Sherwood	Wilson, Ill.
McCracken	Parker, N. Y.	Siegel	Wilson, La.
McCulloch	Patten	Sims	Winslow
McDermott	Peters	Sinnott	Young, N. Dak.
McFadden	Platt	Slayden	
McKellar	Porter	Slemp	
McKenzie	Pou	Smith, Idaho	

The SPEAKER. On this call 185 Members have responded to their names—not a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move that the Speaker be directed to issue warrants for the arrest of the absentees.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided: and there were—ayes 81, noes 55.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 77, answered "present" 2, not voting 242, as follows:

YEAS—112.

Abercrombie	Dale, N. Y.	Hood	Reilly
Adair	Davis, Tex.	Houston	Riordan
Adamson	Dent	Huddleston	Rouse
Aiken	Dickinson	Hughes	Ruby
Alexander	Dixon	Jacoway	Rucker, Ga.
Almon	Doolittle	Keating	Sears
Ashbrook	Doughton	Kincheloe	Shallenberger
Ayres	Dupré	Kitchin	Sherley
Balley	Eagan	Leshner	Shouse
Bell	Eagle	Lever	Sisson
Black	Fields	Lieb	Steagall
Blackmon	Gallagher	London	Steele, Iowa
Bruckner	Gallivan	McIntic	Stone
Buchanan, Tex.	Gand	McGillcuddy	Sumners
Burke	Gard	Mary	Tague
Burnett	Garner	Montague	Taylor, Ark.
Byrnes, S. C.	Godwin, N. C.	Moss	Thomas
Caraway	Goodwin, Ark.	Murray	Thompson
Carlin	Gordon	Neely	Tillman
Carter, Okla.	Gray, Ala.	Nicholls, S. C.	Van Dyke
Cline	Gray, Ind.	Olney	Venable
Coady	Griffin	O'Shaunessy	Walker
Collier	Harrison, Va.	Park	Watkins
Connelly	Hastings	Phelan	Williams, W. E.
Cox	Hayden	Quin	Wilson, Fla.
Crisp	Helvering	Randall	Wingo
Crosser	Hensley	Rauch	Wise
Cullop	Hilliard	Rayburn	Young, Tex.

NAYS—77.

Cary	Hayes	Mann	Sterling
Cooper, W. Va.	Heaton	Mapes	Sulloway
Curry	Hernandez	Meeker	Sutherland
Dale, Vt.	Hutchinson	Miller, Pa.	Sweet
Dallinger	James	Moore, Pa.	Swift
Darrow	Johnson, S. Dak.	Moore, Ind.	Switzer
Denison	Kearns	Morgan, Okla.	Temple
Dillon	Keister	Morin	Timberlake
Dowell	Kennedy, Iowa	North	Treadway
Ellsworth	Kennedy, R. I.	Norton	Walsh
Emerson	Kiess, Pa.	Paige, Mass.	Wason
Esch	King	Porter	Watson, Pa.
Foss	Kinkaid	Powers	Wheeler
Green, Iowa	Kreider	Ricketts	Williams, T. S.
Greene, Mass.	Lafan	Roberts, N. Y.	Williams, Ohio
Greene, Vt.	La Follette	Rogers	Wood, Ind.
Hadley	Langley	Sloan	Woods, Iowa
Haskell	Leibach	Smith, Mich.	
Haugen	Lindbergh	Smith, Minn.	
Hawley	McLaughlin	Stafford	

ANSWERED "PRESENT"—2.

Browning Candler, Miss.

NOT VOTING—242.

Allen	Beales	Buchanan, Ill.	Carew
Anderson	Benedict	Burgess	Carter, Mass.
Anthony	Bennet	Butler	Casey
Aswell	Booher	Byrnes, Tenn.	Chandler, N. Y.
Austin	Borland	Caldwell	Charles
Bacharach	Bowers	Callaway	Chipfield
Barchfeld	Britten	Campbell	Church
Barkley	Britten	Cannon	Clark, Fla.
Barnhart	Browne	Cantrill	Coleman
Beakes	Brumbaugh	Capstick	Conry

Cooper, Ohio	Guernsey	McCulloch	Sabath
Cooper, Wis.	Hamill	McDermott	Sanford
Copley	Hamilton, Mich.	McFadden	Saunders
Costello	Hamilton, N. Y.	McKellar	Schall
Crago	Hamlin	McKenzie	Scott, Mich.
Cramton	Hardy	McKinley	Scott, Pa.
Danforth	Harrison, Miss.	McLemore	Scully
Davenport	Hart	Madden	Sells
Davis, Minn.	Heflin	Magee	Shackleford
Decker	Helgesen	Maher	Sherwood
Dempsey	Helm	Martin	Siegel
Dewalt	Henry	Matthews	Sims
Dill	Hicks	Miller, Del.	Sinnott
Dooling	Hill	Miller, Minn.	Slayden
Doremus	Hinds	Mondell	Slemp
Driscoll	Holland	Mooney	Small
Drukker	Hollingsworth	Morgan, La.	Smith, Idaho
Dunn	Hopwood	Morrison	Smith, N. Y.
Dyer	Howard	Mott	Smith, Tex.
Edmonds	Howell	Mudd	Snell
Elston	Hulbert	Nelson	Snyder
Estopinal	Hull, Iowa	Nichols, Mich.	Sparkman
Evans	Hull, Tenn.	Nolan	Stedman
Fairchild	Humphrey, Wash.	Oakes	Stephens, Pa.
Farley	Humphreys, Miss.	Oglesby	Steenerson
Farr	Husted	Oldfield	Stephens, Miss.
Ferris	Igoe	Oliver	Stephens, Nebr.
Fitzgerald	Johnson, Ky.	Overmyer	Stephens, Tex.
Flood	Johnson, Wash.	Padgett	Stiness
Flynn	Kahn	Page, N. C.	Stout
Focht	Kelley	Parker, N. J.	Taggart
Fordney	Kent	Parker, N. Y.	Talbott
Foster	Kettner	Patten	Tavener
Frear	Key, Ohio	Peters	Taylor, Colo.
Freeman	Konop	Platt	Tilson
Fuller	Lazaro	Pou	Tinkham
Gardner	Lee	Pratt	Towner
Garland	Lenroot	Price	Vare
Garrett	Lewis	Ragsdale	Vinson
Gillett	Liebel	Ralney	Volstead
Glass	Linthicum	Raker	Ward
Glynn	Littlepage	Ramseyer	Watson, Va.
Good	Lloyd	Reavis	Webb
Gould	Lobeck	Roberts, Mass.	Whaley
Graham	Loft	Rodenberg	Wilson, Ill.
Gray, N. J.	Longworth	Rowe	Wilson, La.
Gregg	Loud	Rowland	Winslow
Griest	McAndrews	Rucker, Mo.	Woodyard
	McArthur	Russell, Mo.	Young, N. Dak.
	McCracken	Russell, Ohio	

The result of the vote was announced as above recorded.

Mr. BARKLEY (for) with Mr. CRAMTON (against).

The SPEAKER. The Speaker is directed to issue his warrants.

At this point the following Members appeared and were recorded "present" on the call of the House: Mr. THOMAS S. WILLIAMS, Mr. LOBECK, Mr. HELM, Mr. BAILEY, Mr. COOPER of West Virginia, Mr. DENISON, Mr. WOOD of Indiana, Mr. PAIGE of Massachusetts, Mr. STEDMAN, Mr. GARD, Mr. EMERSON, Mr. MEEKER, Mr. BACHARACH, Mr. WHALEY, Mr. ANTHONY, Mr. OLDFIELD, Mr. DAVIS of Minnesota, Mr. CAPSTICK, Mr. LITTLEPAGE, Mr. STEPHENS of Mississippi, Mr. KONOP, Mr. SMALL, Mr. RAKER, Mr. KETTNER, Mr. BENEDICT, Mr. BYRNS of Tennessee, Mr. EVANS, Mr. LONGWORTH, Mr. SPARKMAN, Mr. FOCHT, Mr. STEELE of Pennsylvania, Mr. DILL, Mr. MORRISON, and Mr. DICKINSON.

The SPEAKER. On this call 218 Members have answered to their names—a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MANN) there were—125 ayes and 71 noes.

Mr. MANN. I ask for tellers.

Tellers were ordered.

Mr. CRISP. Mr. Speaker, pending the taking of the vote by tellers, I ask unanimous consent to address the House for a few minutes, with the nature of which the gentleman from Illinois [Mr. MANN] is acquainted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker, earlier in the evening, when the parliamentary question arose as to whether an automatic call of the House obtained, I took the position that the automatic call did not apply, and agreed with the position taken by the learned gentleman from Illinois [Mr. MANN]. I want to say now that, so far as I had ever seen any precedent in this House on the subject, or any practical application of the rule, the position we then took was correct. But upon investigation I find that the gentleman from North Carolina [Mr. KITCHIN] was correct and that I was wrong—that the automatic call did apply—and when I am wrong and convinced I have no hesitancy in saying so. [Applause.]

I desire to call the attention of the Speaker to two precedents on this question, and to call the attention of the membership of the House to these precedents in volume 4, Hinds' Precedents, section 3045, which I will read. And let me say that both of these decisions were rendered by the able and learned Speaker,

the gentleman from Maine, Mr. Reed. The rule providing for an automatic call of the House was adopted in January, 1896. These two decisions that I shall read were rendered in 1896, shortly after this rule was adopted. I read section 3045:

On a call of the House under the new rule the Sergeant at Arms is required to detail those Members who are present and bring in absentees. On December 14, 1896, the question being taken on the engrossment and third reading of the bill (H. R. 1888) to amend an act relating to the sale of intoxicating liquors in the District of Columbia, there were, on a ye-a-and-nay vote, 180 yeas and 31 nays.

Mr. Rowland B. Mahany, of New York, made the point of no quorum. Mr. Elijah A. Morse, of Massachusetts, moved a call of the House. The Speaker said that the rule provided for such a contingency, and caused to be read section 4 of Rule XV. He then said:

"Under the rule there will now be a call of the House, the Sergeant at Arms will proceed to bring in absent Members, and the yeas and nays on the pending question will be considered as ordered. The Clerk will therefore call the roll and the responses will show whether the Member is present or not, and will also show his vote upon the pending question. The Doorkeeper will close the doors."

During the roll call, as there seemed to be a misunderstanding, the Speaker said:

"The Chair will state to the House that under this rule when Members are called they are required to vote 'yea' or 'nay' upon the engrossment and third reading of the pending bill, unless they desire not to vote, in which case they will respond 'present.' Thus the roll call will answer the double purpose of taking a vote on the bill and of showing what Members are present. The Chair desires to add also that we are now under a call of the House, so that it is the duty of Members who are present to remain until the call and the vote is completed, and the Sergeant at Arms is required to keep Members here who are present and also to bring in the absentees."

I have the Journal showing the decision just read, and the Journal shows that a ye-a-and-nay vote was taken on the order for engrossment and third reading and on which vote a quorum failed to appear. And then immediately followed a second roll call, with a ye-a-and-nay vote on the call of the House.

I read again from section 3052, volume 4, of Hinds' Precedents, and this also is a decision by Speaker Reed:

Under the new rule for a call of the House the roll is called over twice, and those appearing after their names are called may vote.

On June 9, 1896, the House was voting by yeas and nays to lay on the table a motion to reconsider a vote on the District of Columbia appropriation bill. There appeared—yeas 99, nays 31, not voting 224.

No quorum being present, the Speaker announced that under the rule there would be a call of the House, and the Sergeant at Arms would proceed at once to bring in absent Members.

Mr. Joseph W. Bailey, of Texas, inquired whether or not those who had answered on the previous roll call could vote again.

The Speaker said: "The Chair thinks that the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll is finished the absentees may vote. The Sergeant at Arms will close the doors, and the Clerk will call the roll."

The Clerk proceeded with the roll call, and the same having been finished, the Speaker said:

"The Clerk will now call the names of Members failing to respond the first call. The Chair trusts that gentlemen who are present and do not vote will announce their presence to avoid confusion."

The second call having been concluded, the Speaker announced: "On this question the yeas are 126 and the nays are 43. The following-named gentlemen are present. [Naming them.]

"The Chair desires to state to these gentlemen that under a misapprehension he stated a while ago they could not vote; but they are marked present, and their presence is necessary to constitute a quorum, under the rule they have a right to vote if they desire to do so."

Several of these gentlemen having voted, the Speaker announced the corrected vote—yeas 231, nays 45, answering "present" (certain gentlemen)—a quorum.

Mr. Speaker, to remove any question as to that decision, I desire to read from the CONGRESSIONAL RECORD, volume 28, part 7, of the Fifty-fourth Congress, first session, page 6330:

The SPEAKER. The question is on laying the motion to reconsider on the table.

On that question the yeas were 99, nays 31, not voting 224—not a quorum.

The yeas and nays are set out in the RECORD.

The SPEAKER. On this question the yeas are 99, the nays 31.

Mr. McMILLIN. No quorum.  
The SPEAKER. The Chair is informed that there are 16 present in addition to that. Under the rule of the House there will be a call of the House, and the Sergeant at Arms will proceed at once to bring in absent Members.

We all agree that when a record vote discloses there is no quorum the Chair must take cognizance of that fact. In this instance Mr. McMILLIN made the point of no quorum. To continue:

Mr. DANIELS. I move that there be a call of the House.

The SPEAKER. The Clerk will proceed to call the roll. Each Member as he answers to his name may vote upon the pending question, so that it requires another vote upon the pending question. The House will govern itself accordingly.

Mr. BAILEY. I desire to ask if it is not a fact that the rule only requires the absentees to answer, or are they brought to the bar to vote? It does not require that those who had previously responded should answer.

The SPEAKER. The Chair thinks it requires all Members to answer. The Clerk should call the roll and each Member as he answers to his name may vote on the pending question.

Mr. BAILEY. I think that only provides for those who have not answered upon the previous call; otherwise a gentleman who had voted on the other call would be required to vote again.

The SPEAKER. The Chair thinks the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll call is finished the absentees may vote. The Sergeant at Arms will notify the absentees and the Clerk will call the roll.

The Clerk proceeded to call the roll.  
The SPEAKER (at the end of the first call). The Clerk will now call the names of Members failing to respond to the first call. The Chair trusts that gentlemen who are present and do not vote will announce that they are present, to avoid confusion.

The membership of the House will understand that Speaker Reed decided he had authority to count as present Members who were in the Hall who do not vote, and the Supreme Court, as we all know, afterwards affirmed that decision, and that is why he was asking those who did not vote to make their presence known.

Mr. MANN. What is the date of that?

Mr. CRISP. The Fifty-fourth Congress.

Mr. MANN. That was the rule at that time?

Mr. CRISP. Yes, sir. [Reading:]

Mr. OWEN. In view of the request of the Chair to Members to announce their presence if they do not vote, I wanted to ask whether they might not possibly be confused with the 16 already counted, or whether those 16 are to be used again in making a quorum?

The SPEAKER. The Chair thinks there will not be any confusion if gentlemen answer that they are present. The Clerk will call the roll.

Mr. JOHNSON of California. Mr. Speaker, is it in order at this time to ask leave of absence?

There is no use in reading further, gentlemen; but the Speaker held that the automatic call applied. They immediately called the roll and the yeas and nays were again taken and they voted on the pending question.

Mr. GARNER. He was construing at that time paragraph 4 of Rule XV?

Mr. CRISP. He was construing the identical rule in question, the rule having been adopted in January, 1896. Under this decision, Mr. Speaker, it is clear I was in error in the position I took. Under these decisions, if they are followed, it is obvious when we take a vote by yeas and nays on a motion to order the previous question on the passage of a bill and amendments and a quorum failing to vote, then the automatic rule applies, and a call of the House follows, and Members brought in by the Sergeant at Arms or who come in voluntarily should be permitted to cast their vote on ordering the previous question on the bill and amendments to passage. I felt, Mr. Speaker, that it was due the Chair and due the House and due myself when I learned I was in error to frankly say so. I thank the House. [Applause.]

The SPEAKER. The vote is on dispensing with further proceedings, and tellers have been ordered. The gentleman from Nebraska [Mr. SHALLENBERGER] and the gentleman from Illinois [Mr. MANN] will take their places as tellers. Those in favor of dispensing with further proceedings under the call will pass between the tellers.

The House again divided; and the tellers reported that there were—yeas 137, noes 72.

The SPEAKER. The yeas have it—

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

Mr. CRISP. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. MANN. Well, the gentleman has not read the Constitution recently.

The SPEAKER. The Chair overrules the point of order. Evidently a sufficient number have arisen, and the Clerk will call the roll. Those in favor of dispensing with further proceedings under the call when their names are called will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 142, nays 85, answered "present" 2, not voting 204, as follows:

## YEAS—142.

Abercrombie	Connelly	Gordon	Lever
Adair	Cox	Gray, Ala.	Lieb
Adamson	Crisp	Griffin	Liebel
Aiken	Crosser	Hamlin	Littlepage
Alexander	Cullop	Harrison, Va.	Lobeck
Almon	Davis, Tex.	Hastings	London
Ashbrook	Dent	Hayden	McClintic
Ayres	Dickinson	Helm	McGillcuddy
Bailey	Dill	Helvering	McLemore
Barnhart	Dixon	Hensley	Mays
Bell	Doollittle	Hilliard	Montague
Black	Doremus	Holland	Morrison
Blackmon	Doughton	Hood	Moss
Buchanan, Tex.	Driscoll	Houston	Murray
Burnett	Dupre	Huddleston	Neely
Byrnes, S. C.	Eagan	Hughes	Nicholls, S. C.
Byrnes, Tenn.	Eagle	Hull, Tenn.	Oldfield
Caldwell	Evans	Humphreys, Miss.	Olney
Caraway	Fields	Jacoway	O'Shaunessy
Carlin	Gallagher	Keating	Padgett
Carter, Okla.	Gallivan	Kettner	Page, N. C.
Church	Gandy	Kincheloe	Park
Clark, Fla.	Gard	Kitchin	Phelan
Cline	Garner	Konop	Price
Coady	Godwin, N. C.	Lee	Quin
Coiler	Goodwin, Ark.	Leshar	Raker

Randall	Sherwood	Stephens, Nebr.	Venable
Rauch	Shouse	Stone	Walker
Rayburn	Sisson	Sumners	Watkins
Riordan	Small	Tague	Whaley
Rouse	Smith, N. Y.	Taylor, Ark.	Williams, W. E.
Rubey	Steagall	Taylor, Colo.	Wilson, Fla.
Rucker, Ga.	Stedman	Thomas	Wise
Sears	Steele, Iowa	Thompson	Young, Tex.
Shallenberger	Steele, Pa.	Tillman	
Sherley	Stephens, Miss.	Van Dyke	

NAYS—85.

Anthony	Foss	Lindbergh	Snell
Bacharach	Green, Iowa	Longworth	Stafford
Benedict	Greene, Mass.	McLaughlin	Sterling
Capstick	Greene, Vt.	Mann	Sulloway
Cary	Hadley	Mapes	Sutherland
Cooper, Ohio	Hamilton, Mich.	Meeker	Sweet
Cooper, W. Va.	Hamilton, N. Y.	Miller, Del.	Switzer
Curry	Hawley	Moore, Pa.	Temple
Dale, Vt.	Heaton	Moore, Ind.	Timberlake
Dallinger	Hernandez	Morgan, Okla.	Treadway
Darrow	Hutchinson	Morin	Walsh
Davis, Minn.	James	Nichols, Mich.	Wason
Dempsey	Johnson, S. Dak.	North	Watson, Pa.
Denison	Keister	Norton	Wheeler
Dillon	Kennedy, Iowa	Paige, Mass.	Williams, T. S.
Dowell	Kennedy, R. I.	Porter	Williams, Ohio
Ellsworth	Kiess, Pa.	Ricketts	Wood, Ind.
Elston	Kinkaid	Roberts, Nev.	Woods, Iowa
Emerson	Kreider	Rogers	Woodyard
Esch	Lafean	Sloan	
Fess	La Follette	Smith, Mich.	
Focht	Lehlbach	Smith, Minn.	

ANSWERED "PRESENT"—2.

Browning Candler, Miss.

NOT VOTING—204.

Allen	Fairchild	Kahn	Rainey
Anderson	Farley	Kearns	Ramseyer
Aswell	Farr	Kelley	Reavis
Austin	Ferris	Kent	Reilly
Barchfeld	Fitzgerald	Key, Ohio	Roberts, Mass.
Barkley	Flood	King	Rodenberg
Beakes	Flynn	Langley	Rowe
Beales	Fordney	Lazaro	Rowland
Bennet	Foster	Lenroot	Rucker, Mo.
Booher	Frear	Lewis	Russell, Mo.
Borland	Freeman	Linthicum	Russell, Ohio
Bowers	Fuller	Lloyd	Sabath
Britt	Gardner	Loft	Sanford
Britten	Garland	Loud	Saunders
Browne	Garrett	McAndrews	Schall
Bruckner	Gillett	McArthur	Scott, Mich.
Brumbaugh	Glass	McCracken	Scott, Pa.
Buchanan, Ill.	Glynn	McCulloch	Scully
Burgess	Good	McDermott	Sells
Burke	Gould	McFadden	Shackleford
Butler	Graham	McKellar	Siegel
Callaway	Gray, Ind.	McKenzie	Sims
Campbell	Gray, N. J.	McKinley	Sinnott
Cannon	Gregg	Madden	Slayden
Cantrill	Griest	Magee	Slemp
Carew	Guernsey	Maher	Smith, Idaho
Carter, Mass.	Hamill	Martin	Smith, Tex.
Casey	Hardy	Matthews	Snyder
Chandler, N. Y.	Harrison, Miss.	Miller, Minn.	Sparkman
Charles	Hart	Miller, Pa.	Steenerson
Chiperfield	Haskell	Mondell	Stephens, Tex.
Coleman	Haugen	Moon	Stiness
Conry	Hayes	Mooney	Stout
Cooper, Wis.	Hedlin	Morgan, La.	Swift
Copley	Helgesen	Mott	Taggart
Costello	Henry	Mudd	Talbott
Crage	Hicks	Nelson	Tavenner
Crampton	Hill	Nolan	Tilson
Dale, N. Y.	Hinds	Oakey	Tinkham
Danforth	Hollingsworth	Oglesby	Towner
Davenport	Hopwood	Oliver	Vare
Decker	Howard	Overmyer	Vinson
Dewalt	Howell	Parker, N. J.	Volstead
Dies	Hulbert	Parker, N. Y.	Ward
Dooling	Hull, Iowa	Patten	Watson, Va.
Drukker	Humphrey, Wash.	Peters	Webb
Dunn	Husted	Platt	Wilson, Ill.
Dyer	Igoe	Pou	Wilson, La.
Edmonds	Johnson, Ky.	Powers	Wingo
Edwards	Johnson, Wash.	Pratt	Winslow
Estopinal	Jones	Ragsdale	Young, N. Dak.

So the motion to dispense with further proceedings under the call was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. McKellar (for) with Mr. Crago (against).

Until further notice:

Mr. Farley with Mr. Fairchild.

Mr. Ferris with Mr. Edmonds.

Mr. Flood with Mr. Fordney.

Mr. Foster with Mr. Freeman.

Mr. Garrett with Mr. Fuller.

Mr. Gray of Indiana with Mr. Garland.

Mr. Gregg with Mr. Gillett.

Mr. Hamill with Mr. Glynn.

Mr. Harrison of Mississippi with Mr. Gould.

Mr. Hart with Mr. Graham.

Mr. Hedlin with Mr. Gray of New Jersey.

Mr. Henry with Mr. Griest.

Mr. Hulbert with Mr. Haskell.  
 Mr. Key of Ohio with Mr. Hayes.  
 Mr. Edwards with Mr. Hill.  
 Mr. Lewis with Mr. Hollingsworth.  
 Mr. Lloyd with Mr. Hull of Iowa.  
 Mr. McAndrews with Mr. Husted.  
 Mr. McDermott with Mr. Johnson of Washington.  
 Mr. Maher with Mr. Kahn.  
 Mr. Moon with Mr. Kearns.  
 Mr. Morgan of Louisiana with Mr. Kelley.  
 Mr. Oglesby with Mr. King.  
 Mr. Oliver with Mr. Langley.  
 Mr. Pou with Mr. McArthur.  
 Mr. Rainey with Mr. McCulloch.  
 Mr. Reilly with Mr. McFadden.  
 Mr. Rucker of Missouri with Mr. McKenzie.  
 Mr. Russell of Missouri with Mr. McKinley.  
 Mr. Sabath with Mr. Madden.  
 Mr. Saunders with Mr. Magee.  
 Mr. Sims with Mr. Miller of Minnesota.  
 Mr. Sparkman with Mr. Mott.  
 Mr. Webb with Mr. Mudd.  
 Mr. Callaway with Mr. Carter of Massachusetts.  
 Mr. Clark of Florida with Mr. Stiness.  
 Mr. Aswell with Mr. Austin.  
 Mr. Borland with Mr. Bennet.  
 Mr. Barkley (for) with Mr. Cramton (against).  
 Mr. Candler of Mississippi with Mr. Cannon.  
 Mr. Carew with Mr. Charles.  
 Mr. Dewalt with Mr. Cramton.  
 Mr. Dooling with Mr. Drukker.  
 Mr. Edwards with Mr. Dunn.  
 Mr. Stephens of Texas with Mr. Nelson.  
 Mr. Stout with Mr. Nolan.  
 Mr. Taggart with Mr. Oakey.  
 Mr. Tavenner with Mr. Parker of New Jersey.  
 Mr. Vinson with Mr. Parker of New York.  
 Mr. Wason with Mr. Peters.  
 Mr. Wilson of Louisiana with Mr. Platt.  
 Mr. Wingo with Mr. Powers.  
 Mr. Booher with Mr. Ramseyer.  
 Mr. Beakes with Mr. Reavis.  
 Mr. Bruckner with Mr. Ricketts.  
 Mr. Brumbaugh with Mr. Roberts of Massachusetts.  
 Mr. Allen with Mr. Rodenberg.  
 Mr. Burgess with Mr. Rowe.  
 Mr. Casey with Mr. Rowland.  
 Mr. Dale of New York with Mr. Russell of Ohio.  
 Mr. Dies with Mr. Sanford.  
 Mr. Estopinal with Mr. Scott of Michigan.  
 Mr. Fitzgerald with Mr. Scott of Pennsylvania.  
 Mr. Flynn with Mr. Sells.  
 Mr. Burke with Mr. Pratt.  
 Mr. Hardy with Mr. Siegel.  
 Mr. Howard with Mr. Sinnott.  
 Mr. Igoe with Mr. Slemp.  
 Mr. Lazaro with Mr. Smith of Idaho.  
 Mr. Linthicum with Mr. Snyder.  
 Mr. Ragsdale with Mr. Steenerson.  
 Mr. Patten with Mr. Stiness.  
 Mr. Shackleford with Mr. Tilson.  
 Mr. Slayden with Mr. Tinkham.  
 Mr. Smith of Texas with Mr. Towner.  
 Mr. Overmyer with Mr. Vare.  
 Mr. Jones with Mr. Volstead.  
 Mr. Loft with Mr. Ward.  
 Mr. Conry with Mr. Wilson of Illinois.  
 Mr. Decker with Mr. Young of North Dakota.  
 The SPEAKER. The Doorkeeper will open the doors. The question is on ordering the previous question.  
 The question was taken, and the Speaker announced that the ayes seemed to have it.  
 Mr. Mann. Mr. Speaker, I demand the yeas and nays.  
 The yeas and nays were ordered.  
 The question was taken; and there were—yeas 145, nays 75, answered "present" 4, not voting 209, as follows:

YEAS—145.

Abercrombie	Barnhart	Carlin	Cullop
Adair	Bell	Church	Dale, N. Y.
Alken	Black	Clark, Fla.	Davis, Tex.
Alexander	Blackmon	Cline	Decker
Allen	Buchanan, Tex.	Coady	Dent
Almon	Burnett	Collier	Dickinson
Ashbrook	Byrnes, S. C.	Connelly	Dill
Ayres	Byrnes, Tenn.	Cox	Dixon
Bailey	Caldwell	Crisp	Doolittle
Barkley	Caraway	Crosser	Doremus

Doughton	Hood	Neely	Smith, N. Y.
Driscoll	Houston	Nicholls, S. C.	Stegall
Dupré	Huddleston	Oldfield	Stedman
Eagan	Hughes	Oliver	Steele, Iowa
Eagle	Hull, Tenn.	Olney	Steele, Pa.
Evans	Jacaway	O'Shaunessy	Stephens, Miss.
Fields	Keating	Padgett	Stone
Gallagher	Kettner	Page, N. C.	Summers
Gallivan	Kincheloe	Park	Tague
Gandy	Kitchin	Phelan	Taylor, Ark.
Gard	Konop	Price	Taylor, Colo.
Garner	Lee	Quin	Thomas
Godwin, N. C.	Leshler	Raker	Thompson
Goodwin, Ark.	Lever	Randall	Tillman
Gordon	Lieb	Rauch	Van Dyke
Gray, Ala.	Liebel	Rayburn	Venable
Griffin	Littlepage	Riordan	Walker
Hamlin	Lobeck	Rouse	Watkins
Harrison, Va.	London	Rubey	Whaley
Hastings	McClintic	Rucker, Ga.	Williams, W. E.
Hayden	McGillcuddy	Russell, Mo.	Wilson, Fla.
Heflin	McLemore	Sears	Wingo
Heim	Mays	Shallenberger	Wise
Helvering	Montague	Sherley	Young, Tex.
Hensley	Morrison	Sherwood	
Hilliard	Moss	Shouse	
Holland	Murray	Sisson	

NAYS—75.

Anthony	Emerson	Kinkaid	Rogers
Bacharach	Esch	La Pollette	Smith, Mich.
Benedict	Fess	Lehbach	Smith, Minn.
Capstick	Foss	Lindbergh	Snell
Cary	Green, Iowa	Longworth	Stafford
Cooper, Ohio	Greene, Mass.	Mann	Sterling
Cooper, W. Va.	Greene, Vt.	Mapes	Sutherland
Cramton	Hadley	Martin	Sweet
Curry	Hamilton, Mich.	Moore, Pa.	Switzer
Dale, Vt.	Hamilton, N. Y.	Moore, Ind.	Temple
Dallinger	Hawley	Morgan, Okla.	Timberlake
Darrow	Heaton	Nichols, Mich.	Treadway
Davis, Minn.	Hutchinson	North	Watson, Pa.
Dempsey	Johnson, S. Dak.	Norton	Wheeler
Denison	Keister	Oakey	Williams, T. S.
Dillon	Kelley	Paige, Mass.	Williams, Ohio
Dowell	Kennedy, Iowa	Porter	Wood, Ind.
Ellsworth	Kennedy, R. I.	Ricketts	Woodyard
Elston	Kiess, Pa.	Roberts, Nev.	

ANSWERED "PRESENT"—4.

Adamson	Browning	Candler, Miss.	Freeman
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NOT VOTING—209.

Anderson	Flynn	Lafean	Rowe
Aswell	Focht	Langley	Rowland
Austin	Fordney	Lazaro	Rucker, Mo.
Barchfeld	Foster	Lenroot	Russell, Ohio
Beakes	Frear	Lewis	Sabath
Beales	Fuller	Linthicum	Sanford
Bennet	Gardner	Lloyd	Saunders
Booher	Garland	Loft	Schall
Borland	Garrett	Loud	Schott, Mich.
Bowers	Gillett	McAndrews	Scott, Pa.
Britt	Glass	McArthur	Scully
Britten	Glynn	McCracken	Sells
Browne	Good	McCulloch	Shackelford
Bruckner	Gould	McDermott	Siegel
Brumbaugh	Graham	McFadden	Sims
Buchanan, Ill.	Gray, Ind.	McKellar	Sinnott
Burgess	Gray, N. J.	McKenzie	Stayden
Burke	Gregg	McKinley	Slamp
Butler	Griest	McLaughlin	Sloan
Callaway	Guernsey	Madden	Small
Campbell	Hamill	Magee	Smith, Idaho
Cannon	Hardy	Maher	Smith, Tex.
Cantrill	Harrison, Miss.	Matthews	Snyder
Carew	Hart	Meeker	Sparkman
Carter, Mass.	Haskell	Miller, Del.	Steenerson
Carter, Okla.	Haugen	Miller, Minn.	Stephens, Nebr.
Casely	Hayes	Miller, Pa.	Stephens, Tex.
Chandler, N. Y.	Helgesen	Mondell	Stiness
Charles	Henry	Moon	Stout
Chipfield	Hernandez	Mooney	Sulloway
Coleman	Hicks	Morgan, La.	Swift
Conry	Hill	Morin	Taggart
Cooper, Wis.	Hinds	Mott	Talbot
Copley	Hollingsworth	Mudd	Tavener
Costello	Hopwood	Nelson	Tilson
Crage	Howard	Nolan	Tinkham
Danforth	Howell	Oglesby	Towner
Davenport	Hulbert	Overmyer	Vare
Dewalt	Hull, Iowa	Parker, N. J.	Vinson
Dies	Humphrey, Wash.	Parker, N. Y.	Volstead
Doelling	Humphreys, Miss.	Patten	Walsh
Drukner	Husted	Peters	Ward
Dunn	Igoe	Platt	Watson
Dyer	James	Pou	Watson, Va.
Edmonds	Johnson, Ky.	Powers	Webb
Edwards	Johnson, Wash.	Pratt	Wilson, Ill.
Estopinal	Jones	Ragsdale	Wilson, La.
Fairchild	Kahn	Rainey	Winslow
Farley	Kearns	Ramseyer	Woods, Iowa
Farr	Kent	Reavis	Young, N. Dak.
Ferris	Key, Ohio	Redly	
Fitzgerald	King	Roberts, Mass.	
Flood	Kreider	Rodenberg	

So the previous question was ordered.  
 The Clerk announced the following additional pair:  
 On the vote:  
 Mr. McKELLAR (for) with Mr. CRAGO (against).  
 Mr. FREEMAN. Mr. Speaker, I wish to vote "nay."  
 The SPEAKER. Was the gentleman in the hall listening?

Mr. FREEMAN. I do not think I was.  
 The SPEAKER. The Clerk will designate the gentleman as "present" under the rule.  
 Mr. ADAMSON. Mr. Speaker, I am paired. I want to vote "present."  
 The SPEAKER. Was the gentleman in the Hall listening when his name was called?  
 Mr. ADAMSON. I just want to be marked "present" to make a quorum.  
 The SPEAKER. The Clerk will record the gentleman's name and designate him as "present."  
 The result of the vote was announced as above recorded.  
 Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.  
 The SPEAKER. The gentleman will state it.  
 Mr. SHALLENBERGER. Under the rules of the House, will this bill come up for consideration the first thing in the morning?  
 The SPEAKER. Under the practice of the House, yes.  
 Mr. SHALLENBERGER. With that understanding, then, Mr. Speaker—

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.  
 The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Thursday, February 15, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:  
 1. A letter from the Secretary of War, transmitting report on preliminary examination of White Lake Harbor, Mich., from the mouth of the channel to White Lake (H. Doc. No. 2053); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.  
 2. A letter from the Secretary of the Treasury, transmitting estimate of expenses which are in addition to the sum already appropriated for the Coast Guard for the current fiscal year (H. Doc. No. 2054); to the Committee on Appropriations and ordered to be printed.  
 3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for the Internal Revenue Service for the fiscal year ending June 30, 1918 (H. Doc. No. 2055); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:  
 Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19129) to make immediately available for the use of the State of Georgia, in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, reported the same without amendment, accompanied by a report (No. 1492), which said bill and report were referred to the Committee of the Whole House on the state of the Union.  
 Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 84) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 1493), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:  
 Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co., reported the same without amendment, accompanied by a report (No. 1481), which said bill and report were referred to the Private Calendar.  
 Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (S. 4277) for the relief of George B. Hughes, reported the same without amendment, accompanied by



a report (No. 1482), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS, of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14631) for the relief of J. B. Fleming, reported the same without amendment, accompanied by a report (No. 1483), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17448) for the relief of the heirs of Robert Laird McCormick, deceased, reported the same without amendment, accompanied by a report (No. 1484), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6737) for the relief of A. J. Lowary, reported the same without amendment, accompanied by a report (No. 1485), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden, reported the same without amendment, accompanied by a report (No. 1486), which said bill and report were referred to the Private Calendar.

He, also from the same committee, to which was referred the bill (S. 1548) for the relief of Emmett W. Entriiken, reported the same without amendment, accompanied by a report (No. 1487), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck, reported the same without amendment, accompanied by a report (No. 1488), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 17144) for the relief of Arthur Wendle Englert, reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (S. 5439) for the relief of the Southern States Lumber Co., reported the same without amendment, accompanied by a report (No. 1490), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3507) for the relief of Elizabeth Marsh Watkins, reported the same with amendment, accompanied by a report (No. 1491), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary to which was referred the resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly, reported the same adversely, accompanied by a report (No. 1494), which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 20229) for the relief of Eleanor Moore, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20905) to provide a commission to secure site, plans, and design for a school to train negro soldiers; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 20906) conferring citizenship upon Indians; to the Committee on Indian Affairs.

By Mr. LENROOT: A bill (H. R. 20907) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to the Committee on the Judiciary.

By Mr. BENEDICT: A bill (H. R. 20908) making an appropriation for the construction and equipment of a sanitary, fire-proof hospital on the grounds of the National Home for Disabled Volunteer Soldiers, Pacific Branch, in the county of Los Angeles, State of California; to the Committee on Appropriations.

By Mr. PARK: Joint resolution (H. J. Res. 370) providing for the appointment of a joint committee of the Senate and House of Representatives to provide a bill providing the farmers of the

United States with better credit facilities for short-time personal loans; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 504) to provide for printing copies of the Declaration of Independence and the Constitution of the United States; to the Committee on Printing.

By Mr. EMERSON: Resolution (H. Res. 505) of confidence in the President of the United States to uphold peace with honor; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution (H. Res. 506) for the relief of Jennie Ritzheimer; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, favoring the amendment of the stock-raising homestead-entry law so as to make it inapplicable to lands in the State of Idaho; to the Committee on the Public Lands.

By Mr. GILLET: Memorial of the Commonwealth of Massachusetts, pledging support to the President and the Congress of the United States in whatever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. CURRY: Memorial of the Legislature of the State of California, asking for early completion of hydrographical work on the Pacific coast; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, favoring a recession to the State of California of Lower Klamath Lake for storage of water; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to amending act of February 28, 1891, providing for an exchange of land between the United States and the State of California; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to the Crescent City Harbor; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to loaning funds of the postal savings banks to public-school districts; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, asking for passage of House bill 19291, for the reclamation of arid and swamp lands; to the Committee on the Public Lands.

Also, joint resolution of the Legislature of the State of California, asking for congress of the States to consider conflicting jurisdiction of Federal and State taxes; to the Committee on the Judiciary.

By Mr. DALLINGER: Memorial of the Commonwealth of Massachusetts, pledging support of the President and the Congress of the United States in whatsoever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20909) granting an increase of pension to Florence Marquis; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 20910) authorizing the appointment of Capt. D. A. Maurier to the position of first lieutenant of the Regular Army; to the Committee on Military Affairs.

By Mr. GILLET: A bill (H. R. 20911) granting an increase of pension to William A. Morton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting a pension to Thomas H. Lillis; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 20913) granting a pension to Charles L. Thornton; to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 20914) to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*; to the Committee on the Merchant Marine and Fisheries.

By Mr. KETTNER: A bill (H. R. 20915) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy; to the Committee on Naval Affairs.

By Mr. PETERS: A bill (H. R. 20916) granting an increase of pension to Sylvester Smart; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 20917) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of 2,500 representative citizens of the city of Reading, Pa., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Evidence in support of House bill 13992, for relief of William R. Hogue; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorial of the Congress of Women's Clubs, Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration.

Also, memorial adopted by public meeting in Bethany Presbyterian Church, Johnstown; public meeting, Portage; and public meeting, Johnstown, all in the State of Pennsylvania, relative to Congress amending Article XVIII of the Federal Constitution; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 57 people of Woman's Christian Temperance Union, Woodstown; 80 people of the County Woman's Club, Salem County; 60 people of the Methodist Episcopal prayer meeting, Williamstown; and Auburn Methodist Episcopal Church, Auburn, all in the State of New Jersey, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of employees of the Post Office Department, of Los Angeles, Cal., relative to promotions of post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of the Connecticut Prison Association, Hartford, Conn., urging the enactment of Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on Accounts.

Also, petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition signed by Mr. George C. Miller and 17 others of Tomah, Wis., protesting against advance in price of binder twine; to the Committee on the Judiciary.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petitions of C. H. Bloom, Victor Lundholm, Frank H. Hall, and S. G. Atwood, of Rockford, Ill., and of A. L. Hindle, Charles Weber, C. F. Uloth, Victor Wasgin, William Bandy, and E. N. Carns, of La Salle, Ill., for a referendum before any declaration of war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of the city of New York, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the national legislative bureau, Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Engineers, protesting against proposed legislation in House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of Stone & Webster, of Boston, Mass., favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. L. and Mary E. Starks, of Kansas City, Mo., relative to permanent peace through a concert of nations; to the Committee on Foreign Affairs.

Also, petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, urging support of the league's proposal by the United States; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Mass., relative to increase in salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston and Brookline, Mass., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Edward M. O'Connor, of South Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of James Cochran, of Uphams Corner, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of postal clerks and letter carriers of Torrington, Conn., for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial adopted by employees of the Post Office Department in Los Angeles, Cal., urging the enactment of legislation providing for automatic promotions and increase of salaries of post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Memorial of the City Council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of Ruthenian National Union, of Scranton, Pa., favoring House joint resolution 350, relative to funds for relief of Ruthenians; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits; to the Committee on Ways and Means.

Also, memorial of the Union League Club, of the city of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the New York State Forestry Association, favoring the appropriation for the eradication of the pine-blister rust, also the amendment to the quarantine act; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Memorial of the Eastern Ohio Milk & Cream Producers' Association, protesting against a reduction in tax on oleomargarine when colored yellow in imitation of butter; to the Committee on Ways and Means.

By Mr. KALANIANA'OLE: Petition of employees of the United States customs service of Honolulu, Hawaii, relative to readjustment of rating, grades, and salaries; to the Committee on Ways and Means.

By Mr. LEHLBACH: Petition of sundry citizens of Newark, Irvington, Arlington, Orange, South Orange, and West Orange, N. J., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, petition of Mrs. Julia G. Johnston, Easton, Md., urging the passage of the national woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Canton National Bank and Park Bank, Baltimore, Md., favoring an amendment to House bill 20661 relative to Federal reserve bank; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Baltimore, Md., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. LOUD: Memorial of C. H. Auschuty, secretary, and 16 other citizens of Tawas City, Mich., protesting against the President severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Mr. W. J. Oakley, president, and all the members of the executive committee of Typographical Union No. 81, of Bay City, Mich., urging higher wages to printers in post offices; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: Memorial adopted by the First Presbyterian Church, Church of Christ, First Baptist Church, Free Methodist Church, and the Woman's Christian Temperance

Union, all of Sayre, Pa., favoring the national prohibition resolution; to the Committee on the Judiciary.

By Mr. MORIN: Petition of A. J. Wurtz and 15 others of the Carnegie Institute of Technology, of Pittsburgh, Pa., with reference to the migratory bird treaty act, House bill 20080; to the Committee on Foreign Relations.

By Mr. NOLAN: Memorial of the Chamber of Commerce of Santa Rosa, Cal., indorsing House bill 1350, the Webb bill, when modified as suggested by the Merchants' Association of New York, so as to permit cooperative action in export trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Independence Union, Pacific Building, San Francisco, Cal., Daniel O'Connell, president, and John A. Miller, secretary, protesting against alleged encroachment of executive upon legislative branch of government and urging that every means possible be used to preserve peace with Germany and her allies; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of L. E. Dow and 14 other employees of the Post Office Department, urging Congress to increase their salaries; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of Adele O. Merritt, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Henry G. Seaver, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing act of the President of the United States in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the mail-exclusion bill; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Charles J. Weigand, secretary of Lodge No. 695, International Association of Machinists, Rock Island, Ill., protesting against war; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of a meeting of the board of government of the Hooker Association of Massachusetts, favoring universal and compulsory military training for all male citizens of the United States; to the Committee on Military Affairs.

By Mr. VAN DYKE: Petition of St. Paul (Minn.) Union Ministers' Association, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. VARE: Petition of Delaware River Branch, American Society of Marine Draftsmen, asking increased salary; to the Committee on Naval Affairs.

SENATE.

THURSDAY, February 15, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending question is the appeal from the decision of the Chair that the amendment of the Senator from Iowa [Mr. CUMMINS] is in order.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Culberson	Hollis	Lane
Bankhead	Cummins	James	Lea, Tenn.
Brandegee	Curtis	Johnson, Me.	Martine, N. J.
Broussard	Fernald	Johnson, S. Dak.	Myers
Bryan	Fletcher	Jones	Nelson
Chamberlain	Gallinger	Kenyon	Oberman
Clapp	Harding	La Follette	Owen

Page	Sheppard	Smith, S. C.	Vardaman
Penrose	Sherman	Smoot	Walsh
Robinson	Simmons	Tillman	Warren
Shafrath	Smith, Ga.	Townsend	Weeks

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate on account of illness.

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

The Secretary called the names of absent Senators, and Mr. CATRON, Mr. McCUMBER, Mr. MARTIN of Virginia, Mr. THOMAS, Mr. WADSWORTH, and Mr. WILLIAMS answered to their names when called.

Mr. REED, Mr. KIRBY, Mr. SAULSBURY, Mr. NORRIS, and Mr. BRADY entered the Chamber and answered to their names.

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

SENATOR FROM MISSISSIPPI.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of JOHN SHARP WILLIAMS, chosen by the qualified electors of the State of Mississippi a Senator from that State, for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF MISSISSIPPI.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

To all to whom these presents shall come, greeting:

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

Witness: His excellency our governor, Theodore G. Bilbo, and our seal hereto affixed at Jackson, Miss., this the 1st day of February, in the year of our Lord 1917.

[SEAL.]

THEODORE G. BILBO.

By the governor,

JOSEPH W. POWER, Secretary of State.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CUMMINS. Mr. President, the pending question, as I understand, is an appeal from the ruling of the Chair, in which the Chair held that an amendment which I offered last evening to the Post Office appropriation bill was in order. The objection made by the Senator from Florida [Mr. BRYAN] was that the amendment presented general legislation as an amendment to an appropriation bill.

I desire to say just a word with regard to the validity of the ruling. In my opinion the amendment is not general legislation. If our rule was the same as that recognized in the House of Representatives the amendment would be subject to a point of order, but there is a vast difference between "new legislation" and "general legislation." The present law upon the subject was adopted in an appropriation bill. I think that creates at least the presumption that the amendment is not general legislation. The present statute is as follows:

*Provided*, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the railway mail service and chief clerks and post-office inspectors while traveling on official business upon the exhibition of their credentials.

The amendment which I have proposed seeks to incorporate in the present law these words: "Including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." In my judgment the law as it was passed last year ought to have been construed to include these post-office employees, for it provides that "persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department" shall be so carried; but I understand that the Post Office Department has ruled that the clerks in the terminal offices, most of whom have been transferred from the trains to those offices in order to expedite or to reduce the expense of the work that is ordinarily done upon railway mail trains, are not within the statute.

I do not desire at this time to again discuss the merits of the proposition; but it is obvious to me that an amendment which simply extends to certain of the Post Office Department employees the same privileges that are now accorded to other employees who do practically the same kind of work is not general legislation.