Member of the Fifty-seventh Congress, and was reelected to the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, his service ending with his death on July 31, 1910.

It will be seen from this record of Mr. TIRRELL's service that he was always deeply interested in public affairs, and as early as 1860, while residing in Weymouth, he was a member of the school board and continued a member until his removal to Natick. In his home town he was always foremost in any movement of a public nature, and for many years he served as moderator of the town meetings.

He was a leader in Masonic and temperance organizations, and reached in time the highest office in the State body of Odd Fellows.

In business Mr. TIRRELL was active in banking and in the law, and was conspicuously successful in both. He was a quiet, painstaking, and methodical worker. Whether as a teacher, banker, or lawyer, he was always trusted and relied upon, and when he entered upon his service here in Washington it was his careful and assiduous application to his duties which made him of such value to his district, his State, and the Nation. His committee assignments were varied and important, but he could always be counted upon to do his work thoroughly and with an eye single to the best interests of the Government.

He was an upright, high-minded man, and his death was a loss to his State and to the House of Representatives. I knew Mr. TIRRELL first in 1881, when he was serving as a member of the State senate, and our friendship remained unbroken until his death. To me his death is not only a public loss but a personal sorrow.

Mr. CRANE. Mr. President, it was my good fortune to know CHARLES Q. TIRRELL for many years. A native of the Old Bay State, he spent his entire life there, with the exception of the period of his course at Dartmouth College and three years during which he taught at Peacham and St. Johnsbury, Vt. I had known him as an able and high-minded lawyer before he came to Congress 10 years ago. He took a special interest in all questions pertaining to the welfare of the town of Natick, which was his home after his marriage in 1873, and his devotion to the work of upbuilding the community was recognized by his people, his popularity at home being attested by the fact that he was chosen as moderator of the town meetings year after year.

Mr. TIRRELL was an ardent advocate of the temperance cause, and his attitude toward this subject was shown in the stand he always took in the halls of Congress whenever that cause was under consideration.

He served a year in the Massachusetts House of Representatives and two years as State senator. In 1888 he was a presidential elector. His service in the National House of Representatives continued through almost five terms. In all of his public life he was actuated by a desire not merely to serve his constituents with fidelity, but at all times to do what seemed to him to be right and in accord with his own conscience and judgment. He studied all public questions with a desire to understand them thoroughly before taking action. It was this faculty which made him so valuable a committee worker in the House of Representatives, and his membership upon the important Committee on the Judiciary afforded him a large field for the exercise of his legal talents and knowledge. He took full advantage of the opportunity thus offered and was exceedingly helpful in the investigation of many important measures with which that committee was called upon to deal. His devotion to his duties in Washington was especially noteworthy during the last year or two of his life here, for in spite of poor health which came upon him he continued his attendance upon his committees and the House and gave his strength to the work in hand. In fact, he was never physically strong, but the determination and strength of character which he possessed made it possible for him to accomplish much. He will always be remembered as a helpful, earnest worker, not only for his town and community, but for his Commonwealth and for his country.

The uncertainty of life is brought home to us to-day when we recall that on June 5, 1910, CHARLES Q. TIRRELL delivered an address in the House of Representatives upon the life and character of William C. Lovering, who died February 4, 1910, and that we are now met to express our appreciation of the service of Mr. TIRRELL, who passed away July 31 last, only about seven weeks after he had spoken in the historic hall at the other end of the Capitol of the work of his colleague.

Mr. LODGE. Mr. President, as a further mark of respect to the memory of Mr. LOVERING and Mr. TIRRELL, late Members of the House of Representatives, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 27, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 25, 1911.*

The House met at 10.30 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1912, together with a statement of the conferees, and ask that the same be printed under the rule.

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. This being the first of the last six days, the report can be printed under the rule or be acted upon at this time.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to give notice that I will call up this report early at the Monday session.

The SPEAKER. As the gentleman chooses. He may call it up now if he desires. The Chair would suggest to the gentleman, as this is the first of the last six days of the session, and only two of the appropriation bills have been enrolled, if he does not think it is practicable to get it out of the way?

Mr. GARDNER of Michigan. Mr. Speaker, I would like to call it up now, if it does not seem to take any advantage of gentlemen who may have objection to the report. I would say that it is a full and complete agreement.

The SPEAKER. Which passes on the report first, the House or the Senate?

Mr. GARDNER of Michigan. The Senate has already passed it. Now it is for the action of the House.

The SPEAKER. It is important that these bills should be disposed of. If it goes back to conference, it is doubly important.

Mr. JOHNSON of Kentucky. It is equally important, Mr. Speaker, that the bill should not embody legislative provisions for nearly 500 Members.

The SPEAKER. The gentleman from Kentucky has made a point of order, but has not stated what it is about. Does the gentleman from Michigan [Mr. GARDNER] desire to call his report up now?

Mr. GARDNER of Michigan. I do, and ask unanimous consent to have the statement read in lieu of the report.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

The SPEAKER. Objection is heard, and the Clerk will read the report.

(For report see Senate proceedings of Friday, February 24, 1911, page 3251.)

The statement of the House conferees is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations for the government of the District of Columbia for the fiscal year 1912 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, relating to the executive offices: Increases the salaries of the commissioners from $5,000 to $6,000 each, one stenographer and typewriter from $720 to $840, the purchasing officer from $2,500 to $2,750, one clerk from $1,200 to $1,300, three clerks from $600 each to $720 each, the inspector of buildings from $2,750 to $3,000, reimburses two elevator inspectors for maintenance of motor cycles at $15 per month each, and strikes out the proposed increase of salary of the storekeeper from $900 to $1,000.

On amendment No. 15: Extends to the employees of the District other than those in the public-school system and police and fire departments the same provisions of leave of absence as is provided for by law for employees of the executive departments.

On amendments Nos. 16 and 17: Increases the salary of the clerk and stenographer in charge of the force for care of the District Building from $1,800 to $2,000.

On amendments Nos. 18 and 19: Provides for an additional clerk at $720 in the assessor's office.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On amendment No. 20: Provides for extra labor in the preparation of tax-sale certificates in the sum of $800, as proposed by the House.

On amendments Nos. 21, 22, 23, and 24, relating to the auditor's office: Makes a verbal correction in the text of the bill, and provides for an additional clerk at $1,000.

On amendments Nos. 25 and 26: Provides for an additional stenographer at $840 in the office of the corporation counsel.

On amendments Nos. 27, 28, and 29: Increases the salary of a clerk in the office of the superintendent of weights, measures, and markets from $1,000 to $1,200.

On amendments Nos. 30, 31, 32, 33, and 34, relating to the engineer commissioner's office: Strikes out the proposed increase in the salaries of the engineer of highways and the superintendent of sewers from $3,000 to $3,300 each; increases the salary of the chief clerk from $2,000 to $2,250, and of one clerk from $1,350 to $1,400.

On amendments Nos. 35 and 36: Appropriates $2,500 for a gasoline-motor truck for the municipal architect's office.

On amendments Nos. 37, 38, and 39: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,300 each in the special assessment office.

On amendments Nos. 40, 41, 42, and 43, relating to the office of the superintendent of insurance: Increases the salary of the examiner from $1,500 to $1,700, the statistician from $1,500 to $1,700, and of one clerk from $1,000 to $1,200.

On amendments Nos. 44 and 45: Increases the salary of an assistant computer from $825 to $900 in the surveyor's office.

On amendments Nos. 46, 47, 48, and 49, relating to the Free Public Library: Strikes out the proposed increase in the salary of the assistant librarian from $1,500 to $1,600, provides for one additional assistant at $720 and for one additional cataloguer at $540.

On amendment No. 50: Appropriates $34,500, as proposed by the House, instead of $37,500, as proposed by the Senate, for contingent expenses of the government of the District of Columbia.

On amendment No. 51: Appropriates $10,000, instead of $9,000, as proposed by the Senate, for postage.

On amendments Nos. 52 and 53, relating to the coroner's office: Makes the appropriations available for the "purchase and maintenance of means of transportation" instead of "for livery of horses or horse hire," and inserts the provision, proposed by the Senate, relating to juries of inquest.

On amendment No. 54: Appropriates $500, as proposed by the Senate, for erection of historical tablets.

On amendment No. 55: Limits the use of the fees of the recorder of deeds for purchase of typewriters to those of the year 1911 instead of the years 1911 and 1912.

On amendment No. 56: Makes available during the fiscal year 1912 the appropriation of $10,000 made for the year 1910 for repair of buildings that may be injured by fire.

On amendment No. 57: Inserts the provision proposed by the Senate authorizing purchases without advertising for proposals in amounts not exceeding $25.

On amendment No. 58: Appropriates $500, as proposed by the Senate, for purchase of apparatus for the office of the inspector of asphalts and cements, and inserts a provision authorizing the establishment of a municipal asphalt plant.

On amendment No. 59: Strikes out the appropriation proposed by the Senate of $3,000 for alterations in the repair shop.

On amendment No. 60: Appropriates $340,000, as proposed by the Senate, instead of $180,000, as proposed by the House, for assessment and permit work.

On amendment No. 61: Appropriates $10,000, as proposed by the Senate, for paving roadways under the permit system.

On amendments No. 62, 63, and 64: Appropriates $79,500, as proposed by the Senate, instead of $61,500, as proposed by the House, for work on streets and avenues.

On amendments Nos. 65, 66, and 67: Strikes out the appropriation of $27,000, proposed by the Senate, for removing granite block and repaving with asphalt Seventh Street, from K Street to P Street; appropriates $14,000 for grading and improving Seventeenth Street NW., as proposed by the Senate; and makes the appropriation of $8,000, proposed by the House, available, as proposed by the Senate, for connecting Belmont and Fifteenth Streets NW.

On amendments Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81: Appropriates $123,650, instead of $77,850, as proposed by the House, and $161,600, as proposed by the Senate, for the construction of certain county roads and public streets; and provides that the appropriations in detail for such construction shall constitute one fund.

On amendment No. 82: Inserts the provision, proposed by the Senate, requiring the Anacostia & Potomac River Railroad Co. to remove and relocate certain of its tracks.

On amendments Nos. 83, 84, and 85: Strikes out the appropriations, proposed by the Senate, of $2,500 for replacing sidewalks on the east side of the White Lot, $1,500 for new sidewalks around the Patent Office, and $2,500 for replacing sidewalks around the old Post Office Building.

On amendments Nos. 86 and 87: Appropriates $140,000, as proposed by the Senate, instead of $130,000, as proposed by the House, for repairs of county roads.

On amendment No. 88: Appropriates $16,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for construction and repair of bridges.

On amendments Nos. 89 and 90: Appropriates $100,000, instead of $75,000, as proposed by the Senate, toward constructing a bridge across Rock Creek on the line of Q Street.

On amendments Nos. 91, 92, 93, and 94, relating to sewers: Appropriates $44,500, as proposed by the Senate, instead of $43,000, as proposed by the House, for the sewage pumping service, and makes the sum available for the maintenance of motor vehicles; appropriates $65,000, instead of $67,000 as proposed by the Senate and $60,000 as proposed by the House, for main and pipe sewers; and $130,000, instead of $161,000 as proposed by the Senate and $110,000 as proposed by the House, for suburban sewers.

On amendment No. 95: Appropriates $260,000, instead of $270,000 as proposed by the Senate and $250,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 96: Strikes out the provision, proposed by the House, which limits the cleaning of snow and ice only from sidewalks in front of public spaces.

On amendment No. 97: Appropriates $128,600 for a stable and storeroom for the street-cleaning department, as proposed by the Senate.

On amendments Nos. 98 and 99: Increases the salary of the watchman at the bathing beach from $450 to $480.

On amendments Nos. 100 and 101: Makes the appropriation for playgrounds immediately available and restores to the bill the requirements, proposed by the House, that the appropriation for salaries of persons connected with the playgrounds be paid wholly out of the revenues of the District.

On amendment No. 102: Appropriates $78,000, instead of $125,000, as proposed by the Senate, for the establishment of the interior park.

On amendments Nos. 103, 104, 105, and 106, relating to the electrical department: Increases the salary of the assistant electrical engineer from $1,800 to $2,000; strikes out the provision for one additional electrical inspector at $1,200; and appropriates $13,500, instead of $14,000 as proposed by the Senate, and $13,000 as proposed by the House, for general supplies.

On amendment No. 107: Inserts the provision proposed by the House, instead of the one proposed by the Senate, to effect a settlement with the Potomac Electric Power Co. for services heretofore rendered.

On amendment No. 108: Appropriates $35,000, as proposed by the Senate, for the preservation and repair of Cabin John Bridge.

On amendment No. 109: Strikes out the provision, proposed by the Senate, authorizing a new highway plan for that portion of the District in the vicinity of Piney Branch parkway.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the public schools: Strikes out all of the changes proposed by the Senate with reference to teachers.

On amendments Nos. 119 and 120: Fixes the salary of the janitor for the Western High School at $900, as proposed by the Senate, instead of $1,000, as proposed by the House.

On amendment No. 121: Appropriates $23,500, instead of $25,000 as proposed by the Senate and $22,000 as proposed by the House, for tools and machinery for instruction in manual training.

On amendment No. 122: Appropriates $15,000, as proposed by the Senate, instead of $14,550, as proposed by the House, for furniture for new school buildings.

On amendment No. 123: Strikes out the appropriation of $2,600, proposed by the Senate, for a motor delivery wagon for public-school supplies.

On amendments Nos. 124, 125, 126, 127, and 128, relating to new school buildings: Appropriates $10,000 for grounds adjacent to the Fillmore School; $75,000 toward a normal-school building for colored pupils, to cost not exceeding $200,000; $40,000 for a four-room building in the vicinity of the Burrville School; $54,000 for site and building in the twelfth division; and $60,000 for a site for a new M Street High School; and strikes out

$24,000, proposed by the House, for an addition to the Deanwood School.

On amendments Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, relating to the Metropolitan police: Strikes out the provision for an additional inspector at $1,800; increases the pay of four surgeons from $600 to $720 each; provides for an additional lieutenant at $1,320, for one additional sergeant at $1,250, one additional private of class 1 at $900, and for allowance to one additional officer, mounted, at $260; provides for repairs of a motor patrol; and strikes out the provision, proposed by the Senate, authorizing the deposit to the credit of the police and firemen's relief fund the receipts from licenses other than liquor licenses in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said fund.

On amendments Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Strikes out the provision for an additional battalion chief engineer at $2,000; increases the salary of the superintendent of machinery from $1,800 to $2,000; strikes out the increase in salaries of 23 engineers and 2 marine engineers from $1,150 to $1,200 each; provides for an additional hostler at $600; and inserts the provision, proposed by the Senate, regulating leaves of absence to members of the fire department; strikes out the proposed increase from $15,000 to $16,000 for purchase of horses; appropriates $31,000, instead of $32,000 as proposed by the Senate, and $30,000 as proposed by the House for forage; strikes out the appropriation of $20,000, proposed by the Senate, for a repair and storage building; and inserts a provision requiring a report as to the necessity for a high-pressure fire service system.

On amendments Nos. 153, 154, 155, 156, and 157, relating to the health department: Increases the salary of the poundmaster from $1,200 to $1,500; inserts the provision, proposed by the Senate, requiring inspectors of dairies and dairy farms to act as inspectors of live stock; provides for the prevention of communicable diseases other than those specified in the law; increases the amount that may be expended for personal services from $10,000 to $15,000 out of the appropriation to prevent spread of contagious diseases; and appropriates $10,000 for a new pound.

On amendments Nos. 158, 159, and 160, relating to the juvenile court: Increases the salary of the judge from $3,000 to $3,600, and strikes out the provision for an additional bailiff at $700.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the police court: Provides for a deputy financial clerk, instead of a deputy clerk, to be known as financial clerk, at $1,500; increases the salary of the janitor from $540 to $600; and appropriates $1,000, as proposed by the House, instead of $2,000, as proposed by the Senate, for repairs of the police-court building.

On amendments Nos. 166, 167, 168, and 169, relating to the municipal court: Provides for an additional assistant clerk at $1,000, and increases the salary of the janitor from $480 to $600.

On amendment No. 170: Authorizes the employment of an alienist at $1,000 per annum in connection with the expenses of execution of writs of lunacy.

On amendment No. 171: Strikes out the provision, proposed by the Senate, authorizing purchases in open market.

On amendment No. 172: Appropriates $48,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for support of convicts.

On amendments Nos. 173 and 174: Increases the salaries of 5 laborers from $480 to $600 each in the courthouse.

On amendments Nos. 175, 176, 177, 178, and 179, relating to the Court of Appeals Building: Strikes out the provision for a mechanician, at $1,200, and an additional watchman, at $600; provides for an additional laborer, at $480; and appropriates $900, instead of $1,500, as proposed by the Senate, for miscellaneous expenses of the building.

On amendment No. 180: Appropriates $40,840, as proposed by the Senate, for maintenance of jail prisoners.

On amendment No. 181: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for miscellaneous expenses of the supreme court of the District.

On amendments Nos. 182 and 183: Increases the salary of the secretary of the Board of Charities from $3,000 to $3,500.

On amendments Nos. 184, 185, and 186: Increases the salary of the superintendent of nursing at the Washington Asylum and jail from $720 to $840.

On amendments Nos. 187 and 188: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for provisions and miscellaneous expenses for the Home for the Aged and Infirm.

On amendments Nos. 189, 190, and 191: Appropriates $500, as proposed by the House, for plans for an additional building, to cost not exceeding $40,000, for the Reform School for Girls.

On amendments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to medical charities: Appropriates $34,000, instead of $35,500 as proposed by the Senate and $32,500 as proposed by the House, for the Freedmen's Hospital; appropriates $11,000 as proposed by the Senate, instead of $10,000 as proposed by the House, for the Eastern Dispensary; $4,000 as proposed by the Senate, instead of $3,000 as proposed by the House, for the George Washington University Hospital; provides for an assistant cook at $360, increases the salary of the laundryman from $480 to $600, strikes out the proposed increase in the salary of the engineer from $720 to $900, and increases the salary of the farmer from $300 to $360, in the Tuberculosis Hospital; and strikes out the increase in the appropriation proposed by the Senate, from $1,000 to $1,500, for repairs and improvements to buildings and grounds for that institution.

On amendments Nos. 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211, relating to child-caring institutions: Strikes out the provision for an additional placing officer at $1,000 and the increase in the salary of an investigating clerk from $900 to $960 for the Board of Children's Guardians; increases the salary of two assistant caretakers from $300 to $360, and provides for a stableman at $300 for the Industrial Home for Colored Children; strikes out the increase, from $6,000 to $7,500, for maintenance and from $250 to $450 for furniture and equipment for the institution.

On amendments Nos. 212 and 213: Inserts the provision, proposed by the Senate, authorizing the acceptance as a donation the property known as the Night Lodging House, and strikes out the appropriation of $5,000, proposed by the Senate, for the Columbia Polytechnic Institute.

On amendment No. 214: Prohibits the use of any appropriation heretofore made as well as of appropriations contained in the act for 1912 for a reformatory, asylum, or workhouse in Virginia or Maryland within 10 miles of Mount Vernon, except the one at Occoquan.

On amendments Nos. 215, 216, 217, and 218, relating to the workhouse at Occoquan: Appropriates $193,000, instead of $288,000, with $80,000, instead of $91,000, thereof immediately available, for maintenance and operation, and inserts the provision, proposed by the Senate, relative to the delivery to and custody of male and female prisoners in the institution.

On amendments Nos. 219, 220, 221, 222, 223, 224, 225, 226, 227, and 228, relating to the militia: Appropriates $48,000 instead of $49,000, as proposed by the Senate, and $47,000, as proposed by the House, for expenses of camps; $2,250, as proposed by the Senate, for cleaning uniforms; $1,250, as proposed by the House, instead of $1,500, as proposed by the Senate, for expenses of target practice, and inserts provisions into the text of the appropriation for payment of troops, proposed by the Senate.

On amendment No. 229: Appropriates $100,000, as proposed by the Senate, toward the improvement of the Anacostia River Flats.

On amendment No. 230: Strikes out the appropriation of $210,000, proposed by the Senate, for the purchase of Carpenter (Pennsylvania Avenue) tract of land.

On amendment No. 231: Strikes out the proposed authorization of an appropriation of $300,000 for the acquisition of the land known as the Klingleford Valley.

On amendment No. 232: Authorizing the purchase and maintenance of a motor runabout for the water department.

On amendment No. 233: Authorizes the use of $70,000, as proposed by the Senate, instead of $65,000, as proposed by the House, for personal services in connection with the execution of public works in the District of Columbia.

On amendments Nos. 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, relating to public lighting: Authorizes rates of $15, as proposed by the Senate, instead of $14.50, as proposed by the House, for 40-candlepower incandescent lamps on overhead wires; $17.50, as proposed by the House, instead of $19, as proposed by the Senate, for 60-candlepower incandescent lamps on overhead wires; $80, instead of $85, as proposed by the Senate, and $72.50, as proposed by the House, for 528 and 550 watt series inclosed and multiple inclosed arc lamps; $72.50, as proposed by the House, instead of $75, as proposed by the Senate, for 320 watt magnetite or other arc lamps; requires replacing of certain electric lights by April 1, 1914, as proposed by the House, instead of 1915, as proposed by the Senate; fixes the limit of cost of lamp-posts and equipment at $60, as proposed by the House, instead of $50, as proposed by the Senate; authorizes a reduction of $6.60, as proposed by the House, instead of $4.40, as proposed by the Senate, from the price of electric arc lamps if the commissioners furnish the equipment therefor; provides that in the event the commissioners have to adopt forms of electric street lighting other than those provided for in the bill, a fair sum for the cost of

maintenance may be allowed; prohibits public electric lighting by overhead wires within the existing fire limits of the District; makes certain necessary verbal corrections; and inserts a provision imposing a penalty of $25 per day for failure on the part of any gas light or electric-light company to furnish or discontinue any street lamp that the commissioners may direct.

WASHINGTON GARDNER,
EDWARD L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

During the reading of the statement,

Mr. JOHNSON of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Kentucky. For the purpose of making a point of order.

The SPEAKER. The Clerk will have to finish reading the report before anything else is in order, unless there is unanimous consent.

Mr. JOHNSON of Kentucky. I was going to withdraw my demand for the reading of the whole report for the purpose of making a point of order just here.

The SPEAKER. The gentleman withdraws his demand for a reading of the report. The gentleman will state his point of order.

Mr. JOHNSON of Kentucky. I make a point of order against amendment No. 58, which is entirely new matter. It is to be found on pages 3455 and 3456 of the RECORD.

The SPEAKER. Is it at the top of page 3456, first column?

Mr. JOHNSON of Kentucky. Yes; Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Speaker, this matter was stricken out on a point of order in the House. It went over to the Senate, and the Senate did not make provision for this, but the committee on conference itself has done so. Therefore it is new legislation, unauthorized by law; and these conferees, 4, or 5, or 6 of them, have undertaken to legislate about a matter that this House knows nothing about. Nearly 500 men in these two bodies are without information concerning it. I have not been given an opportunity to know anything about it, and for that reason I object to it and make a point of order.

The SPEAKER. Does the gentleman make any other point of order?

Mr. BARTLETT of Georgia. Mr. Speaker, I apprehend it is true also, as the gentleman states, that this matter was never in dispute between the two Houses, and is not an amendment to anything as to which the Houses were at variance.

Mr. JOHNSON of Kentucky. There is no dispute between the two Houses about this item at all. The conferees have inserted it.

Mr. BARTLETT of Georgia. The conferees have inserted it without the matter being before either House, whether by amendment or by the original bill that went to the Senate. It has not been put on by any amendment of the Senate. I repeat, there is none of the subject matter either in the original bill or in the bill as it left the Senate. It is an entirely new matter.

Mr. JOHNSON of Kentucky. It may be one of the best items in the bill, but still it is a matter on which the two Houses have no information. If it is a matter that involves the employment of convict labor, or would make paving cheaper, the two Houses have a right to know something about it.

Mr. OLMSTED. Will the gentleman reserve his point of order until he can hear from the gentleman from Michigan?

Mr. JOHNSON of Kentucky. Yes, sir; I will reserve my point of order.

Mr. GARDNER of Michigan. Mr. Speaker, this matter was discussed very thoroughly before the committee, and then it was brought before the House. I will say in justification of the action of the conferees——

Mr. OLMSTED. The gentlemen who objected are not paying attention.

Mr. GARDNER of Michigan. If I could have the attention of the gentlemen who are attacking this provision I would be very glad. We have heretofore had, gentlemen, competition here on the question of asphalt laying. Now there is no competition. The companies have consolidated. Since the consolidation they have advanced the price 32 cents per square yard. We have now to submit to receiving bids from only one company, for no outside company can come here and afford to establish a plant and take the chances of making a bid. There is in excess of half a million dollars to be expended in repairs and in the laying of new asphalt work, remember, without any competition. This matter was taken up openly and squarely and discussed in the House. The committee was unanimous and clear upon this. The bill went to the Senate, and the item was inserted there, and there went out on a point of order. But the Senator making the point of order subsequently said:

I would not have made the point of order had I been informed as to the true status of the situation.

With this understanding, the conferees felt justified, for the protection of the interests of the city and in order that the city government should not be held up by a single concern, in agreeing on a provision to authorize the establishment of the plant. It does not necessarily follow that a plant will be authorized, but this, as I say, is in the way of protection. It is a good proposition. And not only that, but——

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

Mr. GARDNER of Michigan. Yes; in just a moment. The committee in its investigation of the subject found that there are a very considerable number of cities throughout the country that now have their own asphalt plants. The city of New York has, as the gentleman who is now on his feet [Mr. GOULDEN] is doubtless aware, and in Detroit they have saved about $50,000 a year by the operation of the municipal asphalt plant.

In addition to this, we have now at Occoquan a workhouse where a large number of prisoners can be employed to get out the stone that will make a foundation upon which to rest this asphalt. If this provision is taken away, it will deprive the city of an outlet for much of the labor that is now at the command of the commissioners. We frankly state that this is in the nature of legislation, but the conferees of both Houses believe that we are not only justified in incorporating this provision, but required in the interest of the city so to do under the circumstances. The provision would have been in the bill when it went to conference if the Senator who made the point of order against it had understood it.

Mr. GOULDEN. Mr. Speaker, I want to indorse what the gentleman from Michigan [Mr. GARDNER] has said regarding the plant in the city of New York. It has proven a very economical investment to the city. I would like to ask this question: What has been the cost hitherto per cubic yard for laying this asphalt?

Mr. GARDNER of Michigan. A very low price, I think; $1.45 per cubic yard.

Mr. GOULDEN. And now they have raised it 32 cents?

Mr. GARDNER of Michigan. Yes; and no competition, with a contract of half a million dollars staring you in the face.

Mr. GOULDEN. Making an increase of fully 20 per cent on the cost price?

Mr. GARDNER of Michigan. Yes.

Mr. GOULDEN. With the probability of its going higher unless there is competition.

Mr. GARDNER of Michigan. That is the expectation.

Mr. JOHNSON of Kentucky. Mr. Speaker, when this matter came before the House when the District appropriation bill was under consideration, I say that not more than four men on this floor had ever heard of this proposition before. Instead of its being taken up through the regular channel and the regular committee being advised as to what was sought to be done, the subcommittee of the Committee on Appropriations alone knew about it. Nobody else did know about it; and because nobody else did know about it I oppose the principle of three men legislating for this entire body without the knowledge or consent of the rest of the body.

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARDNER of Michigan. The hearings before the subcommittee were printed, and every Member of the House had access to them.

Mr. MADDEN. Do I understand the gentleman from Kentucky to say that this matter was not discussed when the bill was under consideration in the House?

Mr. JOHNSON of Kentucky. No; the gentleman misunderstood me if he understood any such thing as that. I said that when it was brought on the floor of this House nobody had heard anything about it except the subcommittee of the Committee on Appropriations.

Mr. MADDEN. Oh; up to the time it had been brought to the House?

Mr. JOHNSON of Kentucky. Yes.

Mr. MADDEN. But, as a matter of fact, it was very thoroughly discussed on the floor.

Mr. JOHNSON of Kentucky. It was not very thoroughly discussed.

Mr. MADDEN. Oh, I beg the gentleman's pardon.

Mr. JOHNSON of Kentucky. There was nobody then able to tell me, and I venture there is nobody able to tell me yet, the extent to which this property which is to be converted into this plant is leased. There is nobody prepared to tell me now to what extent the lessees of this property where this plant is to be

situated are to be damaged, and yet here you are called upon to cancel leases and contracts without any knowledge whatever as to the extent that parties may be injured, and nobody yet knows, as I said, how many people, honest workingmen in the District of Columbia, will be thrown out of employment instantly almost.

Mr. MADDEN. In what way?

Mr. JOHNSON of Kentucky. By the employment proposed of convict labor to run this establishment.

Mr. MADDEN. Does the gentleman think they will employ convict labor down here at this yard where it is proposed to erect this plant, in the center of the city?

Mr. GARNER of Texas. That is what the gentleman from Michigan said.

Mr. JOHNSON of Kentucky. That is what the gentleman said. I object to it, not upon the merits of the case, for I do not know anything about the merits, and neither does anybody else except the three members of the subcommittee; but I object because I do not know anything about it, and because this membership does not know anything about it, and because this House heretofore refused to include it, and because the Senate refused to include it. I make the point of order.

Mr. BURLESON. Mr. Speaker, I hope the gentleman will not make the point of order until I am given an opportunity to be heard.

Mr. JOHNSON of Kentucky. Then I simply reserve the point of order.

Mr. MADDEN. Mr. Speaker, of course I realize that this is subject to a point of order, in view of the fact that the item is placed in the bill by the conferees, and the item not having been in dispute; but I think it is one of the most meritorious——

Mr. JOHNSON of Kentucky. Does the gentleman say that the item was not in dispute?

Mr. MADDEN. I say, I admit it is subject to a point of order.

Mr. GARNER of Texas (addressing Mr. JOHNSON of Kentucky). He is confirming your position.

Mr. MADDEN. I think it is one of the most meritorious items in the bill. The District Commissioners, in letting contracts for paving a year or more ago, were able to get bids of $1.45 per square yard for asphalt paving work. The last time they advertised for bids——

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Kentucky. I wish to be clearly understood that I do not wish to discuss the merits of the proposition, or to raise objection as to the merits of it. I do not know anything about it, but I do object to this class of legislation. The commissioners of this District have had ample opportunity to bring this bill before the proper committee of this House to be thrashed out and its merits gone into, and they have failed to do it.

Mr. MADDEN. Mr. Speaker, I am endeavoring to state the facts as I understand them. The commissioners were able to get bids at $1.45 a square yard for asphalt paving work a year ago, and the next time they advertised for bids they discovered that the price had gone up to $1.77 or $1.78 a yard. They discovered upon investigation that two or three companies which existed in this District had consolidated. There was only one company from which they could get a bid. They discovered upon investigation that if these companies continued to combine the price would likely go higher. They concluded, and I think wisely, that the way to prevent this condition of things was to get authority to esablish an asphalt plant in which they could do their own paving and repair work. There is no reason why this plant should ever be constructed, but if the commissioners had authority to construct it, it stands there as a club to prevent monopoly and excessive charges for street paving in this city.

If they have not the authority, the people of the District will be obliged to pay a greater price for the work that is to be done than they would otherwise be called upon to pay. I know nothing at all about the condition of the leases they granted on the property which is sought to be used for this asphalt plant.

Mr. JOHNSON of Kentucky. And neither does anybody else, and that is my objection.

Mr. MADDEN. But I presume the Commissioners of the District would not do an injustice to any person having a lease upon any part of this property and that when they give notice of vacation they would give such notice as would not do any injury to those people who would be obliged to move as a result of the notice. I assume that the men who have leases on the place have them subject to notice and that no man having a lease upon a place sought to be used for the construction of this plant took that lease with any understanding that he was to have an indefinite occupation of the premises. I assume he leased with a distinct understanding that he is to move from it whenever notified. Although this item is subject to the point of order, wise business judgment would dictate that it ought to remain in the bill and I do not believe that any Member of the House can justify opposition to it, for there is no item so well calculated to safeguard the Public Treasury in so far as it has to do with the District of Columbia as this special item to which the gentleman from Kentucky refers. I sincerely hope that before the discussion closes he will be generous enough to withdraw his point of order against it.

Mr. STAFFORD. Mr. Speaker, the gentleman from Kentucky is clearly within his rights in insisting upon the point of order, but I undertake to say that he is assuming a grave responsibility in making a point of order that will permit the District to be mulcted by representatives of the Asphalt Trust. It appears in the hearings before the Subcommittee on Appropriations, which gave this matter consideration and reported thereon, that the price charged by the Asphalt Trust last year in the city of Washington was $1.45 a square yard, and for the coming year, without any reason for the advance except they are carrying out their autocratic will, the price is to be $1.77 a square yard. No city in the country, I venture to say, with the area of streets that is covered by Washington, has as much covered by asphalt as in this District. We are held up here by the question whether we should continue to be mulcted in the price of $1.77 or whether this District should have the same privilege that has been adopted by other cities—Kansas City, St. Louis, Detroit, and Indianapolis—where they have established municipal plants. This is not a new proposition, I wish to say to the gentleman from Kentucky.

Mr. FOSTER of Illinois. May I ask the gentleman, Do they work convict labor in these municipal plants the gentleman has mentioned?

Mr. STAFFORD. Oh, you can not bring in the question of convict labor in this discussion.

Mr. FOSTER of Illinois. I have not brought it in; the gentleman from Michigan brought it in.

Mr. STAFFORD. There is nothing in the hearings that shows the character of labor that will be performed. The question is whether the District is going to be held up by this exorbitant charge of $1.77 per square yard, an increase of nearly 20 per cent in one year without any cause whatever.

Now, the gentleman from Kentucky [Mr. JOHNSON] says that this matter has not been considered. Why, I remember distinctly that this House gave consideration to the proposition for more than half an hour when it was was under consideration in connection with the District appropriation bill. Of course, we did not give it full consideration. We can not give full consideration to matters of this character——

Mr. FORNES. Mr. Speaker——

The SPEAKER. Will the gentleman from Wisconsin yield to the gentleman from New York?

Mr. STAFFORD. In just a minute. That would have taken up the entire day——

Mr. FORNES. The city of New York, under competition, only pays $1.15 per square yard.

Mr. MANN. Regular order, Mr. Speaker.

The SPEAKER. Regular order is demanded. The regular order is disposition of the point of order on the conference report.

Mr. JOHNSON of Kentucky. I make the point of order, Mr. Speaker.

Mr. BURLESON. Mr. Speaker, I desire to be heard for a moment or two. I move to suspend the rules and agree to the conference report.

The SPEAKER. The gentleman from Texas moves to suspend the rules and agree to the conference report. Is a second demanded?

Mr. JOHNSON of Kentucky. I demand a second. I make a point of order on that.

The SPEAKER. The gentleman has made a point of order, but if the rules should be suspended it will not be subject to the point of order. It is a motion to suspend the rules and give the House an opportunity to dispose of this report, the same as any other motion.

Mr. FOSTER of Illinois. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands a second. The gentleman from Texas [Mr. BURLESON] is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. BURLESON. Mr. Speaker, I had hoped that I would not be compelled to make this motion before I was heard by the

House, because I am confident if the Members of this body can be made to understand the pending proposition that not a single Representative would be found objecting to it. Undoubtedly the gentleman from Kentucky is clearly within his rights, under the rules of the House, when he makes a point of order against this item, and ordinarily it would go out. But, Mr. Speaker, there has been a general misapprehension as to the purpose of this provision and what it is intended to accomplish. Prior to last year there were two or three asphalt companies or corporations engaged in competing with each other for the privilege of laying the streets within the District. Last year one of these corporations succeeded in acquiring control of the other, and as a result competition was destroyed. At the time the combination took place the District of Columbia had a contract for $1.45 a square yard for laying asphalt pavements. Immediately after the combination the price for laying asphalt pavements was advanced, and under the next contract that was made by the Commissioners of the District of Columbia the District and Government were compelled to pay $1.77 a square yard for laying the same character of asphalt pavements.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. JOHNSON of Kentucky. He makes the assertion that in the city of Washington, under the very nose of the law department of the United States, a contract has been made in restraint of trade and competition and it has gone unnoticed.

Mr. BURLESON. That is extraneous matter, Mr. Speaker. I do not control the action of the Department of Justice, and neither can the gentleman from Kentucky. What the House wants to know now are the facts justifying the establishment of this asphalt plant. This advance in the cost of asphalt pavements was made. There was no legislation coming from the District Committee during this session of Congress to meet this situation, to afford relief——

Mr. JOHNSON of Kentucky. There should have been.

Mr. BURLESON (continuing). For some reason or other, I do not know why, no action has been taken by the District Committee to relieve the District of Columbia and the Government from the exactions of this asphalt combination.

Now, the question arises, when the Committee on Appropriations, dealing with this matter in the interests of economy, with a single purpose to save the money of this District and the General Government, bring a proposition before this body that will relieve the situation and protect the people of this District against the exactions of this trust, shall it be voted down?

Mr. Speaker, there has been much said about the use of convict labor in this work. Everyone who knows anything about it knows that the only convict labor contemplated to be used would be at Occoquan, Va., where the convicts are engaged in breaking stone, and the District Commissioners, if this proposition is retained in the bill, may utilize that stone for the purpose of laying the base for the streets, if they be driven by the exactions of the asphalt combine to undertake the laying of streets on municipal account. The District Commissioners, if this proposition is approved, will utilize this stone, broken, as I have described, for laying the base of the streets.

Gentlemen in opposition to this provision would leave the impression that we would have convict labor here in the District of Columbia engaged in laying the streets. There has never been a suggestion to do anything like this from any source whatever.

Mr. OLMSTED. Will the gentleman yield for a question at this point?

Mr. BURLESON. Certainly.

Mr. OLMSTED. I want to ask the question in all sincerity, because I am opposed to the asphalt combine and to all other combines and trusts, as we all are. But how will the appropriation of this item of $500 assist in bringing about the breaking up of this combination?

Mr. BURLESON. The item carries an appropriation of $50,000.

Mr. OLMSTED. The item against which the gentleman from Kentucky [Mr. JOHNSON] made the point of order is an item of $500, as I understand.

Mr. BURLESON. There is no question but that the corporation which seeks to do this street improving will get fair treatment if this provision goes in. The Engineer Commissioner of the District, who has no selfish interests to serve, says this is a most important item and will insure fair treatment for the District. If we get this item through, then the asphalt trust can not hereafter seize the District by the throat and advance the price at its own sweet will.

There has been much said here about the canceling of leases held by those now using the land where this asphalt plant is to be erected. Some express the fear that injustice or wrong may be done them, but——

Mr. COX of Indiana. Will the gentleman yield——

Mr. BURLESON. But in every one of these leases is a clause providing that the lease may be terminated on notice given by the District Commissioners. The committee in charge of this bill has been very careful to guard the interests of every individual that may be affected by this item.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. COX of Indiana. In order to break up this trust, does the gentleman believe that the commissioners should go to the length of actually establishing this asphalt plant, or is it the idea just to hold this power over the trust in order to enable the commissioners to hold down the price of asphalt?

Mr. BURLESON. I will say that anyone who reads the item will see, if same becomes law, that it rests in the discretion of the District Commissioners to erect this plant; and if justice can be had from this asphalt company in the price that it fixes for laying our streets, this municipal asphalt plant will probably not be constructed or established. But if we do not get a just and fair bid for asphalt paving, then the District Commissioner says that under this authorization the District can be protected, that he can erect the asphalt plant and lay the streets at a reasonable cost. That, gentlemen, is the whole situation in a nutshell.

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

Mr. BURLESON. Certainly.

Mr. SIMS. In line with the same thing that the gentleman has stated, is it not true that the city would also be profited if it owned its own garbage and incinerating plant?

Mr. BURLESON. Yes; and I hope the time will come when we will be able to effectively deal with that situation.

Now, gentlemen, there is nothing complicated or difficult to understand about this matter. All that it was necessary to know about this proposition was plainly stated by the gentleman from Illinois when the bill was before the House for consideration, and, but for the fact that the item was stricken out by a point of order, there is no doubt in my mind that the item would have been retained in this bill by the vote of an overwhelming majority. Let everyone here act upon his own responsibility. The only question is whether this House is going to leave this District and the Government in the grasp of a combination, or whether Members of this House will serve the best financial interest of the District and the people by allowing this item to remain in the bill.

Mr. Speaker, I reserve the remainder of my time.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. GARNER of Texas. I understand the gentleman from Michigan [Mr. GARDNER] made a motion to suspend the rules and agree to this conference report, and I understand the item to which the gentleman from Kentucky [Mr. JOHNSON] objects is the item under the engineer commissioner, appropriating $500 for the purchase of apparatus for the office of the inspector of asphalt and cement. It seems to me the House ought to have some information why the House receded from its disagreement to amendments increasing the salaries of the different employees.

Mr. BURLESON. Mr. Speaker, I did not know there was any issue raised on that item. I reserve the balance of my time.

Mr. FOSTER of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON[.

Mr. JOHNSON of Kentucky. Mr. Speaker, I am advised by the chairman of the Committee on the District of Columbia that no bill contemplating this asphalt plant has ever been introduced into this House and that the commissioners have never come to him with one word about it, asking for it or suggesting its establishment.

The chairman of the District Committee is here on the floor now, and he says that no bill of this kind was ever brought there, and neither was any suggestion of it ever made to his committee; but here they come, and they expect within a few minutes to pass a bill about which this committee knows nothing. It may be that if it had come before the committee and had been discussed—if it had been properly brought before this House—it may have received a unanimous vote. We have no opportunity to know, except from the statements made by the gentleman from Michigan, as to whether honest labor is to be driven out from this work and supplanted by convict labor or

not, and I say that it is not to the measure upon its merits that I object, but it is against this class of legislation. I say that no man can do himself justice here in voting to support this measure until he has been given full and fair opportunity to know all about it, and for that reason I object. Two hundred and forty-four amendments are pending in this bill, and it is now proposed to pass them all, under a suspension of the rules, without even reading them, and I trust the House will refuse to transact business that way. I yield back the remainder of my time.

The SPEAKER. The gentleman from Kentucky used four minutes.

Mr. FOSTER of Illinois. I yield four minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote against the motion of the gentleman from Texas [Mr. BURLESON] for several reasons. In the first place, this is the wrong way to legislate. Here is the situation: The Senate inserted this amendment No. 58, page 27, for the purchase of apparatus for offices of the inspector of asphalt and cements, $500. On that amendment, which may be proper or improper—I do not know—these conferees have hung an asphalt manufacturing plant. Whether it is proper to construct an asphalt manufacturing plant I do not know, and I ought not to be called upon to pass judgment until a regular committee of this House, charged with the duty of ascertaining, has gone into the question. What is this asphalt plant going to cost? Nobody knows. The only limit is that the total expenditure for the building shall not exceed $50,000.

Mr. OLMSTED. For the plant.

Mr. BENNET of New York. For the plant. Nothing in connection with maintenance, and yet it must be maintained; nothing to limit the manner in which the work is to be done. I do not know what the regulations of the District of Columbia are as to the use of convict labor, but it may be possible that if this House, without any information at all, adopts this report, you gentlemen who come back here in the extra session will see——

Mr. BUTLER. Extra session of what?

Mr. BENNET of New York. Of the Sixty-second Congress—will see upon the streets of the city of Washington convicts working in stripes, with a ball and chain about their legs, not under the direction of the District Commissioners, but under the direction of contractors, as we see under the worst form of contract convict labor. The gentleman says, "Oh, no!" He does not know and I do not know.

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

Mr. BENNET of New York. Yes.

Mr. MANN. Is there any better thing to do with convicts in the way of labor than to have them do municipal work of this sort?

Mr. BENNET of New York. If I had more time I could go into that whole question. I have only four minutes. This House ought not to decide whether it is right or not without a report of a regular committee.

Mr. PAYNE. I desire to ask my colleague if that has not been the policy of his State and mine?

Mr. BENNET of New York. Not in the part in which I have the honor to live.

Mr. PAYNE. The law is that the convicts shall labor and make articles for the use of municipalities, and there was a clause in it also for the making of roads, even.

Mr. BENNET of New York. I have never seen a convict on the roads, and I doubt if my colleague has.

Mr. PAYNE. I have seen convicts on them.

Mr. BENNET of New York. Now, another reason, Mr. Speaker. When this conference report went to conference on the 15th of February the gentleman from Michigan, as far as he could honorably as a conferee, promised the gentleman from Illinois [Mr. FOSTER] that we would have a separate vote on the question of increasing the salaries of the commissioners. Now, the proposition is made that the vote will be allowed on a motion to recommit the conference report. I acquit the gentleman of knowledge of the fact that after the other House has acted, as it has acted in this case, and discharged its managers, a motion to recommit a conference report is not in order, so that on a vote for the motion to suspend the rules and adopt the conference report we can not have a separate vote on anything in this bill. It is the wrong way to legislate. If we need a municipal asphalt plant let the District Committee report, and let it come here on the floor and let us have some idea of how it is to be conducted, how much it is going to cost, and what it will be. I hope the motion will be defeated.

Mr. FOSTER of Illinois. I yield two minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, although a member of the District Committee this whole business was new to us until it came on the floor of the House. It is stated here that this is for the purpose of defeating the asphalt combine. I am as much against the asphalt combine or any other kind of a combine as any man in the House, but it seems to me that if it is true that the District of Columbia was getting asphalt pavements at $1.45 until competition was driven out of the work and then the price was raised to $1.77 the combine may have been in the $1.45 as being an unreasonably low price. I do not know of any city in the country getting asphalt pavements at $1.45, and in our city they are getting them at $1.80, $1.85, and $1.87. Now, I do not think the District of Columbia, with its own plant, can put asphalt pavement down for $1.77, or any less, or will save a dollar by building this asphalt paving plant. Why should we engage in this undertaking at this expense? Why should this piece of legislation, even if it were a good piece of legislation, be slipped in this bill in this unparliamentary way? It is because the pocketbooks of the big property owners of the District of Columbia will be affected, and for no other reason. There is a great deal of legislation in the interests of the people of the District of Columbia that ought to be passed by this Congress, but here is one piece of legislation that finds some way to get before the Congress, and it gets there by reason of the fact that the pocketbooks of the property owners of the District are affected.

Mr. MADDEN. In what way?

Mr. BORLAND. I can not yield in two minutes. The gentleman has had his time——

The SPEAKER. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FORNES].

Mr. FORNES. Mr. Speaker, the statement has been made here that the asphalt pavements can not be laid down properly at less than $1.45 a square yard. Those who make that statement have never studied the price at which asphalt pavement is put down in the various cities of this country. In my city—New York—it has been as low under competition as $1.10 per square yard. Why the city of Washington should have ever been obliged to pay even $1.45 is beyond my comprehension, and must be beyond the conception of all men who understand the real cost of putting down asphalt pavements. It is a clear case, then, that a combination or trust was formed in this city to advance the price to $1.77 per square yard. Who pays the excessive profit but the taxpayers or the people of this country? If it is within the rule that a tax can be levied, we certainly have the power of legislation to prevent such an unjust tax. I believe that the conferees have studied this matter carefully, and they have based their conclusion upon this theory, that whenever prices are too high competition will and should enter, and being unable to obtain competition to regulate those prices, they have adopted the natural course—that is, that the District of Columbia will become the competitor. How can it in any way——

Mr. JOHNSON of Kentucky. Will the gentleman permit a question?

Mr. FORNES. Yes.

Mr. JOHNSON of Kentucky. Will the gentleman please tell this House how much asphalt will cost a square yard after this plant down here has been built?

Mr. FORNES. If it did not cost less the plant would not be built. I trust to the good sense of the commissioners, and I believe asphalt can be laid down in this District, or in the city of Washington, at profitable prices at from $1.25 to $1.35 per square yard.

Mr. JOHNSON of Kentucky. Will the gentleman please tell us why the commissioners have taken this route to establish this plant instead of the regular route by a bill introduced for that purpose?

Mr. FORNES. It was the only route open to them, and I believe that it was the proper course, to take the only route left, in order to avoid this outrageous charge for the asphalt for this District.

Mr. COX of Ohio. Will the gentleman yield?

Mr. FORNES. Certainly.

Mr. COX of Ohio. Is my colleague from New York aware of the fact that members of the District Committee suggested to Maj. Johnson a year ago the propriety and expediency of buying a repair plant, and suggested further that he bring it to the attention of the District Committee, and that he paid absolutely no attention to it, except by bringing it to the Appropriations Committee and having it made part of the appropriation bill submitted to this House?

Mr. FORNES. I am not aware of the fact, but I presume if conditions existed at that time as they do to-day the parties

would have taken the proper course to protect the interests of the District, the same as they are doing now.

Now, Mr. Speaker, it seems to me that it is self-evident that the objections to establishing this plant must come largely from those who are directly interested in putting down the pavements of this city, and therefore I believe that the conferees have adopted the sensible course, and the right one, to protect the city against an unusual monopoly, as it might be considered under the present circumstances. It is a purely business proposition, and we know that the business of this country is best maintained and the profits are most just where competition exists. Where competition does not exist, it is proper to say that robbery steps in; and I believe that the committee ought to be sustained, and I shall certainly give my vote to sustain it. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I am opposed to this rule because it inaugurates a new manner of legislation here in this House. It also prevents us from determining other questions than the one that is involved in this discussion. Under the lighting contract, one of the items that was under discussion when this bill was before the committee, it was determined to pay the company $72.50 upon a contract that could not have been enforced in a court and not a single dollar could have been collected on it, is here raised to $80 per light. It is a pure and simple gift out of the pockets of the taxpayers of this country of a large amount of money. The Senate, now, in this bill makes it $85, the original price which was agreed to be paid in the contract, a most unreasonable and excessive price. The conference committee has reduced that to $80, $20 more per light than is paid in any other honestly administered city of the same size in the United States, and $20 per light more than ought to be paid here in the city of Washington. Now, it is a gift of $20 out of the pockets of the taxpayers of the District of Columbia and of the United States and which ought not to be permitted; and if this conference report is adopted under the motion of the gentleman from Texas [Mr. BURLESON], we will have no opportunity to send it back to conference again in order to have that price properly regulated. The lighting company could not go into court in a suit on its contract and enforce it, because of its plain and palpable violation of the same. It here secures in this respect an undue advantage, and if this motion is carried the people are powerless. It attempts to gain here that which it could not secure in any other way. The Congress is delegated with the power to legislate and not a conference committee.

If this motion carries, we can not oppose the increase of salaries incorporated in this report, a measure this House repudiated when the bill was before the House.

There are many other propositions involved in this matter which I would like to discuss, but can not for the want of time. The motion pending I hope will be defeated and the bill returned for conference again.

Mr. FOSTER of Illinois. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Speaker, I will not undertake to discuss the merits of this asphalt proposition in the three minutes accorded to me by the gentleman. But I see by the RECORD that the House has receded from 131 amendments that were placed upon this bill by the Senate. To adopt the motion of the gentleman from Texas [Mr. BURLESON] to suspend the rules and adopt this conference report would be for this House to surrender consideration of 130 amendments placed upon the bill by the Senate. It would have no opportunity of questioning a single one of them. It does not understand the merits of the 130 other amendments, and to now adopt this motion in order to secure a settlement of this one question is asking too much, I think, at the hands of the House. If the gentleman's motion is voted down, then the proposition can again come before the House after it has had an opportunity of considering the other 130 Senate amendments that have not been passed upon by the House at all, and the asphalt question can be taken care of at that time. I do not think that the question of settling this proposition for the city of Washington is of sufficient moment or importance to justify the House waiving aside 130 other amendments, thereby saying that we will subordinate all of them and everything contained in them to this single proposition.

Mr. Speaker, this asphalt evil, if it does exist, can not last always. There will be another Congress in session within the next nine months, if not sooner, and I undertake to say that rather than deny the House the consideration of 130 other amendments that it knows nothing of, in order to accept this one proposition and thereby say that all the disagreements between the House and Senate upon this bill shall be bottomed upon the asphalt question alone, it will be better to postpone the asphalt amendment until the convening of the Sixty-second Congress. Nobody understands that asphalt question in its entirety. Nobody knows what the cost of this proposed plant will be. Nobody knows what the cost of its maintenance will be. It is possible that it will cost the city of Washington more per square yard of asphalt than the city is now paying, if this proposition is adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the question before the House is not a point of order, but it is a question whether the House will suspend the rules and vote in favor of the conference report and proceed to business. There are 391 Members in this House. I look over the directory of the State of New York and find this, that Mr. FORNES for two terms, from January, 1902, to January, 1906, was president of the Board of Aldermen of New York City. By virtue of the position that he held, he must of necessity have knowledge that ought to be convincing to this House. For that reason, and for the reason that he, through his long experience and the fact that he was at the head of a board that had to do with matters of the kind that we are discussing, has intimate knowledge of this subject, his judgment would influence my judgment, and I will vote to suspend the rules and agree to this conference report and thereby pass the bill. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, this is not a question of the proper administration of municipal affairs, and if a Member of this House had been mayor of New York for 40 years and knew all about all the municipal administrations of all the cities in the land, that fact would not induce me to vote for the proposition that the House is to permit three of its Members to enact legislation which the House and Senate have never had before them. That is the question, and not the value or the propriety or the justice of the legislation.

Now, I am not to be frightened from my position by suggestions that this is against the Asphalt Trust and the suggestion that I will vote in its favor by voting for this proposition. Such a suggestion as that is unworthy to be made on the floor of this House. Both sides of this House, when the great tariff bill was in conference, refused to consent to the proposition that the conferees should put shoes upon the free list and change tariff upon leather until they had requested this House to grant special permission by a rule or resolution to do it. The gentleman from New York [Mr. PAYNE] and his conferees, both in the House and in the Senate, did not undertake to violate their duty in this regard, as the gentlemen in this conference report have undertaken to violate theirs in this case. I do not know whether this is for the benefit of this city or not; I do not know whether it will cheapen the price of asphalt for paving in this city or not; but I do know that it is in violation of all the decent and orderly rules of legislation, and therefore I oppose it. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I have no desire to discuss the merits of this proposition. The question of the establishment of an asphalt plant never came to the consideration of the members of the District of Columbia Committee. Some time ago somebody suggested that the District Committee should take this matter up with the commissioners, and the commissioners were notified, but they never paid the slightest attention to it. I rise to protest most strenuously and vehemently against this everlasting criticism of the District of Columbia Committee. There is not a harder working committee than that in the House. We have come before this House with bills of great importance for the city of Washington and, in fact, for the entire country time and time again on the days when the rules prescribe that we shall have the right of way, and we have been steam rollered, run over, and bill after bill that should be put upon the statute books has not even had time for consideration. I will not sit quietly by and hear this constantly recurring criticism, even from the great Committee on Appropriations. [Applause.]

Mr. BURLESON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. YOUNG].

Mr. YOUNG of New York. Mr. Speaker, I, as in the case of the gentleman from New York, my colleague [Mr. FORNES], have given considerable thought to and have had opportunities to study this asphalt question in a comprehensive way. In New York we were beset by the same conditions exactly as con-

front the District of Columbia to-day, where when there was competition the asphalt was furnished at $1.45 per yard, but after a combination was formed or said to have been formed the price was advanced to $1.77 per yard. The only remedy, the only check that can be given to such trusts and combinations in opposition to the interests of the people is the establishmen of an asphalt plant such as the municipality proposes to make in this instance. In my own case I worked industriously in New York in the public service to secure the establishment of an asphalt plant that would relieve us from the difficulties which now confront the District of Columbia, and the gentleman from New York [Mr. FORNES], as the president of the board of aldermen had before him this same matter. New York established an asphalt plant for its protection, and as a result we have had cheaper asphalt, and very much cheaper than we could otherwise have secured. It is a good principle; it is one worthy of serious consideration and adoption by this House as a safeguard against the expenditure of this money to combinations in restraint of trade and economy. You have the opportunity now, and I think there should be no objection on either side of this House to the establishment of a municipal plant that would hold in check such combinations. It is not necessary nor is it provided that this plant should absolutely be established, but it gives the opportunity to the House, Mr. Speaker, of putting a check upon those who would advance the prices to such an extent as to become burdensome, not on the District of Columbia, but on the people of this whole country. I therefore strongly favor the proposition that the experiment shall be made. The limitations are all sufficient. I think it would be a good thing for this House to adopt this proposition. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, have I two minutes remaining?

The SPEAKER. The gentleman from New York has two minutes.

Mr. FOSTER of Illinois. Mr. Speaker, on yesterday, in the consideration of the sundry civil appropriation bill, this House, on the recommendation of the Committee on Appropriations, passed a paragraph which provided that the asphalt made in this city should not exceed a certain price. That is going to become law. Nobody has any objection to it.

Mr. BURLESON rose.

Mr. FOSTER of Illinois. I have not the time to yield.

Mr. BURLESON. Yes; but that price is $1.85.

Mr. FOSTER of Illinois. That is not the only question in this conference report which ought not be adopted at this time. These conferees have agreed to an increase in the salary of these commissioners which was denied before the committee of which it was asked. Another thing, the conferees on the part of the House very willingly insist that the amendment which was placed there by the Senate which appropriated $5,000 to help the blind of this city—those people who are attempting to support themselves by the little appropriations they get so that they will not be objects of charity—they willingly insist that the amendment shall be stricken out which was placed there by the Senate, but also insist that this increase of salary shall be made to these commissioners. I ask you gentlemen of the House, are you willing under a suspension of the rules to pass this kind of a conference report this morning because you are told that on account of stress of time it ought to be done. Send this report back to these conferees with instructions to look out for the interests of the people of the District, and give us a chance to vote upon some of the items in this bill which ought to be voted upon by this House. [Applause.]

Mr. BURLESON. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, there are involved in this bill 250 disagreements. For four days the conferees of the two Houses met and sought to harmonize the differences, and finally succeeded in doing so. It is a matter of give and take in a conference where there is a difference of more than a million dollars, as there was in this case, involved between the two Houses, so that when we conclude our work no party gets all he wants; no one is thoroughly satisfied. It is a compromise, but it was the belief of the House conferees that not in the legislative experience of those conferees has there been a better and more satisfactory bill as a whole reported back to the House than that now under consideration.

It seems to be, with regard to salaries, that we did agree that the commissioners should be advanced a thousand dollars, and the conferees have no apology to make. That did not go out on a vote of the House; it went out on an objection of a single Member; and I appeal to the membership of this House, if we are worth $7,500 a year as Members of Congress, are not the commissioners, charged with more responsibilities than is the average Member of this House, worth $6,000?

Mr. BARTLETT of Georgia. How many could be elected in your district or mine, I would like to know?

Mr. BUTLER. Will the gentleman permit a question?

Mr. GARDNER of Michigan. Just a question.

Mr. BUTLER. Will the gentleman be kind enough to tell us, as he goes along, how many items are in serious dispute? Is there anything here in serious dispute but the increase in pay of the District Commissioners?

Mr. GARDNER of Michigan. Oh, yes; what is called the asphalt plant, which upon its merits it is conceded to be proper, but it seems to have resolved itself into a question of jurisdiction between two of the important committees of the House.

Personally I have no sympathy with any assault upon the District Committee. We have lived in harmony together all these years, and I sympathize with them in the unfortunate condition they have been in at this session, and it has not been upon my vote that they have been placed in that position. Now, with regard to there being more recessions on the part of the House than the Senate, let me say to the gentleman that every item that looked for an increase of colored school facilities in this city was stricken out on the point of order. They did not propose to give a dollar—simply went out on the point of order. Can one gentleman rise here and strike out a system like that? The conferees believed, and believe now, that justice to the colored people, justice to the children of the colored race, entitled them to recognition in the division of public moneys necessary for their education. That counts for a very considerable number of recessions on the part of the House. The gentleman from Illinois speaks with reference to the blind. Not an item of hearings in either House with regard to that. Some years ago——

Mr. FOSTER of Illinois rose.

Mr. GARDNER of Michigan. Wait a moment. Some years ago there was a proposition to do this, to give $5,000, and every dollar was licked up in the payment of private individuals for advancements that had been made and no result. Now, again, with regard to the work of criminals. Does anybody think we are going to bring criminals here into the city to work upon our streets? We have three or four hundred men who have been idle in the jails for years down at Occoquan, there by your vote and direction. On the tract of land is a quarry of stone that can be utilized. These prisoners are simply to work out and beat that stone into a condition that will be a basis for this asphalt. Again, the establishment of this asphalt plant is permissive, not mandatory. It is to enable the House and the Congress to say to this trust, You shall not hold us up; if necessary, we will establish a plant, but if you will do the fair thing we will let it stand and it will give you a reasonable profit.

The SPEAKER. The time of the gentleman has expired; all time has expired. The question is on the motion to suspend the rules and agree to the conference report.

The question was taken; and the Chair announced that, in the opinion of the Chair, two-thirds had voted therefor——

Mr. FOSTER of Illinois. Division, Mr. Speaker.

The House divided; and there were—ayes 160, noes 69.

Mr. FOSTER of Illinois. Mr. Speaker, I call for the yeas and nays. [Cries of "No!"]

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 114, answering "present" 6, not voting 103, as follows:

YEAS—160.

Alexander, N. Y.	Fairchild	Higgins	Lundin
Austin	Fassett	Hill	McCreary
Barnard	Fitzgerald	Hinshaw	McGuire, Okla.
Bartholdt	Focht	Hollingsworth	McKinlay, Cal.
Bartlett, Nev.	Fordney	Howell, N. J.	McKinley, Ill.
Bennett, Ky.	Fornes	Howell, Utah	McKinney
Bingham	Foss	Howland	McMorran
Boutell	Foster, Vt.	Hubbard, Iowa	Madden
Broussard	Fuller	Hubbard, W. Va.	Malby
Burke, S. Dak.	Gardner, Mass.	Hull, Iowa	Mann
Burleson	Gardner, Mich.	Humphrey, Wash.	Massey
Butler	Gillespie	Joyce	Miller, Kans.
Calderhead	Gillett	Keifer	Miller, Minn.
Campbell	Goebel	Keliher	Mondell
Cassidy	Good	Kendall	Morse
Cole	Goulden	Kennedy, Iowa	Moxley
Cowles	Graff	Kennedy, Ohio	Needham
Crow	Graham, Pa.	Kinkaid, Nebr.	Nelson
Crumpacker	Grant	Knapp	Nicholls
Dalzell	Greene	Knowland	Norris
Dawson	Griest	Kopp	Nye
Diekema	Guernsey	Kronmiller	Olmsted
Dodds	Hamer	Küstermann	Padgett
Douglas	Hamilton	Langham	Palmer, H. W.
Draper	Hanna	Langley	Parker
Driscoll, M. E.	Harrison	Lawrence	Payne
Dwight	Haugen	Lindbergh	Pearre
Ellis	Hawley	Livingston	Pickett
Elvins	Hayes	Longworth	Plumley
Esch	Heald	Loud	Pray
Estopinal	Henry, Conn.	Lowden	Prince

Pujo	Sims	Sturgiss	Volstead
Reeder	Slemp	Sulloway	Vreeland
Roberts	Smith, Iowa	Swasey	Washburn
Rodenberg	Smith, Mich.	Tawney	Wiley
Rucker, Colo.	Sperry	Taylor, Ala.	Wilson, Ill.
Scott	Stafford	Thistlewood	Wilson, Pa.
Sharp	Steenerson	Thomas, Ohio	Woods, Iowa
Sheffield	Stephens, Tex.	Tilson	Young, Mich.
Simmons	Sterling	Townsend	Young, N. Y.

NAYS—114.

Adair	Cox, Ohio	Houston	Peters
Adamson	Cullop	Hughes, Ga.	Poindexter
Aiken	Dent	Hughes, N. J.	Rainey
Alexander, Mo.	Denver	Hull, Tenn.	Randell, Tex.
Anderson	Dickinson	Humphreys, Miss.	Rauch
Ansberry	Dies	Jamieson	Richardson
Barnhart	Dixon, Ind.	Johnson, Ky.	Robinson
Bartlett, Ga.	Dupre	Johnson, S. C.	Roddenbery
Beall, Tex.	Edwards, Ga.	Kitchin	Rucker, Mo.
Bell, Ga.	Fish	Korbly	Sheppard
Bennet, N. Y.	Floyd, Ark.	Latta	Sherwood
Boehne	Foster, Ill.	Lee	Slayden
Booher	Garner, Tex.	Lever	Smith, Tex.
Borland	Garrett	Lively	Sparkman
Brantley	Glass	Lloyd	Spight
Burgess	Godwin	Macon	Stanley
Byrns	Gordon	Maguire, Nebr.	Sulzer
Candler	Graham, Ill.	Martin, Colo.	Talbott
Cantrill	Hamill	Mays	Taylor, Colo.
Carter	Hamlin	Mitchell	Thomas, Ky.
Cary	Hammond	Moon, Tenn.	Thomas, N. C.
Chapman	Hardwick	Morrison	Tou Velle
Clark, Mo.	Hardy	Moss	Turnbull
Clayton	Hay	O'Connell	Underwood
Cline	Heflin	Olcott	Watkins
Conry	Helm	Oldfield	Webb
Cooper, Wis.	Henry, Tex.	Page	Wickliffe
Covington	Hitchcock	Palmer, A. M.	
Cox, Ind.	Hobson	Parsons	

ANSWERING "PRESENT"—6.

Burnett	Currier	Lamb	Pou
Carlin	Ferris		

NOT VOTING—103.

Ames	Driscoll, D. A.	Lafean	Pratt
Andrus	Durey	Law	Ransdell, La.
Anthony	Edwards, Ky.	Legare	Reid
Ashbrook	Ellerbe	Lenroot	Rhinock
Barchfeld	Englebright	Lindsay	Riordan
Barclay	Finley	Loudenslager	Rothermel
Bates	Flood, Va.	McCall	Sabath
Bowers	Foelker	McCredie	Saunders
Bradley	Fowler	McDermott	Shackleford
Burke, Pa.	Gaines	McHenry	Sherley
Burleigh	Gallagher	McLachlan, Cal.	Sisson
Byrd	Gardner, N. J.	McLaughlin, Mich.	Small
Calder	Garner, Pa.	Madison	Smith, Cal.
Capron	Gill, Md.	Martin, S. Dak.	Snapp
Clark, Fla.	Gill, Mo.	Maynard	Southwick
Cocks, N. Y.	Goldfogle	Millington	Stevens, Minn.
Collier	Gregg	Moon, Pa.	Taylor, Ohio
Cooper, Pa.	Havens	Moore, Pa.	Wallace
Coudrey	Howard	Moore, Tex.	Wanger
Craig	Huff	Morehead	Weeks
Cravens	Hughes, W. Va.	Morgan, Mo.	Weisse
Creager	James	Morgan, Okla.	Wheeler
Davidson	Johnson, Ohio	Mudd	Willett
Davis	Jones	Murdock	Wood, N. J.
Denby	Kahn	Murphy	Woodyard
Dickson, Miss.	Kinkead, N. J.	Patterson	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. MURDOCK with Mr. RHINOCK.

Mr. MOREHEAD with Mr. POU.

Mr. ANDRUS with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. DENBY with Mr. GALLAGHER.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. COCKS of New York with Mr. LAMB.

Mr. LANGLEY with Mr. SABATH.

Mr. LAFEAN with Mr. GILL of Missouri.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. KAHN with Mr. LINDSAY.

Mr. GARNER of Pennsylvania with Mr. LEGARE.

Mr. DUREY with Mr. KINKEAD of New Jersey.

Mr. DAVIS with Mr. JONES.

Mr. DAVIDSON with Mr. HOWARD.

Mr. CREAGER with Mr. HAVENS.

Mr. CALDER with Mr. GOLDFOGLE.

Mr. BURLEIGH with Mr. GILL of Maryland.

Mr. BRADLEY with Mr. ELLERBE.

Mr. BATES with Mr. DANIEL A. DRISCOLL.

Mr. BARCLAY with Mr. DICKSON of Mississippi.

Mr. ANTHONY with Mr. FLOOD of Virginia.

Mr. AMES with Mr. REID.

Mr. WOODYARD with Mr. BOWERS.

Mr. BARCHFELD with Mr. CARLIN.

Mr. LOUDENSLAGER with Mr. GREGG.

Mr. MARTIN of South Dakota with Mr. MCDERMOTT.

Mr. MCLAUGHLIN of Michigan with Mr. MOORE of Texas.

Mr. MOON of Pennsylvania with Mr. RANSDELL of Louisiana.

Mr. SOUTHWICK with Mr. SAUNDERS.

Mr. STEVENS of Minnesota with Mr. SHACKLEFORD.

Mr. TAYLOR of Ohio with Mr. SHERLEY.

Mr. WANGER with Mr. SISSON.

Mr. WHEELER with Mr. WALLACE.

Mr. WEEKS with Mr. SMALL.

Mr. MADISON with Mr. WILLETT.

For the balance of the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

From Saturday until end of session:

Mr. SMITH of California with Mr. CRAVENS.

From 12 m. Thursday until end of session:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Until 2 p. m. Saturday:

Mr. MOORE of Pennsylvania with Mr. MCHENRY.

From Thursday until Saturday, inclusive:

Mr. HOWELL of New Jersey with Mr. BURNETT.

For this day:

Mr. GARDNER of New Jersey with Mr. ASHBROOK.

Mr. MCCALL with Mr. JAMES.

From February 21 until February 27, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS.

Until Monday noon:

Mr. LAW with Mr. WEISSE.

Until Monday afternoon:

Mr. PRATT with Mr. ROTHERMEL.

On this vote:

Mr. GAINES with Mr. COLLIER.

The result of the vote was announced as above recorded.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew the point of order. The point of order was pending.

The SPEAKER. The Chair sustains the point of order.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that the House further insist on its disagreement.

The SPEAKER. The gentleman from Michigan [Mr. GARDNER] has not yet lost control of the floor.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendments and ask for a further conference.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON.

PROTECTION OF THE UNIFORM OF THE UNITED STATES.

The SPEAKER laid before the House from the Speaker's table the bill H. R. 23015, an act to protect the dignity and honor of the uniform of the United States, with Senate amendments.

The Senate amendments were read.

Mr. HOBSON. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

AIDS TO NAVIGATION.

The SPEAKER also laid before the House the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, with House amendments disagreed to by the Senate.

Mr. MANN. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON.

JOHN MARSHALL.

The SPEAKER laid before the House the bill (H. R. 24153), for the relief of John Marshall, with a Senate amendment.

The Senate amendment was read.

Mr. BENNET of New York. Mr. Speaker, I move that the House do concur in the Senate amendment.

The motion was agreed to.

BRIDGE ACROSS RED RIVER.

The SPEAKER laid before the House the bill (S. 10849) to authorize the city of Shreveport, in the State of Louisiana, to construct a bridge across Red River, a similar bill, H. R. 32824, being on the House Calendar.

The bill was ordered to a third reading, was read the third time, and passed.

The bill, H. R. 32824, was ordered laid upon the table.

WITHDRAWAL OF PAPERS.

Mr. KNOWLAND, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Charles R. Stevens, Fifty-fifth Congress, no adverse report having been made thereon.

Mr. KRONMILLER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of the American Towing & Lightering Co., Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. CRAVENS, by unanimous consent, was granted leave of absence indefinitely on account of sickness.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 32909, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32909) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, with Mr. MANN in the chair.

Mr. THOMAS of North Carolina. Mr. Chairman, I offer an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 177, in line 25, after the word "dollars," insert "for range lights in Bogue Sound, N. C., $2,500."

Mr. TAWNEY. Mr. Chairman, I make a point of order against that. It is not germane to the provision.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that it is not germane to the provision.

Mr. THOMAS of North Carolina. Oh, Mr. Chairman, these lights are authorized by existing law.

Mr. TAWNEY. I do not think they are authorized. If it is in order at all on this bill, it is in connection with the appropriation for the Lighthouse Service.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. THOMAS of North Carolina. Mr. Chairman, this amendment is offered to the paragraph in the sundry civil bill providing for lighthouses, beacons, fog signals, light vessels, and other works under the Lighthouse Service. Of course this proposed amendment is for work under the Lighthouse Service. It is for range lights in Bogue Sound, a sound in eastern North Carolina. As to the point of order that it is not authorized by existing law Mr. Chairman, I will say that it is authorized under the act of June 17, 1910.

Mr. STAFFORD. Mr. Chairman, I make the point of order that it is not authorized by existing law.

The CHAIRMAN. Will the gentleman from North Carolina send to the Chair a copy of the act referred to?

Mr. THOMAS of North Carolina. Yes, sir. I send it up. The Chairman is familiar with it, because it came from the Chairman's committee.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. I desire to know, Mr. Chairman, whether it is authorized by law.

Mr. THOMAS of North Carolina. It was authorized by the act of June 17, 1910.

The CHAIRMAN. The gentleman from North Carolina has furnished the Chair with a copy of the act approved June 17, 1910, providing for additional aids to navigation in the Lighthouse Establishment, in which this item occurs:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Establishment, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

* * * * * * *

Range light, Bogue Sound, N. C., at a cost not to exceed $2,500.

Inasmuch as the item is authorized by law, the Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to be heard briefly.

Mr. TAWNEY. Mr. Chairman, I can not find that the item has been estimated for by the department. I would like to know where it can be found.

Mr. THOMAS of North Carolina. I will give the chairman of the committee the estimate from the department contained in the hearings before the Committee on Interstate and Foreign Commerce. I will read it to the gentleman. In response to a letter from the Hon. JAMES R. MANN, chairman of the Committee on Interstate and Foreign Commerce, addressed to the Lighthouse Board and asking as to the necessity and cost of lights in this sound, the Assistant Secretary of Commerce and Labor, Benjamin S. Cable, sent the following letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, D. C., January 10, 1910.

DEAR SIR: Referring to your letter of December 14, 1909, and to the reply of this department of December 20, 1909, relative to the bill (H. R. 2220) providing beacon lights in Bogue Sound, Carteret County, N. C., I beg to state that the Lighthouse Board is of the opinion that 10 beacons, to consist of 3 pile structures with 8 day-post lanterns, should be established to mark the dredged cut in Bogue Sound, and that the amount named in the bill, $2,500, will be sufficient for the construction of these beacons.

I concur in the views of the Lighthouse Board, and therefore recommend that the bill in question be passed.

Respectfully, BENJ. S. CABLE, *Assistant Secretary.*

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

There is the estimate in the hearings.

Mr. TAWNEY. That is not an estimate. That is a letter stating the desirability of providing for that authorization.

Mr. THOMAS of North Carolina. It is more than that, Mr. Chairman, I will say to the chairman of the committee. It states that $2,500 is necessary for the construction of these lights, and the Secretary of Commerce and Labor and the Lighthouse Board assent to the necessity for their construction.

Mr. TAWNEY. I do not understand that that is a formal estimate. It is a statement in a letter.

Mr. THOMAS of North Carolina. As I understand the point the gentleman makes, it is that on this particular item, my amendment, the Department of Commerce and Labor has not sent the usual estimates to the Secretary of the Treasury and the Secretary of the Treasury transmitted them to the House. But if this item in my amendment is authorized by existing law, and if it has the approval of the former Lighthouse Board and the Secretary of Commerce and Labor and the Committee on Interstate and Foreign Commerce, of which the gentleman from Illinois [Mr. MANN] is chairman, why should it not go into the bill? I will say to the chairman of the committee that there are a number of items included in this bill which are not authorized by existing law. I do not wish to make a point of order against any of them, because they ought to be in the bill, and I do not propose to do it under any circumstances, but I think this little item in my amendment of $2,500 for range lights in this sound in North Carolina, recommended by the Department of Commerce and Labor and recommended by the Interstate Commerce Committee and authorized by Congress, ought to go in this bill and the money be appropriated for the work.

Mr. TAWNEY. Mr. Chairman, it seems from the act of June 17, 1910, that a range light on Bogue Sound, N. C., is authorized, to cost not to exceed $2,500. The Department of Commerce and Labor, or the Lighthouse Service, has not deemed the establishment of this range light of sufficient importance to estimate for the appropriation for that purpose. The Lighthouse Service, as Members will recollect, was reorganized a year ago, or since the light was authorized——

Mr. BARTLETT of Georgia. Oh, no; if the gentleman will permit me?

Mr. TAWNEY. The reorganization was not effected under this act until some time after the passage of the act. Now, the reorganized Lighthouse Board has not submitted any estimate for this range light. Let me call the attention of the committee to the fact that in submitting the estimate they group them into three classes. Group No. 1 includes those that they deem absolutely necessary and essential to the service, and in group No. 2 they put those they regard as not so important, and in the third group they put those that they can get along without. The gentleman's proposition is to appropriate for a range light not included in either group.

Mr. THOMAS of North Carolina. I would like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. THOMAS of North Carolina. Have you not put some items in the first group, which you say the Lighthouse Bureau says are very essential, which are not authorized at all by existing law?

Mr. TAWNEY. We have on the testimony or recommendation of the reorganized Lighthouse Service, which is regarded as more efficient than the former organization, and on the

testimony of members of the committee, of which the gentleman is a member, that these were absolutely essential.

Mr. THOMAS of North Carolina. I agree to that, but I think my item being authorized by Congress ought to go into this bill.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 59, noes 53.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. TAWNEY and Mr. THOMAS of North Carolina.

The committee again divided, and the tellers reported that there were 83 ayes and 73 noes.

So the amendment was agreed to.

The Clerk read as follows:

Brandywine Shoal Light Station, Del.: For rebuilding and improving the present light and fog-signal station at Brandywine Shoal, Delaware Bay, Del., on the present or an adjacent site, $75,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. There appeared in to-day's RECORD a number of clippings from newspapers relative to the use of power presses in the Bureau of Engraving and Printing. They are apparently inspired articles to give the side of those who are in favor of the substitution of power presses for hand presses.

Mr. TAWNEY. By whom were they inserted?

Mr. FITZGERALD. They were inserted in another body. It gives the side of those who advocate the power presses in place of the hand presses for printing Government money. So that both sides may have an opportunity to present the facts, I ask to insert some material giving the reasons for retaining the hand presses in printing Government money in the Bureau of Engraving and Printing.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

SECURITY V. CHEAPNESS—SHALL THE MONEY OF THE PEOPLE BE PRINTED IN THE HIGHEST STYLE OF THE ART—THE DANGER FROM COUNTERFEITING SHOULD BE AVOIDED.

In chapter 546, page 605, Thirtieth Statutes at Large, is the following law:

"*Provided*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

By the passage of that law Congress determined that the securities of the Government should be printed in the highest style of the money-making art. It was an expression to the effect that Congress would reserve to itself the right to control this matter.

A proposition is in contemplation to repeal the above law at this session of Congress and lodge this discretion in the Secretary of the Treasury.

We give in this booklet the reasons why Congress should not surrender this discretion to the Secretary of the Treasury, and also why the present law should remain on the statute books.

INTERNATIONAL PLATE-PRINTERS' UNION OF NORTH AMERICA
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR).

—

SECURITY V. CHEAPNESS.

RECENT DISCUSSION.

There has in recent months been considerable discussion in the newspaper and periodical press of the relative merits of hand-press and power-press methods of printing money. The Government now prints its national-bank notes, Treasury notes, bonds, checks, and other securities by the hand-press method. It is proposed to repeal the law which provides that our securities must be printed on hand-roller presses and install machines known as power presses.

NOT OPPOSED TO PROGRESS.

The plate printers are intelligent, skilled workmen. Their calling requires ability of a high degree. Great care, skill, and judgment must be exercised in order to produce good work. Neither as a body nor as individuals are they opposed to progress. Whenever it shall be demonstrated that the product of machines can successfully and satisfactorily supplant their handicraft, they will be quick to admit it.

SATISFACTORY AND SAFE.

They claim that the most satisfactory, because the most "secure," work ever done has been done and is now being done by them on the hand-roller presses. The handling, the heating, the putting on of the ink, the wiping of the plate, now heavy, now light, to bring out the effect intended by the engraver, the temperature of the hand, the texture of the skin, all requiring the constant exercise of forethought, judgment, and fine skill (human effort entirely), are attributes that belong solely to the printer and can not be supplied by machines.

PLATE PRINTERS' HANDICRAFT EVERYWHERE.

The product of the skill of the engraver and plate printer is to be seen in every walk of life where artistic beauty and refinement reign. In the homes of our people are hung steel engraved pictures; in lawyers and doctors' offices are their diplomas, plate printed on sheepskin; in our choice literature are seen the photogravure illustrations; the wedding invitations of our sons and daughters are all plate printed; calendars, letterheads of many leading business houses, are printed by hand from finely engraved plates. The United States Government also should use the finest printing in the production of its securities. This is absolutely necessary in order to maintain the present high artistic standard of our money, a standard which all the world acknowledges to be the highest and best. An additional, and more important, reason for maintaining this high standard is that the maximum of safety against counterfeiting shall be guaranteed our people.

PRINCIPAL POINTS.

In plate printing the principal points are to reproduce in relief the lines the engraver cuts into the steel; that is, to have the lines, both heavy and light, hold the maximum amount of ink which produces the high and light shades of the engraver's art and gives tone and expression to the product. To do this requires skill, thought, and time. Rare skill must be exercised in the wiping of the plate with a cloth or rag, as it is commonly called in the trade. If you will notice, in different notes the engaved lines run in every direction—horizontal, perpendicular, and circular; in fact, any way that the designer plans. As the "wiper" on a power press can only wipe in one direction, which is a half circular one, and as the weight of it is over 200 pounds, it can readily be seen that that part of the line which runs in the same direction as that of the wiper is bound to be wiped out, or nearly so, while on the other hand, the printer on a hand press can manipulate his rag in every direction, always wiping against the line, and consequently leaving the maximum amount of ink necessary therein. On the power press, in order to permit the printer to polish the plate, it is necessary to lower the wiper very close to the plate. The weight of the wiper, combined with the force which is necessary to remove the ink, wipes the plate very clean and close, and consequently produces an impression that has no color or life and is flat in appearance. It also eliminates the detail of an impression, which is the hardest part of a note to produce; that is, the fine lines on the face of a portrait or a shading behind the titles. In examining counterfeit notes, a person can readily see that in nearly every particular the detail is lacking. On a hand press, in wiping a plate, various parts of the plate are wiped differently. For instance, on a portrait, the background, which is always delicately engraved, is wiped very lightly and smoothly, while the coat, which is generally heavy, is wiped down so as to give it a smooth appearance. If the plate is worn, it is wiped carefully; if too black or strong, it is wiped close. The wiper on the power press, being mechanical, wipes the whole plate in the same manner without any regard for the different parts of the engraving or whether the plate is worn or new. As the wiper on the power press wipes the plate so close, it is necessary to use a great deal of pressure to bring up or print what remains in the engraved line. The pressure thus used calenders the paper and lessens the life of the note, because it breaks down the linen fibers in the paper. In bank-note printing all the paper is wet so as to soften it in order to force it down into the engraved lines. As it is manifestly impossible to wet every sheet exactly alike, the hand pressman, when he comes to a dry sheet, pulls it slowly through the press, and vice versa with a wet sheet. The power press pulls all sheets alike at the same rate of speed.

POWER PRESSES NOT IMPROVED.

The point may be urged that the power press has improved in the past few years. This is not a fact. The only changes made are that the motive power has been changed from steam to electric power, hence the new name, "power presses"; several minor attachments which improve the mechanical working of the press, such as more speed and smoother running; also safety appliances, which partially protect the printer and assistants from injury. But there positively has been no improvement in the work executed by the press. In fact, the increased speed has lowered the quality of the product.

MANY OBSTACLES.

For more than 20 years the builders of the power presses have been trying to improve them, but have not succeeded in overcoming these obstacles, namely, the wiper, the filling-in roller, and the enormous pressure. The basic principle in plate printing is to fill all the engraved lines full of ink. The power press filling-in roller does not do this, as it can only pass over the plate once, filling in only the bottom of the engraved lines. Anyone who examines the plate after it has passed under the filling-in roller can very easily see the engraved lines through the ink, when if it were filled in properly none of these lines would be visible. It can plainly be seen that the press starts off wrong in the beginning of its operation by not putting enough ink in the lines to produce a perfect impression. The next operation of the press is to remove enough ink from the plate to allow the printer to polish it clean. The wiper is a contrivance which weighs approximately 200 pounds, and it takes two men to remove it from the press. The part of it which rests on the plate is a flat pad about 2 feet long and 1 foot wide. This pad is covered with felt, and under it and directly over the plate passes the wiping rag. This rag is about 80 yards in length and is wound on a spindle and placed on top of the wiper; as it is used up it is rewound on another spindle. The pad or wiper comes down on the face of the plate and wipes across the plate in a certain fixed way. On an engraved plate the lines run in every direction, and, of course, a great many of them in the same direction the wiper takes. These lines, consequently, are wiped out, or nearly so, on account of the fact that the wiper, being mechanical, can not exercise any refinement of judgment. There is one more thing about the wiper on the power press. It wipes with a great deal of force, being screwed down very close to the plate. This is necessary in order to remove the ink so that the printer can polish the plate, which he has to do very rapidly, as the plate is in continuous motion. In fact, he is reaching toward it as it comes to him or as it goes away. Its position is changing all the while, and he has to jump after it as it moves. It is plain to the average person that it is impossible for any man to polish the plate as clean as can the man on a hand press, where the plate is stationary and where the man has time to judge and decide conditions.

After the plate leaves the printer it passes under the printing roller, which is covered with felt blankets. As the plate has very little ink left in the lines on account, first, of not being properly filled in, and, second, of being wiped so close by the wiper, enormous pressure is necessary in order to bring up what remains of the ink in the lines. Consequently the impression has a flat, dull appearance, approaching a lithograph, and is easily reproduced by the counterfeiter. The enormous pressure calendars the paper, rendering it more difficult to print the reverse side of the note and also lessening its life.

WHY THE WORK IS FLAT.

Another reason for the flatness is that in order to use these presses the ink must be much thinner and weaker than the hand-press ink in order that it will flow freely from the ink fountain, which is immediately over the filling-in roller. Weak ink having a great deal of linseed oil in its composition always will produce a poor impression.

HAND PRINTING METHODS.

The method of printing by hand is entirely different from that of printing by power. In handwork the plate lies stationary on a small gas stove, the stove being used to slightly warm the plate so that

the ink can be removed without using any force. The printer carefully and evenly charges his roller with ink, then rolls it over the surface of the plate from four to six times, filling in all engraved lines so that none of them are visible. He then takes his wiping rag, which is a piece of starched cheesecloth about 5 feet in length by 3 in width, folded to suit his hand, and carefully and swiftly wipes the plate. In using the rag he is careful to wipe across the lines of the plate. If the rag which he is using followed the lines of the plate, he would wipe out the ink and leave an imperfect impression. He avoids anything of the kind by passing the rag across the plate. Different parts of the plate are treated by the hand-press man in different ways. If the lines are heavy, he is likely to wipe more from them than when they are light. The rag folded in the printer's hand forms a springy pad, full of elasticity, which precludes the wiping of the plate close. The hand-press man then carefully polishes the plate evenly until the surface shines and every particle of ink is removed. The plate is then lifted into the press and the assistant lays on the sheet, which has first been dampened and brushed by her, "as it is manifestly impossible for the wetting division to wet every sheet alike, owing to the fact that the bureau prints hundreds of millions of sheets a year." The printer, if the sheet is dry, pulls the press slowly to allow the paper to sink down into the engraved lines; if it is too wet, vice versa. The power press, on the other hand, pulls all sheets alike, at the same speed. The sheet is then removed from the plate by the assistant, and if examined by anyone the difference between it and the power-press impression can easily be detected. The hand impression shows life and strength, every line and detail is there, the color is rich, and it is indeed a work of art.

ALIEN COUNTERFEITERS.

Many thousands of aliens arrive in this country every year. A certain percentage of them are criminals and they take readily to counterfeiting. Then we have the criminally inclined among our own people, who await the best opportunity to counterfeit. The mere statement of these facts would seem to be all the argument necessary to have the standard of our money so high that it will be impossible for these people to imitate it.

The point has been raised that Canada has her money printed on power presses. This is a fact, but Canada is an agricultural country, with a population of approximately 7,000,000 people. It has few large cities, and its population is widely scattered. Naturally the number of criminals is much lower than with us. Hence the question of security is not so strong as it is in our country. A comparison of their currency with ours shows that our notes are very much superior in engraving and printing. It is a significant fact that the Canadian Government has its notes of highest denomination printed by the hand-press method. The reason for this is obvious.

Bankers, business men, statesmen, and others who have traveled abroad have been struck with the artistic beauty of our money, especially when compared with that of other countries. They declare that in apearance, designs, engraving, and printing it is the superior of the money of all countries. In view of the great amount of counterfeiting of the currency of other countries which is known to exist, they can not understand why it is seriously proposed to alter or disturb the present high artistic standard of our securities.

GOVERNMENT SHOULD NOT LOWER STANDARD.

Instead of lowering the standard of our notes it should be the duty of the Government to try to improve it, if possible, by throwing more security around our circulating medium. It is proposed to place a multicolored tint and a watermark on the notes. These changes will help, as they compel the counterfeiter to use additional labor and ingenuity, but they can also be counterfeited by skilled criminals. The most difficult barrier, however, which the counterfeiter has to overcome is the engraving and printing. If the standard of these is lowered, his work of counterfeiting is that much easier.

BOTH METHODS SHOULD BE SEEN.

In the past when Congress investigated this question, exhibits in the form of impressions purported to be from power presses and impressions said to be from hand presses were presented by the other side for comparison. Naturally people will always strive to present as good an argument as possible for their side. Therefore exhibits of this kind should not have much weight in arriving at a conclusion.

The proper way to learn the merits of the power and the hand press is to visit the Bureau of Engraving and Printing and examine the work as it comes from the power and hand presses. Then the good and bad points can easily be seen, even by a layman. One of the best methods of proving the superiority of the hand-press method over the power-press method is to take a plate and print an impression by the power-press method. Then stop the press, fill in the same plate with ink by hand, wipe and polish it by hand, and then print it. The difference in the two impressions will be so marked that anyone can notice it immediately.

It is not improbable that specimens of our money printed on the power presses will be shown to legislators in an endeavor to convince them that the standard of work is as high as that produced from the hand-roller presses. To get a result even approximating the excellence of our notes by the present process the printing by the power presses must be done from newly engraved plates. Such a result is impossible from a plate which has been in use even a week. We challenge successful contradiction of this statement, and stand ready to make a convincing practical demonstration to any committee of Congress.

The argument has been advanced that outside firms use these presses and that the work is satisfactory. Some outside firms do use the presses, such, for instance, as the American Bank Note Co., of New York, but no fair comparison can be made between the United States Government and the American Bank Note Co., as the latter is a commercial institution conducted for profit, and dividends must be paid to the stockholders; therefore the question of security and duty to its customers and the public is not so high as that which Congress owes to the American people.

THE PEOPLE WOULD SUFFER.

The question, in our opinion, is a very important one, not only to the plate printers, but to all the men, women, and children in the United States who have in their pockets paper notes. For instance, if a poor man who earns small wages should, in receiving change while paying his debts, have a counterfeit note foisted on him, the loss would fall on him and his family. But the blame for this crime against him and his wife and little ones would lie with his Government if by cheapening the process of making its money it facilitated the work of counterfeiters. In fact, all the citizens of the United States are vitally interested in the integrity of the work of the Bureau of Engraving and Printing and in the greatest degree of security which can be guaranteed by the Government in its issues, such as United States currency, gold and silver certificates, national-bank notes, bonds, checks, internal-revenue stamps, etc. The banker, the merchant, the farmer, all classes of the community, have the highest right to demand that Congress shall provide every possible safeguard which our National Legislature in its wisdom and experience shall be able to enact.

SECURITY FROM SPURIOUS ISSUES.

So long as the Government makes the money of the people it is bound to protect those securities from the taint of spurious issues. Such protection is assured in the greatest degree by the excellence of American engraving and hand-roller printing. Each is necessary to the other. If the hand-roller process is abandoned for the power-press process the present high standard of our engraving must be lowered. For it is a fact that does not admit of controversy that the power presses can not print securities from the excellently engraved plates now prepared for the hand-roller presses. And it is also true that the art of steel-plate engraving can not progress beyond the ability of hand-roller printers to produce printing of equivalent excellence.

COUNTERFEITERS' METHODS.

Usually there are three methods employed by counterfeiters. First, steel engraving; second, photography, or photo-engraving; and lithography.

Steel engraving, of course, produces the best counterfeits. For instance, the $100 Munro counterfeit note, engraved by Taylor & Redell, of Philadelphia, several years ago was so good that the Government was obliged to call in all the notes of that denomination, and the banks refused to accept them for fear of taking a spurious one. This note was no doubt the best counterfeit that has appeared in years. It is a well-known fact among detectives of counterfeit money that one of the first things examined on a counterfeit note is the printing, and also the process by which it was executed. Every line on the face and back is gone over by the expert, with the help of a powerful magnifying glass, and if one of the engraved lines is broken or mashed, or if the color is off, any minute difference between the counterfeit and the genuine note is carefully noted and is incorporated in a circular letter which is sent out all over the country as a warning. One of the methods the experts employ in the Redemption Division of the Treasury Department to detect counterfeit notes is to closely examine the backs of all bills. As a rule counterfeiters do not pay as much attention to the back of a bill as they do to the face. The high standard of engraving and printing on the back enables these experts more easily to detect the counterfeit notes. One expert alone has caught 400 by this method.

$100 COUNTERFEITS.

Last year a counterfeiter of the name of Crahan counterfeited $20,000 worth of $100 gold notes; the faces of these notes were nearly perfect, but fortunately the color of the gold ink was a little off. This enabled the secret-service officials to effect his capture and save the Government and the people thousands of dollars. This shows that every process of printing on our notes should be executed in the finest manner possible.

POWER-PRESS WORK COUNTERFEITERS' DELIGHT.

Power-press plate printing is easier for the counterfeiter to reproduce than hand press. First, the action of the wiper on a power press is such that an impression is produced that has a flat, colorless appearance, approaching a lithograph; the reason for this is that only a scum of ink is left in the lines and the beautiful shades of light and dark are eliminated. The portraits and the vignettes have no expression, as the details are missing. In order to print even the work which the power presses now produce it is necessary to engrave coarse designs, thus enabling the counterfeiter the more easily to ply his vocation.

SECRET SERVICE REPORT.

The report of the Secret Service Division of the Treasury Department shows that that division during the fiscal year ended June 30, 1910, captured $490,765.55 of counterfeit notes and coins. Of this amount, $467,221 was in foreign money, leaving a balance of $23,534.55 of our money which was spurious. This one item shows conclusively that our money, because of its high standard, is the hardest in the world to imitate.

The report further states that in contraband property captured was 100 counterfeit United States Navy Department blank checks, photographs of United States drafts, forged paymasters' checks, and trade checks. Thus is emphasized the wisdom of Congress in including the word "checks" in the present law on the statute books. Experts state that the greatest difficulty the counterfeiter has to meet in copying an engraving from a steel plate is largely due to the relief which the impression has. As the power-press impression is very flat and the hand-press impression stands clearly forth in bold relief, it can easily be seen which is the more difficult to counterfeit.

CHEAPNESS VERSUS SECURITY.

The question of economy or cheapness should not prejudice judgment on this proposition, because it is not true economy to print cheap money which can easily be imitated and cause the people of our country to lose many thousands of dollars annually. The confidence of the citizen in the Government and its issue should never be shaken. This confidence has reached its highest point in the United States and it should forever be maintained, even if the cost of printing our money is higher than by power presses. The security that our notes afford against counterfeiting, by reason of the high character of the engraving and printing, is worth tenfold the amount of money which it is alleged can be saved.

It would seem not to need argument to carry home conviction of the grave danger that lies in experimenting, for the sake of cheapness, with the securities of the people. To resort to the cheaper method proposed would, in addition to the great losses which ultimately must be entailed upon the people, put the Government to great additional expense in hunting down counterfeiters and prosecuting them.

POCKET NERVE OF PEOPLE.

There is no function of our Government which more intimately concerns all the people than that of making money. It is a function which reaches out and touches the pocket nerve of every citizen. Apparently, the people are satisfied. If they have any complaint to voice, surely it is not with the artistic and mechanical quality of their money. They have not been heard from, demanding that their money be more cheaply made. There is no popular demand for a change. It has not been made an issue in any kind of a campaign. What Senator or Representative has heard from his people, his bankers, manufacturers, farmers, small business men, wage earners, demanding that he shall vote to put in jeopardy of counterfeiting their circulating medium? We question

whether one single demand of this nature has come up from the people. And until there shall be such a popular demand for a change we contend that the safe policy is to permit the present law on the subject to remain on the statute books. When there shall be a change, let it be in response to popular demand and after a full and free discussion in committees and in both Houses of Congress.

FORMER DISCUSSION.

There is no new subject in Congress. It has been discussed many times. For the benefit of those who are to give it renewed consideration, we submit herewith some pertinent excerpts from former discussions:

The minority of the Committee on Banking and Currency having under consideration H. R. 150, the second session of the Forty-third Congress, whose recommendations were accepted, in referring to the Bureau of Engraving and Printing, said: "From the bureau so organized, employing the highest obtainable skill and using none but the best procurable materials and exacting from every employee his best effort, we should naturally expect satisfactory results. And we are not surprised therefore at the unrivaled character of the work, nor that it received the highest award for bank-note engraving at the Vienna Exposition of 1873. A lower degree of excellence would be a discreditable failure. As one security against counterfeiting our public obligations, the highest style of artistic and mechanical execution is very important. Against all forms of counterfeiting which depend for success upon imitation by means of manual dexterity, this obviously is a complete defense" (p. 12). "In the bureau the plates are prepared by the best methods, the expense being but a secondary consideration" (p. 17).

The Committee on Expenditures in the Treasury Department who, in 1888, thoroughly investigated this question by having appear before them Government officials, engravers, transferrers, plate printers, examiners, and other experts, made the following report to the House. House report 3220, Fiftieth Congress, second session, they say, in part:

"INCREASED EXPENSE OF SECRET SERVICE.

"Granting that Mr. Graves's figures are absolutely correct, and that the use of the steam presses effects an actual saving of 18 per cent in the expenses of his bureau, there remains the increased expense of maintaining the Secret Service Division, which must be incurred so long as the obligations and securities of the Government can be readily and successfully imitated, an expenditure which can readily be reduced as soon as the Government shall be able to make it impossible to counterfeit them. And when this degree of excellence in printing our notes shall be reached, there will be the further saving of expenses attending the prosecution of captured counterfeiters. But the committee can not agree that the mere question of economy in printing the obligations and securities of the Government merits consideration in this connection. In their opinion there is but one point at issue in considering this bill, and that is the duty of the Government to afford the citizens the greatest attainable security against counterfeit notes; and being satisfied that this security can be obtained in a greater degree by using the hand-roller press exclusively, they are unanimously of the opinion that the steam presses should be discarded.

"For the reasons heretofore stated, the committee reports back the bill with the following amendment: In line 4 of the first section, after the word 'notes,' strike out the word 'checks' and insert the words 'internal revenue,' and after the word 'stamp' strike out the words 'and drafts,' so that the section will read:

"'That from and after the passage of this act all Government securities, bonds, notes, and internal-revenue stamps shall be printed in the highest style of the art of plate printing from hand-roller presses, and as amended the committee recommend that the bill be passed.'"

STEAM-PRESS WORK INFERIOR.

Hon. John Sherman, when Secretary of the Treasury, appointed a committee to investigate this question. This committee made an exhaustive investigation, and their report is in part as follows:

"After a careful, patient, and as thorough an examination as practicable, the committee have arrived at the conclusion, from the facts disclosed by the evidence in our examination of the question submitted, that work done by the steam press does not attain as high a standard as that done by the hand-roller presses."

NOT EQUAL TO HAND PRINTING.

Mr. E. O. Graves, former Chief of the Bureau of Engraving and Printing, and one of the strongest advocates of the steam press, in a statement to the Committee on Finance in 1888, states: "As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing, that is to say, the steam press has not shown the capacity to print the finest grades of work, such as the black faces of notes, bonds, and drafts. This is the conclusion of all of the committees which have looked into the subject, and it is accepted by the management of this bureau."

Mr. Lorenzo J. Hatch, reputed to be one of the finest engravers in the world, and who is at present employed by the Chinese Government as director of the new Chinese bureau of engraving and printing, wrote the following letter on the subject, page 382, Senate hearings, Committee on Finance:

EXCELLENCE AND PROTECTION.

Mr. E. L. JORDAN, *Washington, D. C.*

SIR: In answer to your request for my opinion of steam power plate printing, I would say that steam presses such as now are in use can have no proper place in the production of Government securities if it is the policy of the Government to depend upon excellence of work for its protection. The high standard of work which the United States Government has demanded in the past has developed the profession of engraving, transferring, and printing bank notes to a perfection that has attracted repeated orders of millions of dollars from other countries. If the standard is lowered the profession must follow just as surely as they rose to meet the high demand. While realizing that steam printing, if the work could be done properly, would be an advantage to engravers, inasmuch as it would by reducing the cost open up a larger field for the adaptation of the art, I do not believe that machines ever can do the work equally well if hand printing were done under the best conditions possible, and I can not but feel disheartened at the growing tendency to substitute poor methods of giving expression to so noble an art, and that the feeling of "good enough" should be creeping into a business that has earned this country a world-wide reputation.

Respectfully, LORENZO J. HATCH.

It might be well to add in connection that the committee of Chinese experts who were sent to this country by their Government to investigate the methods used in this country, after visiting all the large printing houses and bank-note companies, recommended to their Government that the methods of conducting the Bureau of Engraving and Printing of this country should be adopted by the Chinese Government when their bureau was installed.

John S. Bell, former Chief of the Secret Service Division, in his communication to the Committee on Expenditures in the Treasury Department, said in part:

"In my judgment the printing can be best done and in a higher state of art when done by hand than that which is printed by steam press."

SAFETY THE WISE POLICY.

The subsequent act of Congress in enacting a law requiring that the Government securities be printed from hand-roller presses demonstrated its desire to throw around the people's money the greatest safeguard against counterfeiting, regardless of the greater cost of hand-press printing. This wise policy of Congress was well expressed by the Committee on Banking and Currency in its report on H. R. 150, the second session of the Forty-third Congress:

"All these circumstances have satisfied the committee that the best methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to be absolutely secure against error and fraud, even if such method should be more expensive than others which have less guarantee of protection."

On page 2 of their report the committee states that the first requisite is, of course, "security," and on page 3 they emphasize, if possible, this truism by saying: "But not only is actual security, but the confidence of the people that their obligations are secure."

INTERNATIONAL PLATE PRINTERS' UNION OF NORTH AMERICA
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR).

[From the Washington (D. C.) Herald, Feb. 19, 1911.]

FIVE HUNDRED PLATE PRINTERS DENOUNCE STORY—UMBRAGE TAKEN AT EFFORT TO DISCREDIT UNION—STATEMENT FOR PRESS—DECLARE THEY ARE MAKING A CLEAN FIGHT FOR RIGHTS—EMPHATIC DENIAL THAT SENATOR SMOOT WAS REFUSED AN INTERVIEW—ASSERT THAT FULL PENALTY OF THE LAW BE METED OUT TO THE PERSONS GUILTY OF THE ACT—SAY NOTHING HAS BEEN DONE IN SECRET—SHOCK TO MEMBERS.

Five hundred plate printers of the Bureau of Engraving and Printing, at a meeting in Typographical Temple last night, denounced the story that anonymous and threatening letters had been received by Senator SMOOT, Secretary of the Treasury MacVeagh, Assistant Secretary Andrew, and Director Ralph.

The letters were instigated by the efforts to install power presses in the bureau to take the place of the hand presses now in use. A statement was prepared following an animated discussion. It follows:

SHOCK TO MEMBERS.

"The story in a morning paper to the effect that anonymous letters had been received by Senator SMOOT, Secretary of the Treasury MacVeagh, Assistant Secretary Andrew, and Director Ralph threatening those gentlemen with dire consequences for their efforts to install power presses in the Bureau of Engraving and Printing was more of a shock to the members of our union than to any other class of citizens.

"It reflected on the character of our union individually and collectively, and therefore concerns us keenly. The Washington public, business and private, is well acquainted with the 800 members of our union. They know we are law-abiding, country-loving citizens. We discharge our full duty as good citizens, and the record will warrant the statement that, so far as our craft is concerned, there is no necessity for the existence of criminal courts.

"We abhor and condemn the despicable crime of writing anonymous and threatening letters. Those who would be guilty of such acts should be made to suffer the extreme penalty of the law. We assert with the fullest confidence that the members of our union are not and can not be guilty of such a crime. We further recognize that a cause would be weak, indeed, if its advocates were called upon to resort to such reprehensible methods. Our cause is just, and it is, in our opinion, the cause of the whole people of the United States. It is on such a high plane that we have appealed openly to our legislators. We have done nothing in secret. We know the art of money-making, and we feel that in this respect no other class of people is so well qualified to speak for the entire body of our citizens.

"We know that no method of printing our securities is comparable to the hand-roller process. To make our money by any other process necessitates the cheapening of the engraving, and the resultant printing will inevitably be so inferior as to endanger the money of the people. Counterfeiters will hail with joy the news that the United States Government has adopted the cheaper and inferior method of printing money, and immense quantities of spurious notes are certain to be injected into the volume of our circulating medium.

"What need of men engaged in such a cause to resort to the methods of the 'black handers'? We are conscious of the rectitude of our intentions, and we appeal to the public and the press of Washington to spurn for us, as we do ourselves, the suggestion that we are in any degree responsible for these anonymous writings of criminals.

"GEORGE P. FOSTER,
"*Chairman Executive Committee Plate Printers' Union.*"

Mr. Foster, whose signature is affixed to the statement, said late last night that the union had conducted a clean fight and that the threatening letters had been sent to the officials named by persons outside the organization. He also branded as false the statement that Senator SMOOT had been refused an interview by the plate printers' officials.

The Clerk read as follows:

Miah Maul Shoal Light Station, Delaware Bay: For completing the construction of the light and fog-signal station at Miah Maul Shoal, Delaware Bay, $30,000.

Mr. KRONMILLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 178, after line 22, insert the following:
"Fort McHenry Channel, Md.; Range light, $125,000."

Mr. KRONMILLER. Mr. Chairman, at the last session of Congress there was an authorization making an expenditure of $125,000 for two range lights at Fort McHenry Channel, Baltimore. The object of my amendment is to make this appropria-

tion available. I have here a report, "Additional Aids to Navigation and Bureau of Lighthouses," containing a letter from the Secretary of the Department of Commerce and Labor. This letter so completely covers the question that I will ask the indulgence of the House while I read a few extracts from it so that the House may know what this proposition means.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 12, 1910.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of January 5, 1910, inclosing a copy of H. R. 16356, "to authorize additional aids to navigation in the Light-House Establishment," and in reply to your request for the views of this department concerning the bill, I respectfully ask attention to the following extract from the Annual Report of the Lighthouse Board for 1909, page 66, which is herewith approved:

"Fort McHenry Channel range, Maryland: Baltimore is one of the leading shipping ports on the Atlantic seaboard, its exports during the year ended June 30, 1909, amounting to $77,475,293 and its imports to $24,020,333. Congress has recognized its importance by providing liberally for the ship channels leading to its harbor, and the improvement of its approaches by water has resulted in a channel 35 feet in depth throughout, from the capes to the city, and 600 feet wide for the greater part of its length. To render these facilities thoroughly effective adequate lights must be provided. This has been done for the upper channels, except in the case of the channel between Fort Carroll and Baltimore Harbor, known as the Fort McHenry Channel. Since the obstruction of the Lazaretto Point Light a few years ago by the erection of buildings along the river front there is no guide to the harbor. The range lights of the Craighill Channel and those of the Brewerton Channel lead the incoming vessel as far as the Fort McHenry Channel, but there she is left without a guiding light to bring her through the fairway into port. This is a serious deficiency and to a considerable extent lessens the advantages accruing from the work done in the improvement of the waterways. Vessels bound to Baltimore arriving off Annapolis at night frequently come to anchor there, owing to the lack of a complete system of lights to lead them to the quarantine station, which is opposite the Fort McHenry Channel. The matter of lighting this channel has been agitated for a number of years, the proposition for range lights having been discussed even before the obscuration of the Lazaretto Point Light. As the best means of lighting it, it is recommended that a range be established with its front light at or near the intersection of the Brewerton and Fort McHenry Channels, which would serve also as a turning point for vessels coming into or going out of the harbor, and with its rear light on the shoal near Rock Point, west side of the Patapsco River. The location of one of the structures in the city of Baltimore is not considered advisable, as its light would be likely to be obscured when most needed by the smoke of the numerous factories and from other sources, and there would also be the liability of confusion with the lights of the city. The estimated cost of the two structures which will be required is $125,000, and the board recommends that an appropriation of that amount be made for the purpose specified."

2. As the part of the river to be lighted by the proposed range is known as the Fort McHenry Channel it is suggested that the sentence "on that part of the Craighill Channel not now lighted by range lights, lying between the mouth of the harbor of Baltimore at Fort McHenry and that portion of the channel already lighted by range lights" in lines 9, 10, 11, and 12, be omitted in the bill and the words "in the Fort McHenry Channel" be substituted therefor.

3. I therefore recommend that the bill, modified as suggested above, be passed.

Respectfully, BENJ. S. CABLE, *Assistant Secretary.*

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

I want to read a few lines further from the lighthouse hearings of 1910:

Mr. STEVENS. I want Col. Craighill to state in the record anything that may be added to the report of the Lighthouse Board contained on page 66. That is rather complete, but is there anything additional that you want to say?

Col. CRAIGHILL. These are two range lights to mark the Fort McHenry division of the Baltimore Channel. This is the last part of the channel before you reach the city, and consequently is the one which has the most traffic in it.

Mr. STEVENS. Business is greatly congested there?

Col. CRAIGHILL. Yes.

Mr. STEVENS. It is difficult for vessels to pass?

Col. CRAIGHILL. A great many anchor in there, and it is very difficult for them to pass. The present mark which has been used for years is on the old Lazaretto Point. There have been some manufacturing plants built in front of it, so that at times it is impossible to see it, so that very little use can be made of it.

Mr. STEVENS. What is the estimated expense?

Col. CRAIGHILL. One hundred and twenty-five thousand dollars for two range lights.

Mr. TAWNEY. Mr. Chairman, I do not know the document from which the gentleman has read, nor could I hear him very plainly, but he is offering an amendment to appropriate $125,000 for the construction of a channel range light in Chesapeake Bay. It is true the department estimated for that appropriation to be expended in the next fiscal year; it is also true, however, that the department has prepared no plans or specifications for the construction of these channel range lines, nor do they have any idea to-day what they will cost. This appropriation was estimated for upon estimates made by the former engineer of the Lighthouse Board, but any Member of this House who has had any experience with the judgment and testimony of the former engineer of the Lighthouse Board as to the Lighthouse Service would have done just exactly what the members of the Committee on Appropriations have done, knocked out this item until the present lighthouse organization has an opportunity of making an intelligent estimate, so that they will be able to state with some degree of accuracy what the probable cost of these lights will be. For that reason the committee did not feel justified in coming to the House with an appropriation of $125,000 with no more testimony than we had, both as to the necessity of the light and as to the amount of money necessary for the purpose of constructing it. That was the reason the Committee on Appropriations did not recommend the amount estimated by the department. We did not think we were justified in following the former engineer for the Lighthouse Service who made the estimates upon which this estimate is based, because it had so frequently happened in the past, where we have followed his recommendations and on his estimate recommended appropriation, that they have discovered after obtaining the appropriations that there was no necessity for them and the money was never used. We therefore concluded we would give the present organization an opportunity to make a careful and intelligent estimate of the cost before recommending any appropriation whatever.

I trust that the amendment will not be agreed to.

Mr. PEARRE. Mr. Chairman, this amendment was embodied in the bill which was introduced by Mr. GILL of Maryland at this session of Congress, but which has not yet had a favorable report from the committee. Substantially the same matter was comprehended in the bill which was introduced by Mr. GILL at the last session of Congress, and was embodied in an omnibus bill providing for additional aids to navigation. Therefore it has been authorized by law, and as the distinguished occupant of the Chair has already held with regard to the item as to Bogue Sound, which was exactly in the same condition, is not subject to the point of order which was made as to the other item by the distinguished chairman of the Committee on Appropriations.

Mr. Chairman, the mere fact that Mr. GILL, who introduced this bill covering this item, is too ill in Baltimore to be here does not justify the remaining members of the delegation from Maryland in neglecting an opportunity to protect the interests of Baltimore City, one of the greatest ports in the United States.

Mr. Chairman, the report which has been read here by my distinguished colleague from Maryland, representing one of the Baltimore districts, Mr. KRONMILLER, who has offered this amendment, develops the fact—a well-known fact ascertained and based upon investigation and proper inquiry—that the port of Baltimore has a commerce of over $100,000,000; over $77,000,000 of exports through that port and over $24,000,000 of imports.

But to say that the channel which has been improved and widened and deepened by appropriations of the Congress of the United States at Baltimore should not be properly lighted simply because it would cost $120,000, does not seem to me, sir, to comport with proper and cautious statesmanship. Why, Mr. Chairman, as I said before, Baltimore is one of the greatest ports in the United States. The gentleman objects because the new Lighthouse Board has found that this appropriation for range lights in order to light the way through the harbor and up to the harbor of Baltimore and up to the docks in the harbor of Baltimore is not necessary. What right has the distinguished chairman of the committee to say that the former engineer or the old lighthouse commissioner was not just as competent, just as painstaking, just as patriotic, just as honest, and just as diligent in maintaining proper economies in the performance of the duties of his office, one part of which consists in making estimates and recommendations with regard to the light of harbors and the protection of lighthouses and the providing of range lights, and so forth, in matters like this—what right has the distinguished chairman to animadvert against the former lighthouse commissioner and the former Lighthouse Board and the former lighthouse engineer, who were charged with this duty, and say, Mr. Chairman, that the recommendations of those gentlemen, under their obligations and as officials of the United States, should not be followed; and, forsooth, that the recommendations of other individuals who occupy exactly the same official position, charged with the same official responsibility, should be recognized and adopted by the House of Representatives.

Mr. GOULDEN. Will the gentleman yield?

Mr. PEARRE. I can not yield.

Mr. GOULDEN. I just want to ask the gentleman the amount of the appropriation.

Mr. PEARRE. One hundred and twenty-five thousand dollars is the estimate, Mr. Chairman, $100,000 of which should be made available at once, in order that the work may be done, as the whole $125,000 could not be used within the year. But that does not alter the matter at all. Now, why ought the Government of the United States through its Congress go to

the enormous expense in the development of this harbor, or improvement of it? We have now a channel, first 30 feet deep and then increased to 35 feet, through the recommendations of the Committee on Rivers and Harbors, by its appropriations through this House, concurred in by the Senate committee, in bills which had the approval of the President of the United States. Mr. Chairman, we now have a channel of 600 feet wide, and, as this report shows, unless these range lights are constructed here, a great deal of the good which has arisen to the commerce of the people of the United States through the improvement of the harbor of Baltimore will be impaired, if not destroyed, unless these range lights shall be erected as recommended by the department, and therefore I submit, Mr. Chairman, that this amendment should be adopted.

Mr. ADAMSON. Mr. Chairman, I did not hear the amendment read, but I judge from the remarks of the gentleman from Maryland [Mr. PEARRE] that this is a project authorized, on a report from the Committee on Interstate and Foreign Commerce, for range lights in the harbor or the channel approaching Baltimore.

Mr. PEARRE. The gentleman is right.

Mr. ADAMSON. I have some knowledge of the situation there, Mr. Chairman, and I do not believe there is in the United States a more meritorious project than this [applause] or a more necessary aid to navigation, and I believe that every member of that great committee to which I belong will agree with me. I appreciate that pretenses at economy have been manifested by orders from the administration all down the line to cut down estimates and send small estimates to Congress in order that a good showing can be made, and I only regret that the practice has not been more frequent in the past and more sincere in its application. I know the great Committee on Appropriations of this House is just and true and faithful and industrious. I believe the gentleman from Minnesota and his associates are conscientious and are trying to do right by this House and by the country, but I protest against their claiming here, as a valid excuse and justification for omitting a small necessary thing like this, the failure of the department to estimate properly. The department did estimate for this properly, but probably failed to weigh the comparative merits of all the things considered. This is a small matter compared with other matters involving millions, but which are of no more importance relatively than this. The commerce of the city of Baltimore depends largely upon the easy and safe use of this channel. This channel without these lights can not be easily, safely, and profitably used.

Mr. TAWNEY. How long has it been used without these lights?

Mr. ADAMSON. It has been used to some extent, I will say to the gentleman; but I am talking about effectual and efficient use.

Mr. TAWNEY. How many lights are there now?

Mr. ADAMSON. I will frankly say that, not expecting this to be contested, and not expecting to have to remember, I did not count. It has been some time since I saw them, but I have looked at the entire course from one end to the other; I have looked at the difficulties in the way of navigation, and have had them explained to me by sailors, and I say to the gentleman this item ought to be allowed if any item in any bill ought to be allowed, and I hope the gentleman will consider efficiency as important in this particular instance as economy. Let us save somewhere else where it is not so important and where the lights are not so badly needed. We authorized the expenditure for these lights because we knew those lights were needed. [Applause.]

Mr. BARTLETT of Georgia. Mr. Chairman, this is an amendment to carry out the authorization made by Congress last year upon the bill reported by the Committee on Interstate and Foreign Commerce for aids to navigation. Amongst the aids to navigation recommended by that committee and passed by this House and concurred in by the Senate was the one which is now offered for incorporation in this bill by the amendment presented by the gentleman from Maryland [Mr. KRONMILLER].

The gentleman from Maryland [Mr. GILL], who we all know is now absent on account of illness, appeared before the committee of which the gentleman from Illinois [Mr. MANN] is the honored chairman and of which I am a member, and demonstrated to that committee that, clearly, there was necessity for this aid to navigation and that committee, following the policy adopted, guided by the care and scrutiny which is given to these projects by the chairman of the committee and the members following that guide, recommended the sum now offered to be put into this bill by this amendment. It is error to assert that the Secretary of the Treasury did not recommend this appropriation for this aid to navigation, because in the estimate submitted to the House under auhority of law by the Secretary of the Treasury, on page 329, we find these words:

> Works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service:
> Fort McHenry Channel Lighthouse, Maryland: For the establishment of range lights to properly mark the Fort McHenry Channel leading to Baltimore, Md., $125,000, as authorized by the act of June 17, 1910.

The Secretary of the Treasury in recommending this appropriation says that it is essential for the immediate needs of navigation, as the Fort McHenry Channel is the only channel from the Chesapeake Bay to Baltimore not adequately lighted. The Lazeretto Point Light is now obscured by the erection of high buildings.

Now, I have no criticism to make on the Committee on Appropriations for not including this in the bill, but I do not think they should single out this particular work, when it is said by the Secretary of the Treasury that the immediate needs of the service require the erection of these lights. The gentleman from Maryland [Mr. GILL], who was very earnest and insistent before our committee and who presented the claims of the city of Baltimore for this additional aid to navigation and upon whose presentation the committee recommended it, has not for the reason I have given been able to present it, and I join with his colleagues from Maryland in saying to the House that the evidence offered before the committee was such that we deemed it an essential aid to navigation, and under the recommendation of the Secretary of the Treasury and the estimates which he submits and the reasons which he gives, I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. From the statement made by the gentleman from Maryland I had supposed that the Committee on Interstate and Foreign Commerce, in making this recommendation, had acted upon some professional and technical information, however bad it may have been demonstrated to have been. So little confidence was had in the recommendation of the former Lighthouse Board that the Committee on Interstate and Foreign Commerce reported a bill for the complete reorganization of that board and the placing of that service in control of an entirely different force. It seems from the statement of the gentleman from Georgia, however, that the gentleman from Maryland was mistaken. The committee did not rely upon professional or technical information. That information, however erroneous it might have been, might nevertheless have justified the committee in its action. But it seems they relied wholly upon the statement of a very distinguished Member of this House who has a very excellent standing at the bar of his community, but, as the Members of the House are aware, has no special knowledge which would justify him in posing as an expert upon the necessity of providing additional aids to navigation.

I have no doubt that the gentleman is accurate in the statement that the gentleman from Maryland was very earnest in advocating this proposed improvement. Those of us who have served upon committees realize that all Members of the House are very much in earnest when they advocate improvements for the localities which they represent.

The Lighthouse Service has been reorganized, and it is hoped that a great improvement in the administration of the service will result in consequence of that reorganization. The committee believed it to be desirable to permit this new service——

Mr. ADAMSON. Will the gentleman permit an interruption?

Mr. FITZGERALD. In just a moment. The committee believed it to be desirable to permit this new service to have an opportunity to make an independent investigation and determine whether the two lights heretofore recommended would be adequate, and whether the estimate was proper and reasonable, and until that is done the committee believed that, since the present conditions have existed some time without any great detriment to the interests of navigation of the city of Baltimore, it was the part of wisdom to permit that situation to continue a while longer.

Mr. ADAMSON. Mr. Chairman, when I requested the gentleman to permit an interruption, he had just referred to the fact that the lighthouse system had been reorganized. The gentleman from Minnesota had made the same reference—I suppose in explaining the omission to appropriate for this item. I want to ask the gentleman if in any way that reorganization could affect or undo any necessary authorizations for projects of this kind?

Mr. FITZGERALD. It might necessarily affect them and result in legislation that would undo them, because the chief cause, Mr. Chairman, as the gentleman from Georgia and the Chairman are well aware, of the reorganization of the

Lighthouse Service was the conviction of everybody who had anything to do with that service, whether from the standpoint of expenditures or otherwise, that the service was not of the kind and character required by the necessities of the public service. The gentleman from Georgia performed a distinct public service when he was instrumental, in cooperation with others, in securing the reorganization of the service and the elimination of the old system, which had proved so inadequate.

Mr. ADAMSON. If the gentleman will permit me right there, I was going to call attention to the fact that the same great committee reported both pieces of legislation, and we did not see any inconsistency and did not intend any inconsistency. We wanted a better board and a better system to carry out the work that had been begun.

Mr. FITZGERALD. Of course the committee would not have reported both bills if they had deemed them inconsistent, but after the House has had opportunity to see the effect of the reporting of both bills, it is apparent to others who did not participate in that work that there was a seeming inconsistency. If they recommeded the reorganization of the service because it was incompetent, it is reasonable to assume that the recommendations based upon the report and information furnished by an incompetent service might perhaps have been erroneous.

Mr. BARTLETT of Georgia. Will the gentleman allow an interruption?

Mr. FITZGERALD. In a moment.

Mr. BARTLETT of Georgia. The gentleman is mistaken if he undertakes to convey the idea that the present lighthouse commission and those who are now in the service under the reorganization do not think that this is a necessary work.

Mr. FITZGERALD. One moment; I was present at the hearing, and I know what Mr. Putnam said. Not only that, but I saw him. I saw the witness, and I know from the way that he testified that it would be to the advantage of the service to have a further investigation made as to the desirability of the location and as to the additional estimate for the work.

Mr. BARTLETT of Georgia. I do not know what his manner was, for I did not see him. All I can judge from is the report of his testimony, which I hold in my hand, which is printed and furnished by the Committee on Appropriations.

Mr. FITZGERALD. I have already called attention to the fact that the gentleman from Georgia based his support not upon any professional or technical information, but upon the fact that the gentleman from Maryland [Mr. GILL] had presented the case in such an admirable manner.

Mr. BARTLETT of Georgia. The gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not mistaken.

Mr. ADAMSON. I went and examined the premises.

Mr. FITZGERALD. The gentleman from Georgia bases his support of this item upon the fact that the gentleman from Maryland [Mr. GILL] had made such an admirable showing before the committee, and had been so earnest in the committee that he had convinced the committee; and it confirms my opinion that since the former lighthouse board was not reliable and the committee based its recommendation upon the statements of men who did not have professional or technical information, but of those who are very much interested in the proposed item, that the committee had perhaps in this instance given a more careful consideration of this item than it required.

One other statement: The gentleman from Georgia asked why the committee singled out this item for elimination from the bill and did not eliminate other items recommended by the department.

Mr. BARTLETT of Georgia. Will the gentleman allow an interruption?

Mr. FITZGERALD. Yes.

Mr. BARTLETT of Georgia. The committee also put in this bill appropriations for a number of aids to navigation which were neither recommended by the Committee on Interstate and Foreign Commerce or by the Secretary of the Treasury.

Mr. THOMAS of North Carolina. And which would be subject to a point of order if it were made.

Mr. FITZGERALD. But which, Mr. Chairman, have since been incorporated in a bill reported by the Committee on Interstate and Foreign Commerce and passed by this House. If the committee that incorporated the items in an appropriation bill merely anticipated the action of the Committee on Interstate and Foreign Commerce, it could hardly be criticized for the fact that perhaps it realized more quickly than that committee the propriety and necessity of these aids to navigation.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this item close in eight minutes and that the gentleman from Maryland have five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire two minutes to reply, and if the gentleman will give it to me I will not object.

Mr. TAWNEY. The gentlemen from Georgia have had two arguments in favor of the proposition and I thought that was sufficient. I will modify my request and make it 10 minutes and give the gentleman from Georgia [Mr. BARTLETT] two minutes to reply to the gentleman from New York.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate upon the amendment shall be closed in 10 minutes, of which the gentleman from Georgia shall have two minutes. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, just one word. The Committee on Appropriations have recommended expenditures of three items which were not authorized by Congress, but which the Secretary of Commerce and Labor considered desirable that early provision should be made for.

Mr. FITZGERALD. Which items are they?

Mr. BARTLETT of Georgia. I will read them to you. I am not making this statement without knowing what I am talking about. Staten Island Depot, N. Y.; Livingstone Channel, Detroit River, aids to navigation, Detroit, Mich.; Brandywine Shoals Light, Del.

Mr. FITZGERALD. Has not a bill since passed the House reported from the gentleman's committee with those items in it?

Mr. BARTLETT of Georgia. I think so; but the gentleman now passes items in an appropriation bill in anticipation of what our committee will do, and then refuses to carry out the purposes which our committee last session reported and which Congress passed into law.

Mr. TAWNEY. Will the gentleman yield?

Mr. BARTLETT of Georgia. No; I have not the time.

What right have they to criticize the Committee on Interstate and Foreign Commerce, when they, in anticipation that the committee will pass legislation, put in the appropriation bills those projects that are not authorized, give priority to those not authorized, and refuse to include in those bills those that have already for a year been authorized? I have no interest in this matter. I am simply endeavoring to take care of an appropriation which was thought by the committee, by the Secretary of the Treasury, and by the Commissioner of Lighthouses in the testimony before the committee to be necessary, and for that reason I have undertaken to advocate this amendment because I think it ought to be adopted.

Mr. COVINGTON. Mr. Chairman, the discussion on the pending amendment has drifted away from its real merits. I am not, however, concerned with any question of conflict of jurisdiction between the Committee on Appropriations and the Committee on Interstate and Foreign Commerce in the general matter of legislation concerning lighthouses. Moreover, I have no doubt that the members of the Committee on Appropriations, within the limited time they can necessarily give to individual items in department estimates, gave the estimate for the Fort McHenry Channel range lights the careful consideration they always do to appropriations of such character. An examination of the hearings on the item shows the lights proposed in the amendment to be greatly needed. I find from these hearings that Mr. Putnam, Commissioner of Lighthouses, notwithstanding the gentleman from New York, stated that these lights were to be a guide to the most important channel leading into the harbor of Baltimore, and he stated they were very necessary. The only instance where Mr. Putnam was not specific in his testimony was when he referred to the precise amount of money that might be expended in the construction of the lights during the fiscal year of 1912. He did state that there might be about $25,000 that would not be used during that fiscal year. That is the only matter about which he was indefinite.

Now, Mr. Chairman, in regard to the merits of this proposition, it does happen that I am familiar with the harbor of Baltimore. I come in frequent contact with the men who are engaged in its navigation, and I do know that the great steamboat captains who traverse the waters of Chesapeake Bay and into the Port of Baltimore are intimately concerned about the additional lights for the main channel of Baltimore Harbor. The erection of buildings around the city of Baltimore and its harbor in the last few years has tended to obscure the old lights. There has been opened up an additional main channel way as the result of recent appropriations for river and harbor improvements, and to-day navigation in the upper Patapsco River at Baltimore absolutely needs the appropriation provided for by the Interstate and Foreign Commerce Committee in its authorization of one year ago for the lights now provided in the pending amendment.

I want also to call the attention of the House to one other significant situation. Assuming that the Committee on Appropriations gave to this item all of the consideration which time warranted, it is a fact that a committee from the Committee on Interstate and Foreign Commerce actualy visited Baltimore Harbor and examined into the necessity for these lights. The Chairman of this Committee of the Whole at the present time was of that committee, and after an inspection of the locality they returned and included the item in the authorization bill of last year. I therefore earnestly hope that this amendment, necessary to provide aids to the navigation of the great city of Baltimore, and especially necessary in order that the channel ways in the upper harbor of Baltimore shall have additional facilities for navigators, will not meet with further objection, but will be adopted by a decisive vote. [Applause.]

Mr. TAWNEY. Mr. Chairman, I think the House ought to be in possession of the information that the committee had when it declined to recommend the appropriation for this project. Members of the House are familiar with the passage of the bill reorganizing the Lighthouse Service. Members of the House know, as the Department of Commerce and Labor knows, that there were a great many items included and authorized in that bill that would not have been reported out of the Committee on Interstate and Foreign Commerce if it had not been deemed necessary in order to secure the passage of the reorganization bill. The reorganization of that service was regarded as of such importance that they were willing to carry in that bill authorizations for aids to navigation, not with any idea that they would be used and appropriated for in the next year or in the next two years, but that possibly in the future they might be necessary.

Let me say, Mr. Chairman——

Mr. BARTLETT of Georgia. May I say——

Mr. TAWNEY. No; I decline to yield; I have only three minutes. Let me say, further, every Member of this House knows that when the Committee on Interstate and Foreign Commerce reports out a bill authorizing aids to navigation they do not report on one bill alone, but it is generally an omnibus bill, and it is for the purpose of supplying the needs of navigation not only for the next year but for the next 5 or 10 years, possibly, with the idea——

Mr. ADAMSON. Will the gentleman permit a question——

Mr. TAWNEY. I decline to yield—with the idea that the department shall determine the time and the immediate necessity for the establishment of these aids and then ask for an appropriation to make them. Now, this estimate here has been placed by the committee and the Department of Commerce and Labor in the second class. They put this item in the second class as not of any immediate necessity, and then, in addition to that, we were told when Mr. FITZGERALD asked the superintendent:

> Have you prepared estimates for the construction of these lights?
> Mr. PUTNAM. Yes, sir; general estimates have been prepared.
> Mr. FITZGERALD. I know; but you made the general estimate when you asked for the authorization. Now you are asking for the money. Have you not any more specific information?
> Mr. PUTNAM. No, sir; there has been no more detailed estimates made for the items authorized last June.

And before that he says that this estimate of $125,000 is based upon the estimate of the engineer who was the engineer under the old organization, which organization was so inefficient that the Committee on Interstate and Foreign Commerce brought in a bill here to abolish and reorganize that service, and now that committee is contending that because it authorized this project as one of the second class, estimated for by an organization they have repudiated, that the Committee on Appropriations is not justified in refusing to appropriate the money for a project thus estimated for by an organization that they themselves abolish because of its inefficiency.

Mr. COVINGTON. I would like to ask the gentleman a question, whether as a matter of fact there are included here several items——

Mr. TAWNEY. There are several items included here for which a law is not yet passed authorizing them. Bills have been reported by the Committee on Interstate and Foreign Commerce, however, authorizing them. Under the new organization they condemn many bills authorized in this general act as not having any necessity whatever for them, and have not asked for an appropriation, while they have also in their investigations discovered that there are projects required in aid of navigation that are of more importance than those that are included as of the first class, and they estimate upon those, and upon the testimony of the chief of that service we have recommended the appropriation. I hope the amendment will not be adopted.

The CHAIRMAN. The time of the gentleman has expired—all time has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman may have time to answer a question.

The CHAIRMAN. All time has expired, and the question is on the amendment.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. TAWNEY) there were—ayes 51, noes 35.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers [Mr. TAWNEY and Mr. KRONMILLER] reported that there were—ayes 60, noes 41.

So the amendment was agreed to.

The Clerk read as follows:

> Depot for the second lighthouse district: For establishing a lighthouse depot on the site belonging to the War Department on the south or southwesterly end of Castle Island, Boston Harbor, Mass., authority is hereby granted for the transfer of the site to the Department of Commerce and Labor, and the authority to establish a lighthouse depot on Governors Island, in Boston Harbor, is hereby repealed.

Mr. O'CONNELL. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

> Salaries, Lighthouse Service: For salaries of 17 lighthouse inspectors and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, Washington, D. C., $465,960.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend, on page 182, line 3, after "Columbia," by inserting: "*Provided*, That the salary of the lighthouse inspectors shall not exceed $3,600 for one inspector in the third district, and shall not exceed $3,000 each for the other inspectors: *And provided further*, That the total of the salaries of the 17 inspectors shall not exceed $46,800."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order.

Mr. BARTLETT of Georgia. Mr. Chairman, under the act reorganizing the Lighthouse Service and to establish the Bureau of Lighthouses there were provided inspectors for 19 districts, 3 of which were to be served by members of the Army and Navy. This amendment does not increase the amount appropriated for the salary on account of inspectors for the Lighthouse Service. It is not proposed to increase it, because the proposed amendment will require time to secure competent men for these posts, and the whole authorized amount is not likely to be required for the first year. The act of June 17, 1910, reorganizing the Lighthouse Service, limited the salaries of lighthouse inspectors to $2,400, except in the Third Lighthouse District, where the salary of $2,600 was authorized.

In order to successfully carry out the plan of reorganization, it is believed the salary of $2,400 is inadequate in many of the districts. The effect of the proposed amendment would be to increase the average salary in the other districts to $2,700, and to permit the salaries to be graded from $2,400 to $3,000, according to the responsibility involved in the work of the districts, but not to increase the amount appropriated for salaries.

Mr. FITZGERALD. Will the gentleman yield? I think he inadvertently made a misstatement.

Mr. BARTLETT of Georgia. I will yield, of course.

Mr. FITZGERALD. The effect of this is to increase salaries?

Mr. BARTLETT of Georgia. I said the effect was not to increase the amount appropriated for salaries.

Mr. FITZGERALD. I think the gentleman made the statement that it would increase the salaries.

Mr. BARTLETT of Georgia. The gentleman misunderstood me, because I read it from the paper.

Mr. FITZGERALD. I wanted it accurate in the RECORD anyway.

Mr. BARTLETT of Georgia. I was accurate, but the gentleman misunderstood me.

Now, the aggregate difference in salaries between the provision in the bill and those in the proposed amendment is $4,800. But this amendment limits, if you will read it, the amount in the second proviso, in that the total of the salaries of 17 inspectors shall not exceed $46,800, which is the amount appropriated under this bill for salaries. The purpose of this amendment is solely intended, if possible, to give to the Commissioner of Lighthouses and Deputy Commissioner of Lighthouses the right to grade these salaries—some of them $2,400.

Mr. TAWNEY. Will the gentleman from Georgia [Mr. BARTLETT] permit me to interrupt him?

Mr. BARTLETT of Georgia. Yes.

Mr. TAWNEY. How are these men appointed?

Mr. BARTLETT of Georgia. They are appointed by the Commissioner of Lighthouses.

Mr. TAWNEY. Under civil-service rules?

Mr. BARTLETT of Georgia. I think so, though I am not certain. But I do not know as I would undertake to say that. None of them have been appointed yet.

Mr. TAWNEY. They are civilian officers.

Mr. BARTLETT of Georgia. Yes, sir; civilian officers.

Mr. TAWNEY. And I do not think they are under the classified service.

Mr. BARTLETT of Georgia. I think not. Now, I call attention to the testimony of Mr. Putnam, the Commissioner of Lighthouses, in which he said this:

I should call your attention also to the fact that there is a slight increase in the salaries over the amount named in the act reorganizing the service, which provided that one inspector might be paid $3,600 and the other inspectors $2,400 a year. We believe it is too small an amount for many of the districts. There are six districts in which the annual expenditures exceed $400,000 in the district, and we think that a man to take charge of such a district and be the right kind of a technical man should receive a somewhat higher pay. We are asking that limit on the salary be $3,000 instead of $2,400. The inspectors should be men of high character and qualifications, including technical knowledge as to engineering and nautical affairs, and should have business ability.

In the organization of the Lighthouse Service a number of the superintendents of construction and of the masters of lighthouse tenders are paid $2,400 a year. If the salary of the lighthouse inspector——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. If the salary of the lighthouse inspector is restricted to $2,400, then an inspector would receive no higher compensation than the several of the employees under him, although he is charged with wider responsibility. The pay and allowances of Army and Navy officers assigned to lighthouse duty in the same district, under the former organization, and assuming that the former devoted one-third of their time to this work, was about $90,000. If we do not provide for this, the President can still, under the act of 1910, have the Army and Navy officers act as inspectors, and that service costs the Government $90,000. The salaries of the Army and Navy officers who discharge the duties of inspectors——

Mr. STAFFORD. Will my colleague yield to me for a question?

Mr. BARTLETT of Georgia. Yes.

Mr. STAFFORD. Has this matter been presented to the Committee on Interstate and Foreign Commerce at this session?

Mr. BARTLETT of Georgia. No, sir; it has not.

Mr. FITZGERALD. It has been presented to the Committee on Appropriations, but that committee did not, in view of the fact that this appropriation——

Mr. BARTLETT of Georgia. The gentleman is taking up my time. I will give him time in just a moment. It did, in fact, come before the Committee on Appropriations, and as I have just read, the statement of the Lighthouse Board before the committee shows that some of the lighthouse districts are so much more important and involve so much greater responsibility and expenditure of funds than others that it is not desirable that the inspectors of the districts should all receive the same salary. We recognized that fact, and in the New York district we provided that instead of the inspector having $2,400 salary he should receive $3,600.

The inspectors probably will be required to act as disbursing officers and give bonds, and will be put to the expense of obtaining bonds. The amount of funds handled in some of the districts will be very large. During the past year the disbursements in the various districts ranged from about $1,200,000 to $72,000. Under the reorganization the inspector is in immediate charge of the entire work of the district, a responsibility formerly divided between two officers.

Now, Mr. Chairman, I know that this amendment is subject to a point of order, but nevertheless I have presented it in the hope that it will be accepted because it will benefit the service. I am satisfied it will benefit the Bureau of Lighthouses, and after consulting with the men who are in charge of this work and who are efficient and familiar with their duties, men who have had long experience in the service, I earnestly urge the adoption of this amendment.

I have no purpose in view except the good of the public service, because I live in an inland district where there is not a Government lighthouse anywhere within 200 miles of it, and I am not actuated by any motive except a desire to promote the efficiency of the service of this important bureau of the Government which we have recently established and reorganized. Because I am familiar with the history of its reorganization, because I took part in the legislation that reorganized the Lighthouse Service and established the Bureau of Lighthouses, and because I was on the Committee on Interstate and Foreign Commerce and on the conference committee between the two Houses, whose action finally resulted in the establishment of this Bureau of Lighthouses, I have become deeply interested in its success; and I believe that the amendment which I have offered, based upon the facts which I have given as to why it should be adopted, furnished me by those who know, will aid in promoting that desirable object. Therefore, Mr. Chairman, I present this amendment. I hope the gentleman will not make a point of order.

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

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota wish to discuss the point of order?

Mr. TAWNEY. No; I wish just to speak for a moment concerning this amendment. The amendment offered by the gentleman from Georgia was submitted to the Committee on Appropriations, with the estimates for service. The committee took into consideration the argument made in favor of this proposition, but we realized that the Committee on Interstate and Foreign Commerce, in a law passed less than a year ago, had fixed these salaries at $2,400, with a salary to one inspector of $3,600, and, knowing the thoroughness with which the Committee on Interstate and Foreign Commerce does its work, we did not feel justified in recommending to the House a change in its conclusions as to the salaries which these men ought to receive.

But, Mr. Chairman, there is another reason why I can not, after listening to the gentleman and thinking the matter over, accept the amendment, and that is the fact that inside of a very years all these inspectors—16 of them, or 17 of them—will be receiving the maximum salary.

It is true that they tried to grade the salaries, but the services of these men are almost identical. The Committee on Interstate and Foreign Commerce recognized the fact that their responsibility was practically equal, and therefore gave them a uniform salary, and for that reason I think the law, as the committee reported it and as Congress adopted it, ought to remain at least more than a year, or until the new organization had an opportunity to determine the necessity for changes in existing salaries. I therefore make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Cape Vincent (N. Y.) Station: Superintendent, $1,500; skilled laborer, $720; machinist, $960; 2 firemen, at $720 each; 2 laborers, at $600 each; in all, $5,820.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 193, after line 5, insert a new paragraph:
"Wyoming Station, for land and buildings."

Mr. TAWNEY. Mr. Chairman, to that I make a point of order.

Mr. MONDELL. I hope the gentleman will reserve the point of order.

The CHAIRMAN. Does the gentleman from Minnesota reserve his point of order?

Mr. TAWNEY. As I understand, this is to purchase the land and erect the buildings.

Mr. MONDELL. Yes.

Mr. TAWNEY. It is not authorized by law.

Mr. MONDELL. It will be if it is put in this bill. [Laughter.]

Mr. TAWNEY. I want to get along with the bill as fast as possible. Can the gentleman get along with two minutes?

Mr. MONDELL. Two or three minutes.

Mr. TAWNEY. Mr. Chairman, I reserve my point of order for three minutes.

Mr. MONDELL. Mr. Chairman, Wyoming is the crown of the continent. She has in her hundred thousand square miles of mountain and plain more beautiful trout streams than any like area on the face of the earth. Amid her mighty mountain masses arise the crystal springs which form the headwaters of every important stream in the United States west of the Alleghenies. From her great central ranges flow north, south, east, and west beautiful, purling, crystal, dashing, emerald, mountain streams whose waters finally mingle with the mighty billows of both the Atlantic and the Pacific. [Applause.] So favored are conditions in Wyoming to the growth of trout that

in that magnificent Commonwealth they climb 10,000 feet above the billows of either ocean, and at this magnificent height, nearly 2 miles above the ocean level, they cross the continental divide and pass from the waters of the Atlantic into the waters of the Pacific. [Applause.]

Now, Mr. Chairman, it is not in accordance with sound public policy that these magnificent game trout should not be under Federal control and supervision in these days of conservation. Here is a magnificent food product, the finest brain food in the world, and millions of it not under Federal control, not being conserved, not being properly cared for, and I only propose an appropriation which means a dollar a mile for each mile of trout brook in Wyoming. I hope the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, notwithstanding the persuasive eloquence of my friend from Wyoming, I must insist on the point of order.

The CHAIRMAN. Does the gentleman from Wyoming concede the point of order?

Mr. MONDELL. The gentleman from Wyoming, with great regret, concedes the point of order.

The Clerk read as follows:

Bozeman (Mont.) Station: Superintendent, $1,500; fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For the establishment of a fish-cultural station in Kentucky, including the purchase of site, construction of buildings and ponds, and equipment, $25,000.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order on that.

Mr. SHERLEY. Mr. Chairman, I shall not attempt to rival the eloquence of the distinguished gentleman that recently spoke, but instead of eloquence I shall try to give a few facts to justify the creation of this hatchery.

There is an area of 300,000 square miles of which Kentucky is the center where there is no fish hatchery, and into which the Federal Fish Commission is shipping annually large quantities of spawn at considerable cost in the distribution. The territory itself is peculiarly adapted to the propagation of fish, and particularly the black bass, which is very difficult to propagate in hatcheries ordinarily, and for which there is great demand over the country. Three times there has been reported to this House by the Committee on the Merchant Marine and Fisheries a bill for the establishment of a fish hatchery in the State of Kentucky. There has passed at this Congress, through the Senate, a bill for that purpose appropriating the sum of money named in the amendment, and that bill has now been reported by the House committee and is on the House Calendar.

The lateness of the year, coupled with my absence from Washington, has made it impossible to hope to get this bill acted upon through the usual channels. Therefore I appeal to my friend from Illinois to withdraw his point of order.

Mr. FOSTER of Illinois. Mr. Chairman, I observe by the calendar that there are 21 bills now here to establish fish hatcheries, and in view of this fact I shall insist upon the point of order.

Mr. SHERLEY. I would like to know the ground of the point of order.

Mr. FOSTER of Illinois. It is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Alaska Fisheries Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, and clothing and other necessities of life to the natives of the Pribilof Islands, Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees, purchase, hire, and maintenance of vessels, including crews for same, and for all other expenses necessary to carry out the provisions of the act of April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes; and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith," $100,000, to be immediately available.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 204, after line 24, insert: "That not more than $25,000 of the appropriations for the Bureau of Fisheries shall be used for land and buildings as a station in Wyoming."

Mr. COX of Indiana. Mr. Chairman, on that I make the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I reserve the point of order.

Mr. MONDELL. Oh, I doubt if the amendment is subject to the point of order.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman questions it, I shall make it to please him. [Laughter.]

Mr. MONDELL. Mr. Chairman, the gentleman from Kentucky called attention to the fact that he had a bill for a State hatchery that had been reported four times. The bill for the Wyoming hatchery had been reported about eight times and has passed the Senate, if I recollect correctly, six or seven times. This amendment will prohibit the use of more than twenty-five thousand in money for a hatchery in Wyoming, and there is such great public necessity for such a hatchery in Wyoming that the commissioner might feel disposed to use more than that, except for that limitation.

Mr. STAFFORD. Is this the same proposition the gentleman propounded a short time ago in such eloquent language?

Mr. MONDELL. This prohibits the commissioner from using more than $25,000 for this hatchery.

Mr. SMITH of Iowa. The law prohibits them from spending any of it as it is now.

Mr. MONDELL. And we are strengthening that prohibition by providing that he can not use more than $25,000, even though he might think $50,000 was necessary.

Mr. SMITH of Iowa. If it means anything it means that he is authorized to spend $25,000, and it is subject to a point of order.

Mr. MONDELL. It simply prohibits the commissioner from spending more than $25,000.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In all, $170,700.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a question. This is in connection with Ellis Island. While the committee has appropriated the items that have just been read, I note that Commissioner Williams further asks for a ferry steamer at $125,000, and to complete the construction of new buildings $365,000, some pipe tunnels, and heating apparatus in kitchen, and so forth.

Mr. SMITH of Iowa. Oh, he asks for enough.

Mr. BENNET of New York. Which were not given him.

Mr. SMITH of Iowa. That is true.

Mr. BENNET of New York. Inasmuch as the head tax produces an annual surplus of something in the nature of $1,000,000——

Mr. SMITH of Iowa. When?

Mr. BENNET of New York. Every year.

Mr. SMITH of Iowa. Oh, no. The gentleman is in error. Part of the time—most of the time.

Mr. BENNET of New York. Well, I do not remember any year when it did not produce a surplus.

Mr. SMITH of Iowa. I do.

Mr. FITZGERALD. That is why we repealed it.

Mr. BENNET of New York. The gentleman will find they changed their method of bookkeeping in the department. They used to charge against this appropriation in the same year the sums which were appropriated in full and the funds which were expended under appropriations, and then they changed that.

Mr. SMITH of Iowa. They applied for a deficiency one year, and that is the reason the appropriation was refused.

Mr. BENNET of New York. But I understand the reason for creating the deficiency was the charging up to the sums which were appropriated and which had not yet been spent; for instance, in the Galveston matter.

Mr. SMITH of Iowa. Since the gentleman is reflecting so seriously upon the administration of this, he will perhaps understand why we are not willing to do all they ask.

Mr. BENNET of New York. That is the reason. They were not allowed——

Mr. SMITH of Iowa. That is one reason, but the reason, so far as this vessel is concerned, is that they have got one vessel. They have got all they need, except they think they ought to have a reserve. Of course, if we have to duplicate everything in the Government service, and are constantly asked to do it, we can not possibly meet the expenses of the Government. Every branch of the Government wants a duplicate set of everything as a reserve in case of an emergency.

Mr. BENNET of New York. I will say to the gentleman I am not making this speech for the purpose of getting it in the RECORD——

Mr. SMITH of Iowa. I understand.

Mr. BENNET of New York. Now, as to the new building and the extension of the main island on the northern side.

Mr. SMITH of Iowa. It was the judgment of the committee, after hearings, that the chief desire for this new building was to balance the architecture of the island.

Mr. BENNET of New York. That does not appear from the hearings.

Mr. SMITH of Iowa. It appears from the hearings and what we know about the situation. There is no need of the building.

Mr. BENNET of New York. There have been pretty serious statements made to the effect that there is no room now for detention, and a very prominent Member of this House, whom I can see without turning my head very far, sent me a letter not long ago from a man in his city, who was a man of very high standing and a member of the common council of that city, protesting in the most vehement terms—and he is not a New York City man—in the interest of humanity against the crowding that is now going on at Ellis Island. I am not going to offer an amendment, because I bow to the better aggregate judgment of the members of the Appropriations Committee.

Mr. SMITH of Iowa. I thank the gentleman for not saying the separate better judgment.

Mr. FITZGERALD. The gentleman realizes the difficulty one has to get anything from the committee.

Mr. BENNET of New York. I will not be here next year, but I do hope the Members who remain here will not pass this over on any idea that it is for the purpose of balancing the architectural features of that island.

Mr. AUSTIN. May I suggest to the gentleman, in regard to the relief of the crowded condition at Ellis Island, that we get through some legislation which will restrict the undesirables coming into this country.

Mr. BENNET of New York. I will leave that answer to my colleague, who will be here next year.

Mr. FITZGERALD. There are no undesirables coming into Ellis Island; if there were, they would be deported.

Mr. AUSTIN. There is no accounting for some people's taste.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

IMMIGRATION SERVICE.

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,525,000: *Provided*, That from and after July 1, 1911, all moneys paid into the Treasury to reimburse the Immigration Service for expenses of detained aliens paid from the appropriation for expenses of regulating immigration, shall be credited to the appropriation for the expenses of regulating immigration for the fiscal year in which the expenses were incurred.

Mr. STAFFORD. Mr. Chairman, I reserve the right to object to the paragraph. I believe the proviso is a new provision in the bill.

Mr. SMITH of Iowa. Mr. Chairman, I think the gentleman when he understands will not insist upon his point of order.

Mr. STAFFORD. That is why I reserved the point of order, in order to ascertain the purpose.

Mr. SMITH of Iowa. The steamship lines are required by law to pay all the expenses of detention of these aliens who are not permitted to enter, and we find it necessary to put these people frequently in hospitals and the like for care pending their deportation.

These hospitals and other institutions in which we have placed them refuse to look to the steampship companies, but require us to pay them for the service they are called on to do. We, in turn, receive that money from the steamship companies, but, having paid it out of the appropriation, in the absence of a provision of this kind, the money would be covered into the miscellaneous receipts of the Treasury, and the immigration branch would lose that much of the appropriation for the expenditure of the service. Unless this provision is carried, we must largely increase the appropriation, and it is in order to keep this appropriation down as much as possible that this provision is inserted. If we increase the appropriation, it increases, at their discretion, the expenditure of money in the Immigration Service. Now, all this amounts to is this, that if they take a certain amount of money from this appropriation and pay the hospitals and then present the bills to the steamship companies and get the money, they can put it back into the appropriation and use it again, whereas if they are not allowed to do that we must have that much additional annual appropriation.

Mr. STAFFORD. As a part of this expense that is borne by the steamship companies, they bear that themselves direct, but, as to that which is borne by the Government, that part has to be made a claim against the steamship companies, and under the existing law is turned into the Treasury. And this is to obviate that necessity by using appropriations for that purpose?

Mr. SMITH of Iowa. Of appropriating a larger sum for that service.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I notice the committee has struck from this paragraph this language:

Provided, That not to exceed $50,000 of said sum may be expended, as provided in section 24 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States."

I also note that that is on the recommendation, I assume, of the Secretary of Commerce and Labor. The committee, I presume, took his judgment—that with that proviso it would be well to continue to administer the contract-labor law the same way as he has.

Mr. SMITH of Iowa. He was exceedingly anxious to avoid these subdivisions, because the same men enforce, in a measure, the contract-labor law and other provisions, and it is practically impossible to keep the expense separate and divide the men's salaries up as between this limited amount and the balance of the appropriation. If a man is employed a part of the time under the contract-labor law and part of the time in general work, it is practically impossible to arrange what should be a fair division of his salary. And the Secretary is anxious to avoid these subdivisions of appropriations as much as possible.

Mr. BENNET of New York. My personal judgment is, if he assumes to employ men as he has in the past, and it was the desire of Congress he should, by putting them on the rolls and bluebooks, where their names can be ascertained by the steamship companies, he will find difficulty with the Comptroller of the Treasury. But as he is the man who is administering the law the responsibility, I presume, is his.

Mr. SMITH of Iowa. It was his desire that this be done.

Mr. BARTHOLDT. Mr. Chairman, I wish to submit some remarks on the subject on page 133 of the bill, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Miscellaneous expenses, Division of Naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, including street-car fares on official business at official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe; and for the actual necessary traveling expenses of the officers and employees of the Division of Naturalization in Washington while absent on official duty outside of the District of Columbia; for telegrams, verifications to legal papers, telephone service in offices outside of the District of Columbia; not to exceed $3,600 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; and for the purpose of carrying into effect that part of section 13 of the act of June 29, 1906 (34 Stat., p. 896), which provides: "And in case the clerk of any court collects fees in excess of the sum of $6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance:" *Provided*, That the total compensation for the additional clerical assistants authorized by that portion of the said section quoted above to be employed by the clerks of courts shall in no case exceed one-half of the gross amount of fees collected by such clerks in naturalization cases during the fiscal year immediately preceding, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe, $175,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I am about to offer some amendments to the paragraph, and I suggest, by agreement, the amendments be offered and the section perfected, with the right reserved to make a point of order at that time.

Mr. COX of Indiana. That is satisfactory.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that this paragraph may be subject to amendment, with the reservation of points of order after the paragraph is through, if amended. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] offers an amendment, which the Clerk will report.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the words "that part of," at the first portion of line 8, page 208; to insert after the word "ninety-six," on same page, line 10, "as amended by the act approved June 25, 1910," and to strike out the balance of the paragraph down to and including the word "preceding," in line 32.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 208, line 8, strike out the words "that part of," after "ninety-six," in line 10, and insert "as amended by the act approved June 25, 1910;" strike out after "ninety-six" the remainder of line 10 and all down to and including the word "preceding," in line 23.

Mr. SMITH of Iowa. Mr. Chairman, the text in the bill, in my judgment, should be adopted without modification, but it is undoubtedly subject to a point of order. Not only has the gentleman reserved a point of order on the section, but I have been notified by other gentlemen that they intend to make a point of order against the section in its present form. I am usually very much inclined to yield on reasonable amendments if I am about to lose on a point of order, and in order, as I think, to avoid this being subjected to a point of order, I offer those amendments.

Mr. COX of Indiana. Mr. Chairman, I do not know that I have any disposition to press the point of order, but——

Mr. SMITH of Iowa. Other gentlemen have conveyed intimations to me that they will press it——

Mr. COX of Indiana. My object in reserving the point of order was to elicit information. The information I desire to elicit is, What compensation would be paid to these additional clerks? They are to get one-half of the gross receipts paid into the clerks' offices as their salaries. How much would that amount to?

Mr. SMITH of Iowa. It varies vastly, as the gentleman will understand, in the different State courts.

Mr. COX of Indiana. What would it be in the larger places?

Mr. SMITH of Iowa. In the largest places it might amount to $7,000 or $8,000 a year. I concede that it can be stricken out on a point of order.

Mr. COX of Indiana. I withdraw the point of order.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Iowa whether the word "that" should not come out on line 23?

Mr. SMITH of Iowa. That is not the proposition of the gentlemen who are "negotiating" to make a point of order, Mr. Chairman. I have taken the amendment as they offered it. I think not; however, I think it ought to stay in.

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

The amendment was agreed to.

The CHAIRMAN. The Chair understands the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

UNDER LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the third session of the Sixty-first Congress, as required by the act approved October 19, 1888, $4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve a point of order against the paragraph.

The CHAIRMAN. The gentleman from New York reserves a point of order against the paragraph.

Mr. MICHAEL E. DRISCOLL. I think it is new legislation, and I do not see much use of it.

Mr. SMITH of Iowa. It is not new legislation. On the contrary, it is ancient legislation, and very valuable.

Mr. MICHAEL E. DRISCOLL. I do not see why the men who are doing the work now can not simply make up the statement required. The clerks of the committees know all about the subject.

Mr. SMITH of Iowa. Well, Mr. Chairman, it is well understood that this is additional compensation to the clerks of the two committees, respectively, of the House and Senate. It is compensation well earned, and it has been allowed for a long time. It is not new at all. The work is specially required by law to be done.

Mr. MACON. Mr. Chairman, I reserve the point of order. I want to ask the gentleman if this is not an increase of their compensation without authority of law?

Mr. SMITH of Iowa. Oh, no. This has been done right along.

Mr. MACON. I ask the gentleman if there is any authority of law for it?

Mr. SMITH of Iowa. If the gentleman from Arkansas means in addition to their other compensation, I will say yes. The law requires this work to be done by the clerks of the House and Senate Committees on Appropriations, respectively. This law appropriates $4,000 for this work, and requires that the work shall be done by the clerks of the Appropriation Committees.

Mr. MACON. When you designate somebody to do a particular work who is already in the service, and pay that somebody for doing the particular work, then you increase his compensation, do you not? Why can not these clerks do this work without extra compensation? They have nothing else to do at the time they do this work.

Mr. SMITH of Iowa. If you strike this out, it virtually reduces the appropriation for the salaries regularly paid to the clerks to the Committees on Appropriations of the House and Senate.

Mr. MACON. There are so many ways of getting around the law, many ways of twisting the law around in one direction and then in another, so as to increase compensation that it is hard to keep up with the many increases that are made upon appropriation bills. I withdraw the point of order.

The Clerk read as follows:

For refrigerating apparatus for the House wing of the Capitol and House Office Building, and for each and every purpose connected therewith, including the cooling of the air supplied to the Hall of the House, completion of the ice-water plant at the House Office Building, for labor, materials, and personal services, $36,100, to be immediately available, and together with the two following sums to be expended under the direction and supervision of the commission in control of the House Office Building appointed under the act approved March 4, 1907.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order. Is this item based on existing law?

Mr. SMITH of Iowa. Measurably on existing law.

Mr. COX of Indiana. What does the gentleman mean by saying "measurably?"

Mr. SMITH of Iowa. I mean that the existing law provides for the House Office Building, and one of the decent and necessary things to do would be to furnish drinking water there.

Mr. COX of Indiana. But the law authorizing the House Office Building does not provide for a cold-storage plant, does it?

Mr. SMITH of Iowa. This is for ice water to be consumed by the occupants of the House Office Building, or a plant to chill the water in connection with the House Office Building, and it also includes a part of the remodeling of this Chamber, which is now authorized by law. I think that explains my former answer as to "measurably."

Mr. COX of Indiana. The language in the paragraph under consideration is "including the air supplied to the Hall of the House." This appropriation is not devoted to that one thing?

Mr. SMITH of Iowa. It is not. It is very largely, and I emphasize the word "very," to provide gentlemen with suitable drinking water in the House Office Building.

Mr. COX of Indiana. It is contemplated to use a part of this appropriation for that purpose.

Mr. SMITH of Iowa. Yes; and for chilling this room. That is a very moderate part of it. It is to produce the ice, and it is a mere step from the ice to cool the water for the 400 rooms in the House Office Building. It is not to cool the rooms themselves.

Mr. COX of Indiana. Has the gentleman's committee taken into consideration whether or not there can be any economy in the way of making the ice?

Mr. SMITH of Iowa. A very great economy in the production of the ice.

Mr. BARTLETT of Georgia. So far as I have learned, we have not been able to have any ice or ice water in our rooms in the House Office Building.

Mr. SMITH of Iowa. I am well aware of it, and that is why we want to provide for it.

Mr. BARTLETT of Georgia. We have waited a long time expecting to be provided with it.

Mr. SMITH of Iowa. But the gentleman will not be provided with it now if this appropriation does not go through.

Mr. BARTLETT of Georgia. I may not be here long enough to get it now.

Mr. SMITH of Iowa. The gentleman will get it next year if this appropriation goes through.

Mr. COX of Indiana. Mr. Chairman, I make the point of order against it on the ground that it is new legislation.

Mr. FITZGERALD. No; it is not legislation.

Mr. COX of Indiana. It is not authorized by existing law.

Mr. FITZGERALD. What part of it is not authorized by existing law?

Mr. COX of Indiana. The entire paragraph.

Mr. SMITH of Iowa. The remodeling of the Hall of the House is authorized by express statute.

Mr. FOSTER of Illinois. And appropriated for.

Mr. SMITH of Iowa. No; there is an appropriation in here to provide the money.

Mr. FOSTER of Illinois. Why was not this put in with it?

Mr. SMITH of Iowa. Because we are going to use one plant for the two buildings. The arranging and remodeling of this room is expressly authorized by law, and I trust it will include a ventilating system, and this is merely a ventilating system. I trust the gentleman from Indiana will not make the point of order.

Mr. FITZGERALD. I am not sure that it is subject to a point of order.

Mr. COX of Indiana. Mr. Chairman, I must make the point of order.

Mr. FITZGERALD. In the House Office Building there is a drinking-water apparatus as a part of the equipment of the building, and this is a proper device for the purpose of cooling the water to be furnished through that apparatus. Alterations and changes in the House have been authorized, and any device in connection with the conduct of the business of the House is a part of the work in progress and is in order on an appropriation bill.

Mr. COX of Indiana. Has the gentleman the statute on which you propose to base this appropriation—the organic law itself, if there be any?

Mr. FITZGERALD. We do not need an organic law, because both buildings are in existence. It is a continuation of a work in progress. Repairs to a building are always in order.

Mr. COX of Indiana. The gentleman does not regard the items contemplated in this paragraph as being repairs to buildings?

Mr. FITZGERALD. Which part of it does the gentleman object to?

Mr. COX of Indiana. I object to the whole of it.

Mr. FITZGERALD. The gentleman can not successfully do that.

Mr. COX of Indiana. I do not know whether I can or not, but I will unless there is a statute cited here to base it upon.

Mr. SMITH of Iowa. Will the gentleman from Indiana permit me to suggest that, as he well knows, I have no further interest in the condition of the House Office Building. But it is the universal complaint that one can not obtain a decent drink of water in that great building.

Mr. BARTLETT of Georgia. Yes; most of us buy it for ourselves.

Mr. SMITH of Iowa. It seems to me that we ought not to economize by cutting off the drinking water from Members of Congress. [Laughter.]

Mr. COX of Indiana. I think it is rather late. [Laughter.] I have occupied the House Office Building, and I never heard any objection to the water over there.

Mr. FITZGERALD. But the gentleman has not been on the commission to hear the complaints.

Mr. COX of Indiana. I have no complaint to make.

Mr. FITZGERALD. Some gentlemen never have any use for drinking water. [Laughter.]

Mr. SMITH of Iowa. I have frequently tried the water in the Office Building, and I found it not very pleasant to the taste.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Chair sustains the point of order.

The Clerk read as follows:

To provide gratings for the area ways of the House Office Building, including labor and materials for same, $3,500, to be immediately available.

Mr. MACON. Mr. Chairman, it looks to me as though that might as well go out on a point of order. I reserve the point of order on that.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. SMITH of Iowa. Mr. Chairman, the situation in reference to that is very simple. The area ways are very deep over there. One boy fell down and was nearly killed and was in the hospital for weeks.

Mr. MACON. If there is any danger about it, I will withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment to that paragraph, which I send to the desk and ask to have read.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. But there is nothing to reserve the point of order on. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 210, at the end of line 14, insert: "Together with the following sums to be expended under the direction and supervision of the commission in control of the House Office Building appointed under the act approved March 4, 1907."

Mr. COX of Indiana. Mr. Chairman, on that I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I will explain the purpose of the amendment to the gentleman. There are two commissions. One was a commission to have control of the construction of the building and the other a commission in charge of the building. The construction of the building has practically been completed. The commission is ready to make its final report. It consists of the Speaker, the gentleman from Iowa [Mr. SMITH], and Mr. Richardson, of Tennessee. Mr. Richardson is not a Member of the House. The gentleman from Iowa intends to resign from the commission, and it is to make certain that only Members of the House shall have control of the expenditure of the money.

Mr. COX of Indiana. Is not this also one of the purposes of the gentleman's amendment, to get the benefit of the provisions contained in the preceding paragraph, which was stricken out on a point of order?

Mr. FITZGERALD. Not at all. The gentleman will understand there were three items here providing appropriations in connection with the House Office Building. In the first a provision was inserted so that there would be no misunderstanding under what control the appropriations would be. That item has gone out of the bill. Now I offer the language to the item which has remained in the bill, and it will only cover whatever items remain in it. It is not in the bill at all now. We want to make it clear and unquestionable that somebody will have authority over the expenditures.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

To provide suitable transportation for freight and other purposes in the subway leading from the Capitol to the House Office Building and in the subbasement corridors of the House Office Building, and for each and every purpose connected therewith, including temporary operation, $18,237.20.

Mr. MACON. Mr. Chairman, on that I reserve the point of order. I will make it.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order.

Mr. MACON. It is legislation upon an appropriation bill. This provides for suitable transportation for freight and other purposes. I suppose "other purposes" means automobiles to take Members from here to the House Office Building in the subway, and that being the case, I am opposed to it. It might mean the building of a street car in the subway. So far as carrying freight over is concerned, they seem to have facilities for doing that now, for I have seen them rolling it over there time after time since the subway was constructed. It is legislation upon an appropriation bill.

The CHAIRMAN. It seems to the Chair, and the Chair hopes he is not in any way biased about it, that to provide for suitable transportation for freight and other purposes in the subway is like providing for any other of the ordinary things about a building which are necessary—the same as providing for a carpet or repairs in the Hall of the House. The Chair overrules the point of order.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 20, page 210, insert:
"*Provided*, That no part of such appropriation shall be used for the purchase, rent, or operation of automobiles for the conveyance of persons."

Mr. CRUMPACKER. Mr. Chairman, the purpose of this amendment is to prevent the use of any part of the appropriation for the establishment of a line of automobiles in the subway between the Capitol and the House Office Building for the transportation of Members of the House and their clerks, employees, and so forth, back and forth between the House Office Building and the Capitol.

Mr. MICHAEL E. DRISCOLL. Does it say that?

Mr. CRUMPACKER. It does not, but it covers it. The attempt was made, I remember, when the sundry civil bill was

up last year to provide for a line of automobiles between the House Office Building and the Capitol.

Mr. KENNEDY of Ohio. Will the gentleman yield for a suggestion? I suggest that the gentleman amend his amendment so that it will read "automobiles or mules."

Mr. CRUMPACKER. No; I do not think this Congress ought to make the amendment so broad and comprehensive as to prescribe what mode of transportation may be established in the next Congress.

Mr. KENNEDY of Ohio. They will have mules then.

Mr. CRUMPACKER. But, in all seriousness, I do not believe that the commission or the managers of the House Office Building ought to establish a line of automobiles between the Capitol and the House Office Building for the accommodation of Members.

Mr. DOUGLAS. Why not?

Mr. CRUMPACKER. Because Members can walk back and forth between the Capitol and that building. We might as well provide automobiles to convey Members from the Capitol to their homes or hotels. It would be better and more convenient and would save the Members carfare at the expense of the Government. Occasionally, if a Member should not be able to come here without artificial means of transportation, we would have every right to provide for bringing him here; but to establish a line of automobiles for the convenience of Members generally in going back and forth between the Capitol and the House Office Building, to my mind, is objectionable, and therefore I propose this amendment.

Mr. DOUGLAS. Of course, Members can walk if they want to anyway, and many would probably prefer to walk; but there are a number of committee rooms over there and Members are required to be there for the purpose of transacting their business and in attendance upon committees; and while they are over there the bell rings and they are required to be here to vote, and it takes in the neighborhood of 5 or 10 minutes' time to walk over here. I believe it would expedite the public business.

Mr. CRUMPACKER. That would accentuate the embarrassment we are laboring under year after year regarding the absence of a quorum. It does not make any difference how a Member gets here, after a call of the House has been ordered, which occupies from 30 to 50 minutes' time. There is no Member who can not get here before the call is concluded. He has an abundance of time; but the idea of appropriating out of the public money for automobiles to convey Members of the House these few yards between the Capitol and the House Office Building I think is going a little beyond the limit of propriety.

Mr. GARRETT. Will the gentleman permit me a suggestion?

Mr. CRUMPACKER. I will.

Mr. GARRETT. The suggestion of the gentleman from Ohio is not practicable, because when the call comes every one over there is in a hurry, and you could not have an automobile big enough to carry the Members.

A MEMBER. They might have a line of them.

Mr. SMITH of Iowa. Nobody has contemplated or dreamed of the idea of automobiles I was going to say for the purpose of enlightening the gentleman.

Mr. CRUMPACKER. If nobody has dreamed of starting automobiles, this amendment will not disturb anybody, and it is a safeguard against the purchase of automobiles for the purposes which I have described.

Mr. BURKE of South Dakota. Would the gentleman have elevators in public buildings?

Mr. CRUMPACKER. Of course I would have elevators in public buildings.

Mr. BURKE of South Dakota. There men have to go up two or three flights of stairs, and according to the gentleman's idea we ought not to appropriate a lot of money to make it possible to help people up and down.

Mr. CRUMPACKER. Elevators and chimneys and ventilators and windows and doors have come to be necessary parts of public buildings generally, but where is there outside of the National Capital, in any State capital or elsewhere, provision to haul by automobiles the members of the State senate and house of representatives to and from their hotels or an office building? None.

Mr. BURKE of South Dakota. Mr. Chairman, the State of North Dakota owns and operates a railroad between the State capitol and the city where the capitol is located.

Mr. CRUMPACKER. Then I suppose the gentleman from South Dakota hopes this amendment will not go through, while the gentleman from Iowa [Mr. SMITH] tells us there is no probability of it; that it is not contemplated to establish automobiles.

Mr. SMITH of Iowa. I did not tell the gentleman what was to be done, but if the gentleman will listen, I will be glad to tell him what is in contemplation.

Mr. CRUMPACKER. The gentleman will have opportunity when the sand runs out at the end of the five-minute "hourglass" that belongs to me. Then the gentleman will have a turn at the wheel of oratory, and he can explain fully.

Mr. SMITH of Iowa. After the gentleman has spent five minutes in fighting a man of straw.

Mr. CRUMPACKER. It is harmless, then. It is utterly innocuous; but I want the amendment in the bill as a matter of safety.

Mr. SMITH of Iowa. Mr. Chairman, I think it is only fair to the House to state just what is contemplated. It is not to put what are commonly called automobiles into this passageway, but to run cars upon a track with a single rail, narrow cars, which will be supported in an upright position by that which will take the place of an ordinary trolley. They will be operated by electric power, and they will complete the circuit around the lower halls of the Office Building. The gentleman knows that after you enter the Office Building it is two blocks, and very long blocks at that, to the offices at the southeast corner, and I think his office is in that portion of the building.

Mr. CRUMPACKER. As far as it is possible to get away from the Capitol.

Mr. SMITH of Iowa. So that the distance from the Capitol to offices in the southeast corner would be in the neighborhood of three blocks or more. Frequently the delay in men getting here from the House Building on the call of the House or on calling the yeas and nays compels the reading clerks to call the roll slowly, in order to assemble the necessary majority here, and delay takes place in the House itself. It is proposed to have these little electric cars, furnished with power from the existing plant, going to and from the Office Building and completing the circuit of the corridors in the basement. It will so expedite the business of the House as to more than compensate for the expense. It is due to the older Members of this House, and they are found in every House. But we are not going to put in any automobiles in the ordinary acceptation of that term—not gasoline wagons, as the gentleman facetiously said as he rose—but we are proposing to put in these cars.

Now, whether the gentleman's prohibition of investment in automobiles will interfere with the construction of the railroad to which I have referred is gravely doubtful. Not knowing what was proposed, and the gentleman assuming that they would be automobiles, as they are in the Senate, therefore he so drew his amendment. It is only fair to him to tell him it is not proposed to put anything in there in the nature of an automobile.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. SMITH of Iowa. Certainly.

Mr. CRUMPACKER. Will he inform me as to the proper legislative language that will describe the thing they propose to put in?

Mr. SMITH of Iowa. I can not.

Mr. CRUMPACKER. I do not know how to frame an amendment to cover that new railway system, but I do believe that unless it runs on a rubber rail, with a rubber——

Mr. SMITH of Iowa. It is a steel rail.

Mr. CRUMPACKER. With a steel rail it will make such noise and din that nobody can walk in the subway when it is running without risk of losing his hearing.

Mr. SMITH of Iowa. I have told the true plan in order that the gentleman might know what is doing and the House might know what is doing.

Mr. FITZGERALD. Mr. Chairman, I think it is only proper to make another statement in connection with the statement of the gentleman from Iowa [Mr. SMITH].

When the rooms were distributed in the House Office Building the gentleman now occupying the chair made the statement to the House that means of transportation would be furnished between the House and the Office Building, and upon that statement a number of the committees which had rooms in the Capitol voluntarily agreed to go to the House Office Building.

There are a number of Members somewhat along in years, some men, unfortunately, who are suffering from physical disabilities, and it is a considerable inconvenience and at times a great injustice to compel them to make the trip from the farther part of the House Office Building to the Capitol on some emergency when their presence is required here. The Superintendent of the Capitol Building and Grounds has submitted a tentative plan which will provide some method of conveyance, not only from the Capitol to the House Office Building, but around the building on the lower floor; and if at any time,

Mr. Chairman, some one should devise a system by which the personal responses in the calling of the roll could be eliminated and Members enabled to vote by a mechanical system, it would be absolutely essential that some method should be provided to come from the House Office Building to the Capitol more quickly than it can be done by Members walking. Fortunately I am not afflicted in any way that prevents me from walking to and fro between the House Office Building and the Capitol, and I hope that I shall not have an office in the House Office Building in the next Congress, but one in the Capitol.

I know that it does take considerable time for men walking hurriedly from where my office is located in the Office Building to this House. If plans were drawn and successfully carried out for the installation of a system by which the Members could be conveyed quickly, it would be very desirable to do so. I recall that at the time the House Office Building was first occupied it was through the understanding that some such system would be installed that many Members of the House were induced to give up their offices in the Capitol Building and go over there to the House Office Building. The original plans should be carried out as a matter of convenience and necessity.

Mr. FOSTER of Illinois. The gentleman does not mean that there should be machines over there like that one that was tried a year or two ago, by which the proceedings of the House would be communicated automatically to all of the rooms in the House Office Building, so that Members would know what is going on in the House?

Mr. FITZGERALD. Oh, no. It has been suggested, though, and seriously considered, that there can be devised some mechanical apparatus by which Members could vote from their places in the House without wasting 30 minutes or 45 minutes in calling the roll. I have no doubt, if this House continues to enlarge from time to time, that some such method as that will be found imperative if the public business is to be transacted, and knowing the conditions under which many Members of the House labor and knowing the great injustice, and in some instances the pain, occasioned by the trip over and back, I believe this system should be installed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to amend the amendment by striking out the whole paragraph.

The CHAIRMAN. It is first necessary to perfect the paragraph.

Mr. MICHAEL E. DRISCOLL. Then I wish to speak to that question. I do not think there is any need whatever for this appropriation. The only excuse for it is that some sort of a monorail vehicle will be placed in the tunnel for the accommodation of Members of the House in going to and coming from the House Office Building and this Chamber.

Now, I am getting to be along in years myself, older than the average Member of this House, and I certainly do not need any sort of a vehicle to bring me here or take me back, and I do not expect I shall need it for several years to come. It is better for every Member here, because the mortality has been great and is now great, to take a little exercise, physical exercise, and if a Member will not take it in any other way it is better that it should be forced upon him. It would be beneficial for the Members if they were obliged to walk back and forth from the northwest to this Capitol every day. Every Member would feel the better for it. It is better for the Members to walk above ground and get the fresh air than to ride or to walk in the subway.

Mr. TAWNEY. This is not a question of what is best for the Members, but it is a question of what is best for the administration and conduct of business in the House.

Mr. MICHAEL E. DRISCOLL. What is best for the Members here is best for the conduct of the House, because unless the Members have good health and have good vitality they will not be able to do good business. Besides, we ought not here, in the closing days of this term, grab this little amount for our own luxury and accommodation. It looks as though we were determined to get all the luxuries and comforts for ourselves when other employees of the Government do not get the same consideration.

Besides, the roll is called twice on every roll call for the yeas and nays. By the time you reach the second roll call every man, even if he is a cripple and has to come over on crutches, can get here from the House Office Building. So what is saved? There are always a few absentees, and therefore the roll will always have to be called a second time, and by the time the first roll is called every man can be here to answer on the second call, and therefore I say that the whole paragraph should be eliminated. This appropriation is not relatively large, but by striking it out we show our good faith and our disposition not to impose on the taxpayers a heavier burden than is necessary.

Mr. SAUNDERS. Mr. Chairman, this is essentially a business proposition, and I am astonished to see any Member of this House oppose the recommendation of the bill. You might as well advocate a plan to eliminate all of the elevators in the public buildings, and in the hotels, on the theory that our health would be better if we were obliged to climb the stairs. The gentleman from New York refers to the time that is consumed in the first and second roll calls. If we could come over more expeditiously from the Office Building there would be fewer Members absent from the first roll call. Hence the second roll call would consume less time, and on the whole the roll would be called more expeditiously. There are many occasions when a man who is located, or engaged at a remote point of the Office Building, does not care to consume the time involved in walking to and fro through the subway. He wishes to come over and return in the least possible time, so as to get back to his work, just as a man on the first floor of one of these public buildings does not care to walk to the third or fourth, or fifth floor, as the case may be. He goes up by the elevator. The provision of the bill simply makes us, who are the servants of the public, more efficient, by enabling us to get to and from our work with the least possible expenditure of time.

Mr. CULLOP. Does not the gentleman think that a method of this kind would result in having more roll calls and preventing attendance here?

Mr. SAUNDERS. How in the world, Mr. Chairman, a gentleman can work out such a result from the scheme proposed, I can not see. We have a system like the proposed in operation in the subway leading from the Senate Chamber to the Senate Office Building. It works perfectly, works satisfactorily, for the movement of property, and the transportation of the Senators, and of the public. There has never been any criticism of that system on the part of any living soul that I am aware of.

Mr. MICHAEL E. DRISCOLL. Has not our method of walking to and fro through the subway worked well?

Mr. SAUNDERS. There is no compulsion in this matter, the gentleman from New York can walk if he pleases. We will not compel him to ride. He can take all the exercise he wants. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I want to make the rest of the gentlemen walk for their health.

Mr. SAUNDERS. I do not want to be compelled to walk, when it is to the prejudice of the public service. The cars will be used by the officials—and the public—as well as by the Members. By far the larger use will be by others than Members.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate close in five minutes.

Mr. MICHAEL E. DRISCOLL. But, Mr. Chairman, I want to offer an amendment to the whole paragraph.

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

The motion was agreed to.

Mr. GARRETT. Mr. Speaker, I want to ask the gentleman from Minnesota a question. There might be no objection to this matter if it is a practicable proposition. One or two cars, such as they have at the Senate end, would not answer for the purposes for which this is designed. One or two cars with the same capacity as those that they have at the Senate end would not be sufficient. In a busy time when several committees are sitting in the House Office Building there may be 50 men over there, and in addition to committees others in their offices engaged in necessary work. The bells will ring and there will be a rush for these cars, and they will quickly be overcrowded. May I ask the gentleman if he can tell us whether these cars would be large enough to give reasonable accommodation?

Mr. TAWNEY. I will say to the gentleman that the plan the Superintendent of the Capitol has in mind—the system of rail transportation—will reasonably accommodate all of the Members of the House in the House Office Building within a reasonable time. If it requires three cars or four cars, that number which is required will be in use there. It will be a regular belt line, and Members who are occupying offices in the farthermost parts of the House Office Building will have access to that belt line as it comes around. They will be able to come over to the Capitol Building, and it will be operated in a sort of continuous round—something on the order of a moving sidewalk. Members will get on and come over as fast as they can, and they will be able to get away as quickly as they can. [Laughter.]

Mr. GARRETT. The gentleman has no doubt that it will be a thoroughly practicable proposition?

Mr. TAWNEY. The cars which the superintendent has in contemplation will accommodate from 12 to 14 Members, and they will have as many of these cars as the necessities of the service require.

Mr. RUCKER of Missouri. Mr. Chairman, I want to ask the gentleman a question. Is it contemplated that these cars will be perpetually in motion?

Mr. TAWNEY. Oh, no; not at night, when the House is not in session.

Mr. RUCKER of Missouri. I mean when Congress is in session.

Mr. TAWNEY. Yes; when it is in session.

Mr. RUCKER of Missouri. Then they will begin at 12 o'clock and run until the House adjourns.

Mr. TAWNEY. They will probably begin before the House starts. That is a matter of detail which will be worked out as the necessity of the service demands.

Mr. RUCKER of Missouri. Does the gentleman believe that will facilitate and make more certain the attendance of Members?

Mr. TAWNEY. I do.

Mr. RUCKER of Missouri. Would it not tend to cause confusion and induce everybody to wait for a car rather than walk from the Office Building, and hence cause greater delay in securing attendance?

Mr. TAWNEY. Oh, they would not have to wait.

Mr. RUCKER of Missouri. Another question——

Mr. TAWNEY. Any man can walk over if he wants to.

Mr. RUCKER of Missouri. I am fully in sympathy with the gentleman from New York, who believes that walking is beneficial to the Members.

Mr. TAWNEY. I want to say this: The necessity for some means of transportation, I think, must be recognized by every Member of the House who attends sessions of the Committee of the Whole House on the state of the Union when we are considering appropriation bills. It is seldom that we have more than 100 men on the floor of this House, and between the two sides of the House those 100 men are very often greatly disproportionate.

Now, when we have a vote by tellers, it is impossible for Members of the House to get over here to vote by tellers. Of course it is impossible for them to get here in time to vote on a rising vote, and tellers are frequently demanded merely for the purpose of affording Members in the Office Building an opportunity to get here. If we had some system of transportation that would enable them to come here in a shorter time than five to eight minutes, they could come here and participate in the votes in Committee of the Whole.

Mr. RUCKER of Missouri. I would like to ask the gentleman another question. Within the last few days I have been elsewhere than in this Chamber, and I have heard a suggestion of no quorum made when it was stated that only seven or eight Members were present, and I have seen Members summoned to their place of duty, and when they answered to the roll call they would immediately leave again. Now, if we had railroad facilities running all the way around the building, would it not tend to cultivate a habit here that exists in some other place, namely, that of Members coming in, answering to their names or walking between tellers, and then immediately going out to take a ride on this new-fangled train contemplated by the provision under consideration?

Mr. TAWNEY. The case the gentleman cites is not parallel. The case he has in mind is where a gentleman was speaking and the men entitled to seats on the floor do not care to listen to him.

Mr. RUCKER of Missouri. I grant that.

Mr. TAWNEY. And as soon as they went into the Chamber and answered to their names they went into the cloakroom again and enjoyed their cigars. I am talking about the transaction of the public business; I am not talking about entertainments or speeches.

Mr. RUCKER of Missouri. Oh, yes, I understand; but gentlemen who want to participate in the transaction of public business know when the House convenes and they will remain here unless you and the other gentlemen who are supporting this item make it so easy for them to leave as to invite them to do so.

Mr. TAWNEY. Unfortunately, if they do know when the House convenes and is conducting public business, yet they are not here.

Mr. RUCKER of Missouri. They might not come if you give them an opportunity to ride.

Mr. TAWNEY. Of course, it is entirely within the control of the House, and if it should transpire that this should keep Members away from the floor, they could tear up the railroad track at any time.

Mr. RUCKER of Missouri. I for one am not willing to advertise that the membership of the House is so decrepit that we can not walk to the Office Building and back to the Capitol in the discharge of duty.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out the whole paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning at line 15, page 210, strike out down to and including 20.

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

The question was taken; and on a division (demanded by Mr. MICHAEL E. DRISCOLL) there were—ayes 31, noes 68.

Mr. MICHAEL E. DRISCOLL. I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Fourteen gentlemen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. CLAYTON. Mr. Chairman, I move to strike out the last word. I notice that this paragraph endeavors to perpetuate the present commission controlling the House Office Building, and it adds to that commission Mr. CHAMP CLARK.

Mr. FITZGERALD. The gentleman is mistaken; it is not the House Office Building Commission.

Mr. CLAYTON. Yes; I think so.

Mr. FITZGERALD. No; under the law providing the alteration of this Chamber another commission was appointed.

A MEMBER. Who were they?

Mr. FITZGERALD. It consists of the Speaker, the gentleman from Massachusetts [Mr. MCCALL], the gentleman from Illinois [Mr. MANN], the gentleman from Georgia [Mr. HOWARD], and that commission had authority to make a contract. I wish the gentleman to have these facts, and then he can go on with his statement. The commission have authority to make a contract for the alteration of this Hall. Before attempting to enter into any contract the commission reported to the Committee on Appropriations that it preferred that the House should have an opportunity to pass upon this question, and that if the alterations were to be made they felt that the gentleman who has already practically been selected as Speaker in the next House should be in a position to have something to do with the work. It is not, however, the House Office Commission.

Mr. CLAYTON. Well, I thank the gentleman for that explanation, and I desire to ask now if I am correct in stating that the personnel of this commission will be entirely Republican, except Mr. CHAMP CLARK——

Mr. FITZGERALD. It continues Mr. HOWARD.

Mr. CLAYTON. But Mr. HOWARD is not a Member elect to the next House.

Mr. FITZGERALD. That is true, but unless he should resign, under some previous rulings he would continue to be a member of that commission.

Mr. CARLIN. But Mr. HOWARD would not want to continue—he is not drawing any salary—and that would leave us with only one Democratic representative on the commission.

Mr. MCCALL. This commission was provided for before it was known the gentleman from Georgia would not be a Member of the next House, and I think everybody will agree with me that no more competent gentleman could be selected for that work. He was a member of the commission which had authority under the statute, which I think the gentleman from Alabama assisted in having passed, to make a contract for this work. Now, the gentleman from Georgia is perfectly willing to retire. It seems to me that as he has been with the commission up to the present time it would assist very much and it would be very advantageous to the House to have him continue in the position, and he was willing to do that. But it also seemed to me the next Speaker of the House should be added to the commission. I will say to the gentleman from Alabama that I shall be very willing to have any other Member added here that his side of the House desires, so that with the gentleman from Georgia that side will have at least three Members. I would say that the plans have been practically perfected in regard to this work, and I should dislike not to have the gentleman from Georgia be a member of the commission.

Mr. TAWNEY. Will the gentleman permit me to ask—has the contract been let——

Mr. CLAYTON. Mr. Chairman, I believe I have the floor, and I desire to have some small part in the colloquy. [Laughter.] I may say, Mr. Chairman, in reply to the suggestion of the gentleman from Massachusetts, that I quite concur in his desire which he has expressed to have the House avail itself of the services and the experience of Mr. HOWARD of Georgia, but I think, Mr. Chairman, it is not fair to a Democratic House

to have a commission that is going to provide for the expenditure of such a sum—I believe $350,000 is the amount it is going to cost—with only one Democratic Member on that commission. It hardly seems fair, and I suggest to the gentleman from Massachusetts that while he is adding Mr. CLARK, and while he wants to retain Mr. HOWARD, why not add, say, two other Democrats to it?

Mr. McCALL. Mr. Chairman, I should be very glad, and I suppose it is in order now to move to add other Members to the commission—to make the motion at the proper time for two gentlemen to be added from that side of the House.

Mr. CLAYTON. And I would be quite content.

Mr. McCALL. The gentleman from Alabama had some part in this work two years ago, and he or some gentleman, like the gentleman from Kentucky or the gentleman from New York, of the Committee on Appropriations——

Mr. CLAYTON. I hope the gentleman will make some such suggestion at the proper time. But I would prefer that the gentleman permit me in that connection to say that I think it would be better for him to add some Member from the Appropriations Committee, somebody else rather than the "gentleman from Alabama." I am not seeking any more work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I move to strike out the entire paragraph.

Mr. McCALL. Mr. Chairman, is it in order for us to perfect the paragraph?

The CHAIRMAN. It is.

Mr. McCALL. I will move to add the names of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "CLARK," in line 16, page 211, insert: "Representative JOHN J. FITZGERALD and Representative SWAGAR SHERLEY."

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

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

Mr. KEIFER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph, lines 9 to 17, both inclusive.

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

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, before that is voted on I want to ask the gentleman from Massachusetts [Mr. McCALL] a question.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. MICHAEL E. DRISCOLL. Then, I will ask the gentleman from Ohio [Mr. KEIFER] a question. I would like to know whether or not he knows that the contracts for the changes here have been already made?

Mr. KEIFER. I understood the gentleman from Massachusetts answered that question a moment ago and to say that they had not.

Mr. McCALL. They have not.

Mr. KEIFER. Now, Mr. Chairman, I will say but very little on this subject.

Mr. ADAMSON. I will ask the gentleman from Ohio [Mr. KEIFER] to allow me to ask him one question.

Mr. KEIFER. If it is not to be taken out of my time.

Mr. ADAMSON. As an expert, you having been Speaker of this House, I want to ask if it is not possible to avoid that change and that expense by the Speaker's requiring each Member to remain at his desk while he is in the House, and to preserve order?

Mr. KEIFER. That needs no expert to answer. If every gentleman would remain in his seat and preserve order, we would always have order, and we could be well heard anywhere in this Hall.

Mr. ADAMSON. That is not the question, if the gentleman will pardon me. I asked if it is not possible for the Speaker to compel them so that we can have the benefit of the Hall to do business?

Mr. KEIFER. I do not believe this body of men, composed as it is of gentlemen desirous, as they are, of always preserving their good behavior, can be kept in that situation by any Speaker in the world.

Mr. ADAMSON. Then you have lost my vote. I was going to vote with you.

Mr. KEIFER. You will have to vote on other grounds. I have high respect for you, but I think sometime or other you would violate the rule you would like the Speaker to enforce, notwithstanding the Speaker might try to have you obey a good rule.

Mr. LONGWORTH. I might suggest that the gentleman ask the gentleman from Missouri [Mr. CLARK].

Mr. KEIFER. I did not care to get into this colloquy. I have seen efforts made by different Speakers to keep this Hall in good order, and I think gentlemen believe they are doing their duty sometimes even when they talk too loud and keep out of their seats and get down in front of the desk. At times they can be required to keep their seats, but they will not keep them constantly.

Now, Mr. Chairman, I do not believe that the proposition to change this Hall, which has grown sacred in its use for so many years, is going to be a successful one. I understand perfectly that it is a box with halls around it, and no sunlight directly coming into it except that which is strained in through the colored glass over us, and we hardly ever get any pure air here except that which is pumped in by some process or other; and yet I understand that when the new plan is carried out we are to have that same condition, only a little exaggerated from what it is now.

This Hall is not an easy one for persons to be heard in. Unless the Members keep the order that my friend would like to have, it is not an easy one. But the proposition to change it and to alter it is not one that commends itself, I think, to anybody who has given any attention to it.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. KEIFER. An enlargement of the Hall will not help the accoustics of the Hall. Yes; I will yield to the gentleman.

Mr. BARTLETT of Georgia. I agree with the gentleman, and I want to ask but one question. I want to ask him if he does not think we ought to be rather reluctant now, in the present condition of the Treasury, to spend $350,000 for our own convenience and simply to beautify and improve this Chamber, where for a number of years we have assembled satisfactorily, and to which we are all anxious to come back? [Laughter.]

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

Mr. KEIFER. Mr. Chairman, I would like to have five minutes. I did not have the last minute. [Laughter.]

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his time five minutes. Is there objection? The Chair hears none.

Mr. KEIFER. I thank the House. We have heard a great deal about spending the people's money, and the gentleman may be right in his opinion that this experiment of undertaking to make a better Hall and provide better conveniences here by the expenditure right now of $350,000 just as the Democratic majority—pretended, at least—is coming into power, and to make all these improvements for their convenience in the Hall, is an experiment of doubtful propriety. It may be that that is a good argument against making the change. I was recently in the hall of the popular legislative body in Brussels, Belgium. It is differently constructed from this one. It is not so large, and it has not so great a floor space as this, and the desks are much smaller and have many conveniences which our desks lack. I think if our desks here were modeled on those we would not have so much room here for trash and truck about us that are always in our way, but we would have room enough to write letters if we wanted to, and to keep some papers conveniently near us for examination and for use in case we made speeches.

I was particular in looking at the models of desks in that legislative chamber and their arrangement, and with those arrangements, if they were installed here and these cumbersome desks taken out, I am sure we can provide for that monstrous House that is to meet here, not in the Sixty-second Congress but in the Sixty-third Congress, and that the 433 or more Members of it can well be provided for and have as much comfort and convenience, at least, as we have here now.

So I make my motion, although I am not interested personally in the result of it. I make the motion to strike out the clause, not that I am objecting at all to the names of the persons who are to have charge of this matter of altering or changing this Hall, in case it is to be changed.

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

Mr. McCALL. Mr. Chairman, just a moment——

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. McCALL. Mr. Chairman, I always listen to the gentleman from Ohio with great respect, but I think that he is wrong in this instance. The House of Representatives in the last Congress, after the question had been discussed, voted to authorize this change without a division. This Chamber is by far

the largest chamber that any legislative body in the world has, and one reason, it seems to me, why this House of Representatives is not regarded outside of it as the greatest legislative body in the world is because it is trying to do business in the greatest legislative chamber of the world. The floor area of this House is nearly three times that of the British House of Commons. If we want to see ourselves as others see us, we have only to look at the estimates made of this House by writers of authority who have looked upon it from the galleries. We all know that the case is an exceptional one when we go to the gallery with a friend and that friend is able to hear anything that is being said in debate.

This hall has been written about by writers of authority. The leading one, perhaps, is Mr. James Bryce, now the ambassador of Great Britain in this country, and he says:

It is more than thrice as large as the English House of Commons, with a floor about equal in area to that of Westminster Hall, 139 feet long by 93 feet wide and 36 feet high. * * * The proportions are so good that it is not till you observe how small a man looks at the farther end, and how faint ordinary voices sound, that you realize its vast size. * * *

When you enter, your first impression is of noise and turmoil, a noise like that of short, sharp waves in a Highland loch fretting under a squall against a rocky shore. The raising and dropping of desk lids, the scratching of pens, the clapping of hands to call the pages—keen little boys who race along the gangways—the pattering of many feet, the hum of talking on the floor and in the galleries, make up a din over which the Speaker with the sharp taps of his hammer, or the orators straining shrill throats, find it hard to make themselves audible. I never heard American voices sound so harsh or disagreeable as they do here. Nor is it only the noise that gives the impression of disorder. Often three or four members are on their feet at once, each shouting to catch the Speaker's attention. * * * Less favorable conditions for oratory can not be imagined, and one is not surprised to be told that debate was more animated and practical in the much smaller room which the House formerly occupied.

And then we have the same thing from a high American authority, President Woodrow Wilson, now governor of New Jersey, in which he expresses himself very emphatically in criticism of the House of Representatives, the great popular body of the American people, attempting to transact its business in a hall of such enormous size as this.

Only recently in one of the magazines Prof. Goldwin Smith, who before his death came to be the first man of letters of the British Empire and who was a warm friend of our country and our institutions, gave an estimate of this House as seen from the gallery, and it comported closely with that given by Mr. Bryce and Mr. Wilson. Now, Mr. Chairman, this House has not attracted the attention that it should have received, not because its Members have lacked in ability, because the greatest men who ever served in the Senate have also served in the House of Representatives. Henry Clay made some of his greatest speeches in yonder Hall; Daniel Webster was also an ornament of the House, and John Quincy Adams, as we all know, made almost his greatest record as a representative of the people. We have had very many great men here who were never in the Senate. We have had Presidents like Lincoln, Garfield, and McKinley, and we have had other eminent statesmen, orators, like Henry Winter Davis, Thomas B. Reed, and Speaker Crisp who were not in the other House.

But it is admitted, I believe, by those who have studied the House of Representatives that debate in this body does not have the practical effect and the influence that it had when the House was in a smaller chamber.

In the revised plans that have been prepared with very great care the commission has not been hasty in reaching a decision. We do remedy the defect spoken of by the gentleman from Ohio [Mr. KEIFER]; we carry the House through to the outer air on the south side of the Chamber. We reduce the floor area of the Hall by over 2,200 feet, and we reduce its cubical contents by about 140,000 cubic feet, so that in contents it is but little larger than the Senate Chamber. I believe that the one thing that is indispensable to give this House the place that belongs to it under our Constitution, to secure its efficiency and to put it where historians will recognize its merit, is to adopt the pending proposition and make the appropriation that has already been authorized by law. [Applause.]

Mr. PARKER. Mr. Chairman, I can not help speaking a word on this matter.

Mr. TAWNEY. Mr. Chairman, may I interrupt the gentleman a moment? I ask unanimous consent that all debate on the paragraph and the motion of the gentleman be closed in 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate be closed in 10 minutes. Is there objection?

Mr. NYE. I object.

Mr. SHERLEY. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Does the gentleman from New Jersey yield for that purpose?

Mr. PARKER. I yield for that purpose.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky, that all debate on the paragraph and all amendments thereto close in five minutes.

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

Mr. PARKER. Mr. Chairman, I want to talk of this as a practical matter. We may all agree, and do all agree, that we would rather speak in a smaller hall. That can be tried. A partition on either side of the Speaker's desk from north to south, with galleries east and west, would give large rooms under the galleries for the gathering of Members on either side, Democratic and Republican.

I can not agree that it is well to carry this hall clear back to the windows of the south wall. That will not help ventilation. The windows are there now, which would ventilate if people would let them be open. They are now in a lobby, and if in the Hall of Congress there would be still more objection to our opening any of those windows. I can not agree that ventilation is now impossible. Air is like a rope—more easily pulled than pushed. We have been following the plan of pushing in hot air and letting it out at the top. The hot air that comes in goes up in a column to the top and leaves the foul air here.

Mr. CLAYTON. Does not the gentleman think that we generate a great deal of hot air. [Laughter.]

Mr. PARKER. Mr. Chairman, that is not to be taken out of my time.

Mr. McCALL. We ventilate both above and below.

Mr. PARKER. We do not draw the air from where it is fouled, at the height of a man's head, so as to clear the hall of that foul stratum of air. Mr. Chairman, a single fireplace fixed in the wall up to the height of 8 feet from the ground would give more ventilation than anything that we have here.

I want to say besides that that room in the rear is absolutely essential. We go around this House from one side to the other by passing through that lobby. Take it away and you will find you have absolutely lost any power of going from one side of the House to the other without going out in another direction. It is our best room for consultation. That is so in the Senate Chamber, where it is the marble room. It is necessary here.

I maintain we ought not to try to make such great changes. It is easy to put benches in the center of this Hall and a partition on either side, giving to each party in the House plenty of room for a lobby and reading room, with books, facilities for writing, lockers for each Member's papers, opportunity for consultation, and giving aid to the House for independent action, which does not exist now. This is the best plan. If we insist on separate desks, we could roof that room, make a gallery incline, with desks enough for the Members in those galleries, leaving a pit in which the speaking could be done. There are plenty of ways to accommodate the House, but this particular plan is not complete. It takes away the desks and does not provide adjoining rooms where writing can be done. And it is premature. The act providing for 430 Members is not yet a law, and it is not likely to pass, from the looks of things at present, at least at this session. This new plan leaves the Cherokee Strip and puts part of the House so far on each side that they are really behind the Speaker. It perpetuates the folly of binding each Member to one seat instead of leaving him free to sit where it may be convenient as business proceeds. It is an incomplete plan. The matter can properly be put over until further consideration is given to alternative plans. I therefore favor the amendment of the gentleman from Ohio that this paragraph should be struck out of the bill.

The CHAIRMAN. The question is on agreeing to the amendment to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. KEIFER) there were—ayes 44, noes 65.

So the amendment was rejected.

The Clerk read as follows:

Printing Investigation Commission: The authority vested in the Printing Investigation Commission to examine into the general subject of the public printing and binding of Congress and the various executive departments, as now existing under authority of an act making appropriations to supply deficiencies, approved March 4, 1909, is hereby continued during the term of the Sixty-second Congress; and the said commission shall consist of three Senators who are members of the Joint Committee on Printing and three Members of the House elected to the Sixty-second Congress, to be appointed by the Speaker, and the sum of $10,000 is hereby appropriated, to continue available until July 1, 1912, for the expenses of said Printing Investigation Commission.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "appropriated," in line 6, on page 212, insert "to be immediately available and."

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

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 212, line 5, insert after "Speaker" "and to serve until the convening of the Sixty-second Congress."

Mr. FITZGERALD. Mr. Chairman, the effect of that amendment is simply to cover over the recess.

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

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE—PUBLIC PRINTING AND BINDING.

Office of the Public Printer: Public Printer, $5,500; purchasing agent, $3,600; attorney, $3,000; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of the CONGRESSIONAL RECORD at the Capitol, $2,500; assistant accountant, $2,250; chief timekeeper, $2,000; 1 clerk, $2,000; paying teller, $2,000; telegrapher and clerk, $1,800; 10 clerks of class four; 11 clerks of class three; 6 clerks of class two; 6 clerks of class one; 9 clerks, at $1,000 each; 4 clerks, at $900 each; 6 clerks, at $840 each; 12 clerks, at $720 each; paymaster's guard, $1,000; chief doorkeeper, $1,200; doorkeeper, $1,200; 6 assistant doorkeepers, at $1,000 each; 2 messengers, at $840 each; chief delivery man, $1,200; 5 delivery men, at $950 each; tenephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 5 messenger boys, at $450 each; in all, $133,780.

Office of the Deputy Public Printer: Deputy Public Printer, $4,500; inspector of paper and material, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000; 2 clerks of class one; 1 clerk, $900; 1 chemist, $1,600; 1 messenger, $840; 1 messenger boy, $420; in all, $12,660.

Watch force: Captain of the watch, $1,200; 2 lieutenants of the watch, at $900 each; and 64 day and night watchmen, at $720 each; in all, $49,080.

Holidays: To enable the Public Printer to comply with the provisions of the law granting holidays and the Executive order granting half holidays with pay to the employees of the Government Printing Office, $180,000.

Leaves of absence: To enable the Public Printer to comply with the provisions of the law granting 30 days' annual leave to the employees of the Government Printing Office, $340,000.

Mr. MURPHY. Mr. Chairman, I reserve the point of order on the words "chief clerk, $2,500," line 15, page 212.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Missouri insists upon the point of order we will have to reinsert the language of the present law which makes this man private secretary to the Public Printer. We intended to give him something to do by making him chief clerk instead of private secretary to the head of the organization.

Mr. MURPHY. If the gentleman will put in the salary fixed by law, I will withdraw the point of order.

Mr. TAWNEY. The salary is not changed at all.

Mr. MURPHY. The salary is $2,250 by law, and you have made it $2,500 only for the year in the last appropriation bill.

Mr. TAWNEY. We give him the salary we are giving him now.

Mr. MURPHY. But the law fixes the salary at $2,250.

Mr. TAWNEY. There is no law fixing the salary, except in the current appropriation law he appears as secretary to the Public Printer, $2,500; and the committee thought, and the Public Printer recommended, that it had better be changed so that he might be assigned to duty as chief clerk, instead of serving as secretary to a single officer.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman if this stands as it is if it would affect the office of the Deputy Public Printer?

Mr. TAWNEY. In no way. The duties of the Deputy Public Printer are defined by law. There is not a single duty that the Deputy Public Printer performs to-day that he will not be required and have an opportunity of performing after this provision becomes a law.

Mr. COOPER of Pennsylvania. I think the gentleman is in error as to that.

Mr. TAWNEY. I know there is an attorney in the Government office who thinks that the effect of this appropriation in the appropriation bill will be to change the law with respect to the duties of the Deputy Public Printer as defined by law.

Mr. COOPER of Pennsylvania. In section 36 of the general printing law of 1895 the chief clerk therein designated is the man to act as Public Printer in case of death, resignation, and so forth.

Mr. TAWNEY. But a subsequent law changed——

Mr. COOPER of Pennsylvania. That is the law of May 27, 1908, but is it not a fact now that if you change the title of secretary back to chief clerk, it will have the effect of wiping out the functions of the Deputy Public Printer?

Mr. TAWNEY. It will have no effect whatever, except to enable the Public Printer to impose upon this officer the performance of duties that he can not now perform as private secretary. That is the only effect.

Mr. COOPER of Pennsylvania. I think you will relieve the Deputy Public Printer of any duties at all, except what the Public Printer may assign to him. As the law stands it looks as if you re-create the office of chief clerk, which was prior to the act of 1908, and practically wipe out the office of Deputy Public Printer.

Mr. TAWNEY. We do not affect the office or duties of the Deputy Public Printer by this change, and it is not contemplated by anyone, either the Public Printer or any member of the committee who recommends this change. This is simply for the purpose of enabling the Public Printer to assign to this man duties which he otherwise could not do.

Mr. MURPHY. Will the same man who is now private secretary be the chief clerk?

Mr. HULL of Iowa. Do I understand the chief clerk takes the place of the Deputy Public Printer?

Mr. TAWNEY. No.

Mr. HULL of Iowa. Where do you provide for the Deputy Public Printer in here?

Mr. TAWNEY. In the following paragraph. The next paragraph provides for the Deputy Public Printer.

Mr. COX of Indiana. Mr. Chairman, I would like to ask the chairman in charge of the bill a question. Is there any law now authorizing this attorney at $3,000?

Mr. TAWNEY. Nothing except the existing or current appropriation act.

Mr. COX of Indiana. I want to make a point of order on that.

Mr. MURPHY. I would like to ask the gentleman from Minnesota one other question. Will the gentleman who is secretary now to the Public Printer be made chief clerk?

Mr. TAWNEY. That I can not answer. I have no control over the personnel of the office. I do not think the Public Printer contemplates changing the personnel in his office at all under this provision. Of course he could do it anyhow, if he wanted to.

Mr. MURPHY. The private secretary is now under the civil service. Would this chief clerk be under the civil service?

Mr. TAWNEY. The gentleman is misinformed. The private secretary is not under the civil service.

Mr. MURPHY. Yes; I beg the gentleman's pardon, but Mr. Roosevelt covered him into the civil service. He is a Missourian, and we have been looking after him.

Mr. TAWNEY. The rules of the Civil Service Commission expressly authorize the appointment of private secretaries by the head of any bureau or head of department or other Government establishment. But the chief clerk has to be appointed under the civil-service rules.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. TAWNEY] has expired.

Mr. TAWNEY. Now, if the point of order is insisted upon, Mr. Chairman——

Mr. MURPHY. Mr. Chairman, I withdraw the point of order.

Mr. COX of Indiana. I want to make a point of order, Mr. Chairman, on line 14, page 12, "attorney, $3,000."

The CHAIRMAN. The gentleman from Indiana makes a point of order against the language, "attorney, $3,000."

The Chair will ask the gentleman from Minnesota whether there is any authorization for this?

Mr. TAWNEY. There is no statutory authorization, except in the appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. Mr. Chairman, I reserved a point of order on the paragraph for the purpose of including this attorney. He has gone out now on the point of order, and I withdraw the point of order on the paragraph.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages, of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures, and ice; bicycles, horses, wagons and harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books,

and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; construction of roof over vacant walled space west of the H Street Annex to the Government Printing Office; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery of the work, $4,581,230.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MACON. Mr. Chairman, I make a point of order upon the two words "electrical vehicles," in line 9, page 215. It seems to be new.

Mr. KEIFER. Mr. Chairman, I understand that is one of the means of equipment of this establishment.

Mr. MACON. I understand it is, and so would automobiles be, and so would a street car be, or anything else that the gentleman might appropriate for in this paragraph.

Mr. KEIFER. Then your point is you would not have it equipped at all?

Mr. MACON. Oh, yes; but I am against an equipment of that kind.

Mr. KEIFER. That is as much equipment as bicycles and wagons.

Mr. MACON. Oh, you might appropriate for an automobile for the Speaker or an automobile for each Member of the House on an appropriation bill if bills of that kind can carry an appropriation for electrical vehicles for the Public Printer.

Mr. KEIFER. This is an automobile such as we have been providing for you in the future.

Mr. MACON. I fought against that, sir; and tried to get it out on a point of order.

Mr. FITZGERALD. Is the gentleman referring to electrical vehicles at the Printing Office?

Mr. MACON. Yes.

Mr. FITZGERALD. The Public Printer explained to the committee that by utilizing the space he has there and by roofing it over and substituting motor-propelled vehicles for horses and wagons he could make a very substantial reduction in the cost of transportation in the office.

Mr. MACON. I am advised it would cost $75,000 to $100,000 to make the changes provided for in this paragraph.

Mr. FITZGERALD. The gentleman is mistaken. The Public Printer can utilize the vacant space by roofing it over and using it as a stable.

Mr. MACON. The electrical vehicles can be used for any purpose for the Public Printer to ride in in this city, Maryland, or Virginia, or wherever else he sees fit to go.

Mr. FITZGERALD. That is not the purpose of the amendment.

Mr. MACON. You ought to show what the purpose is.

Mr. FITZGERALD. I have no desire to furnish the Public Printer with an automobile——

The CHAIRMAN. The Chair will ask the gentleman from New York [Mr. FITZGERALD] if he can inform the Chair whether the Public Printing Office now has means of transportation.

Mr. FITZGERALD. The Public Printer has horses and wagons for the purpose of transporting materials to be utilized by the Public Printer in the conduct of his office. I am not certain whether he has one electrical vehicle or not.

Mr. COX of Indiana. It is not carried in the language of the last bill.

Mr. FITZGERALD. I am not certain about it. I am not certain whether the Public Printer has any motor vehicles or not. I will ask the chairman of the committee if he has.

Mr. TAWNEY. No; they have none. The purpose is to substitute the motor vehicles; that is, to replace the hauling vehicles with electrical trucks, and by adopting this provision the Public Printer will be able to abolish or abandon the stable entirely and save all the expense incident to the maintenance of the stable for the horses that they are now using for the transportation of freight, and utilize another building for the mechanical equipment necessary to maintain the automobile. The saving to the Government is $12,000 a year in rent.

Mr. COX of Indiana. Under the language in the bill here, "electrical vehicles," it will be possible, will it not, to absolutely supplant the present means of transportation and substitute therefor electrical vehicles?

Mr. TAWNEY. That is the purpose of it.

Mr. COX of Indiana. Then I shall object to it. What is the present equipment worth?

Mr. TAWNEY. A saving of approximately $12,000 a year will result. We asked the Public Printer:

Mr. SMITH. Where will the saving come in?

Mr. DONNELLY. First, in the item of rent. We are now paying $2,400 a year for a stable.

Mr. SMITH. Do you propose to substitute all electrical vehicles?

Mr. DONNELLY. Yes, sir; here is a statement [exhibiting]. The expense of operating the stable at the present time is $31,113.58 per annum.

Mr. COX of Indiana. How much is that?

Mr. TAWNEY. $31,000. Then he proceeds:

The cost of operation, maintenance, and repair of electrical vehicles would amount to $21,917.50.

Mr. MALBY. What does the $31,000 represent?

Mr. DONNELLY. It is made up of these items: Wages of foreman and stablemen, $10,113.59; wages of drivers, $12,666.21——

Mr. MALBY (interposing). Does it represent the purchase of horses, for instance?

Mr. DONNELLY. Yes, sir.

Mr. SMITH. How much would it cost, in addition to the $8,000, to equip the Government Printing Office with these electrical vehicles in lieu of the others?

Mr. DONNELLY. It will cost $30,000.

Mr. MALBY. Could you get more service out of the electrical vehicles?

Mr. DONNELLY. Much more service and more efficient service. Our stable is, for a heavy truck team, about 10 minutes from the Government Printing Office, going and coming. This lot is 100 yards from our shipping and receiving platforms.

Mr. COX of Indiana. What is the present outfit worth—the horses, harness, and so forth?

Mr. TAWNEY. Let me read a little further:

Mr. SMITH. What size electrical vehicles are you expecting to use, trucks?

Mr. DONNELLY. One 4-ton truck, three 3-ton trucks, three 1-ton trucks, 2 mail wagons, and 3 light electrical vehicles for delivery and conveyance purposes.

Mr. SMITH. What do you say as to whether you would immediately have to raise the salary of the chauffeurs above the salary of the drivers, whether or not a higher-priced man is not necessary to operate an electrical vehicle than to drive a team in Washington?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask for two minutes more.

Mr. COX of Indiana. I ask that the gentleman may be accorded five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that the gentleman from Minnesota may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. To that question the Public Printer answered:

No, sir; we would instruct the present force of drivers to operate the machines.

Now, anyone familiar with the operation of electric-motor vehicles knows that it requires less skill to operate an electric-motor vehicle than it does to operate a gasoline or power motor.

Mr. COX of Indiana. If the Public Printer shall substitute the electrical vehicles for the horses and wagons that he now has, has he any information as to what the present value of the horses and wagons is which would be dispensed with by the use of electrical vehicles?

Mr. TAWNEY. I have not, Mr. Chairman, except by inference, from the amount that is expended annually on the purchase of horses.

Mr. COX of Indiana. Let me ask the gentleman this question: If it be the purpose to dispense with the horses and wagons——

Mr. TAWNEY. Yes; to substitute electric vehicles entirely for horses and wagons.

Mr. COX of Indiana. If the gentleman will wait until I put the question to him, I would be glad. If it is the purpose to dispense with the horses and wagons and substitute electric vehicles, then what was the necessity of carrying in this bill the old vehicles, horses, wagons, harness, and so forth? In other words, if we are going to dispense with the old equipment and use the electric vehicles alone, why did the gentleman carry the other equipment along in the bill?

Mr. TAWNEY. Mr. Chairman, the Public Printer can not change from one kind of transportation to another in an instant, or in a day or a month. It can not be done instantly. It will have to be done gradually.

Mr. COX of Indiana. This appropriation does not become effective until July next?

Mr. TAWNEY. Not until July 1.

Mr. FITZGERALD. The change in the building could not be made until that time.

Mr. TAWNEY. The Public Printer can then prepare for the change. The expenditure, however, for horses and wagons will not be made. The expenditure for electrical apparatus or vehicles will be made after the 1st of July. But provision must be made for the maintenance of the horses until the substitution is made.

Mr. COX of Indiana. Under this language it is broad enough to buy electrical motors for the superintendent to ride around in.

Mr. TAWNEY. It is not. The Public Printer himself states the number of machines that he intends to purchase with this appropriation and the character of them, and there are none of them for his own personal use.

The CHAIRMAN. Does the gentleman from Arkansas insist on the point of order?

Mr. MACON. Yes; I insist on the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Minnesota——

Mr. MACON. I desire to have a word in reply.

The CHAIRMAN. The Chair desires to have a word. The Chair desires to inquire of the gentleman from Minnesota whether the Public Printing Office now maintains any system of transportation.

Mr. TAWNEY. The means of transportation is authorized. The law establishing the Government Printing Office clothes the Government Printer, the head of the department, with the authority to do the public printing and necessarily includes the authority for the equipment.

The CHAIRMAN. The Chair asked the gentleman whether, as a matter of fact, the Government Printing Office is now maintaining a system of transportation.

Mr. TAWNEY. Oh, certainly; I did not understand the inquiry of the Chair.

Mr. MACON. Mr. Chairman, a few years ago the President of the United States was not furnished with automobiles, and when it was desired to change his transportation by horses and vehicles to automobiles it was necessary to provide for them in an orderly way and not upon an appropriation bill.

In this particular instance, they have a system of transportation in connection with the Public Printing Bureau, but it is with horses, wagons, and so forth, and they still provide in this paragraph for the continuation of the horses, wagons, and harness for transportation facilities. In addition to that, they bring in new matter and try to authorize an entirely new system of transportation, to wit, that of electrical machines. So that under this paragraph, if it is held to be in order, the Public Printer can provide himself with an electric carriage or any other kind of an electrical vehicle that he saw fit to use, and in doing so would be given a privilege that is in direct violation of the rules of this House when it prohibits new matter being carried upon an appropriation bill. I do not think it will do to say that because some department in the city of Washington is now furnished with horses and carriages—the Secretary of War, for instance, or the Secretary of the Navy, who are provided with horses and carriages—that upon an appropriation bill it could be provided that that character of transportation could be dispensed with, and a $20,000 automobile substituted therefor. It is my contention that this is new matter on this appropriation bill and not authorized under existing law.

The CHAIRMAN. The Chair is ready to rule. The Public Printing Office is maintained in accordance with law, and in the course of its business, as the Chair understands it, is required constantly to transport paper and other supplies and printed matter from one part of the city to another and to and from the Printing Office and to the various departments. The gentleman from Arkansas is quite correct in stating that in an appropriation bill it would not be in order to provide automobile transportation for some official of the Government without authority of law, but in this case there exists the authority and the necessity for providing transportation for the Public Printing Office in order that it may conduct the business for which it is organized.

The bill and the law carries other forms of transportation—bicycles, horses, wagons, and so forth, to be used only for official purposes. This paragraph includes the additional form of transportation by electrical vehicles. The Chair thinks the Government Printing Office, under the law, is entitled to transport its products and the articles from which it manufactures its products. And it seems to the Chair that the item is entirely different from those items where it is sought to provide for a particular kind of transportation for a particular official for his personal or official use. The Chair therefore overrules the point of order.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, line 6, after the word "dollars," insert:

"*Provided*, That from and after the passage of this act the compensation of pressmen employed in the Government Printing Office shall be at the rate of not less than 55 cents per hour."

Mr. TAWNEY. Mr. Chairman, on that I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I simply wish to call the attention of the House to the fact that the associated printing trades in great cities like Chicago are paying men from 60 to 65 and 70 cents an hour, and the Government of the United States is paying only 50 cents an hour. I think the United States can pay 55 cents an hour without jeopardizing the rights of the people. These men are all experienced men, men trained in the art of printing, and 55 cents an hour is as little as is paid in any of the trades throughout the country. This certainly is not an exorbitant sum, and I hope the amendment will prevail.

Mr. FORNES. Are the printers in the private printing offices throughout the country given work the year round as in the Public Printing Office?

Mr. MADDEN. Of course there is no certainty about that.

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I shall insist on the point of order, but I want to say, in reply to the gentleman from Illinois, that I do not do so simply because this is a change of existing law, but because the men who are employed in the Government Printing Office enjoy privileges and receive compensation that men employed in the regular commercial printing offices do not receive. For example, these men receive 30 days' leave of absence, with pay. They receive pay for all of the holidays; and if members of the committee will take the trouble to read the paragraph on page 214 of the bill, they will find there is $180,000 appropriated for compensation on account of holidays. Then, we also carry an appropriation for leaves of absence that aggregate $340,000. All of that is distributed among the employees of the Government Printing Office, which the employees in commercial establishments do not receive. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Chairman, I submit herewith, to be printed in the RECORD for the information of the House, the second conference report on the legislative, executive, and judicial appropriation bill and the statement accompanying it:

SECOND CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 32, 33, 200, 201, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 103, 104, 105, 106, 107, 108, 109, 202, and 205 and agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,820"; and the Senate agree to the same.

On amendments numbered 99, 100, 101, and 102 the committee of conference have been unable to agree.

F. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1912, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of said amendments, as follows:

On amendments Nos. 30, 31, 32, and 33: Strikes out the proposed increase in the salaries of the official reporters and stenographers to committees of the House.

On amendments Nos. 41 and 42: Appropriates $90,000, instead of $100,000, as proposed by the Senate, and $75,000, as proposed by the House, for the increase of the Library of Congress.

On amendments Nos. 44 and 45: Appropriates $7,500, instead of $10,000, as proposed by the Senate and $6,000, as proposed by the House, for the salary of the Secretary to the President.

On amendments Nos. 85 and 86: Appropriates $6,000, as proposed by the Senate, instead of $5,500, as proposed by the House, for the salary of the Director of the Bureau of Engraving and Printing.

On amendments Nos. 103, 104, 105, 106, 107, 108, and 109, relating to certain assay offices: Appropriates for those at Helena, Mont., New York, N. Y., and Salt Lake City, Utah, as proposed by the Senate.

On amendments No. 200 and 201: Strikes out the appropriation of $5,000, as proposed by the Senate, for an additional assistant secretary of Commerce and Labor.

On amendment No. 202: Extends the investigation of trade relations abroad by the Department of Commerce and Labor to the United States and the insular possessions.

On amendment No. 205: Appropriates $10,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for collating and publishing tariffs of foreign countries.

On amendment No. 218: Restores the appropriation of $25,000, proposed by the House, for completing the testing machine at Pittsburg.

The committee of conference have been unable to agree on amendments Nos. 99, 100, 101, and 102, relating to the assay office at Charlotte, N. C.

FREDK. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,861,850. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. COOPER of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 216, after line 24, insert as a new paragraph:

"In case any Senator, Representative, or Delegate shall fail to pay the cost of printing extracts from the CONGRESSIONAL RECORD or other documents ordered by him to be printed in accordance with section 37 of the act approved January 12, 1895 (28 Stat. L., p. 606), the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, and the Sergeant at Arms or the financial clerk shall deduct from any salary due to said delinquents the said amount or as much thereof as the salary due may cover, and pay the amount so obtained to the Public Printer to be applied by him to the satisfaction of the indebtedness."

Mr. WANGER. Mr. Chairman, I reserve the point of order on that.

Mr. SMITH of Iowa. Mr. Chairman, I do not know anything about this, and I would like to hear something about it.

Mr. COOPER of Pennsylvania. I would say to the gentleman that there is a similar provision applying to the stationery room, directing the Sergeant at Arms to retain out of the pay of Members and Delegates any balance that may be due to the stationery clerk. This is extending the law so as to give the Public Printer the benefit of the same provision in case Members should order the printing of speeches and other printing done and neglect to pay for it. It is putting the Public Printer on the same basis with the stationery clerk, under the rule.

Mr. CRUMPACKER. A question or two, Mr. Chairman. I assume that the Public Printer required payment in advance for all orders for speeches printed or extracts from the CONGRESSIONAL RECORD. Now, I understand that in some instances he has granted a little leniency in time of payment, but if this amendment shall be made, will it not open up a general credit system to Members of the House?

Mr. COOPER of Pennsylvania. I do not think so.

Mr. CRUMPACKER. Will it not be regarded as the opening up of accounts to Members to be certified over to the Sergeant at Arms for payment?

Mr. COOPER of Pennsylvania. It only applies to delinquents. The gentleman will find the word "delinquents" is in the amendment.

Mr. CRUMPACKER. I think the amendment is all right if the Public Printer will continue to insist upon payment in advance, but of course occasionally a Member may not have his check book in his pocket, who would be granted time to make payment later, and who might go away and forget it, and there ought to be a way of reaching such a case.

Mr. COOPER of Pennsylvania. I regret to say to the gentleman there is necessity and occasion for this amendment.

Mr. SMITH of Iowa. Necessity and occasion—does the gentleman mean, and I will not press him further, that there are debts of this kind existing?

Mr. COOPER of Pennsylvania. I do.

Mr. SMITH of Iowa. Then, so far as I am concerned, the man who owes them can make the point of order.

Mr. WANGER. Mr. Chairman, it seems to me this proposed amendment is a reflection upon the membership of the House, but as I am going out and as the gentleman has declared there is necessity for the adoption of the amendment, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The question is on agreeing to the amendment.

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

The Clerk read as follows:

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS.

For superintendent of documents, $3,500; assistant superintendent of documents, $2,500; 1 clerk of class 4; 4 clerks of class 3; 4 clerks of class 2; 8 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 11 clerks, at $720 each; 1 cataloguer in charge, $1,800; 2 cataloguers, at $1,500 each; 3 cataloguers, at $1,200 each; 1 cataloguer, $1,100; 7 cataloguers, at $1,000 each; 5 cataloguers, at $900 each; cashier, $1,600; 1 librarian, $1,500; shipper in charge, $1,200; stock keeper, $1,100; 3 stock keepers, at $1,000 each; 5 stock keepers, at $900 each; 2 stock keepers, at $720 each; 2 assistant messengers, at $720 each; 3 mailers, at $840 each; janitress, $626; 2 folders, at $626 each; 11 laborers, at $626 each; 5 messenger boys, at $420 each; in all, $100,384.

Mr. MACON. Mr. Chairman, I am going to have another try at a point of order. I make the point of order on the increase of salary to be found on page 222, in line 5, "$3,500."

The CHAIRMAN. The Chair understands the gentleman to make the point of order to the words "five hundred?"

Mr. MACON. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I move to amend by substituting "$3,000"——

The CHAIRMAN. It does not require any amendment. The gentleman simply moves to strike out the words "five hundred."

The Clerk read as follows:

FORTIFICATIONS, ISTHMIAN CANAL.

For construction of seacoast batteries on the Canal Zone, $2,000,000.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to pass——

Mr. KEIFER. One moment, Mr. Chairman; I reserve the point of order——

Mr. TAWNEY. But the paragraph has not been read.

The CHAIRMAN. The gentleman from Ohio reserves the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, I want to ask unanimous consent to pass these two paragraphs and read the remainder of the bill, beginning with section 2. That will complete the bill, then, with the exception of fortifications and the items for public buildings.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to pass over the paragraph, lines 13 to 18, page 229. Is there objection? [After a pause]. The Chair hears none.

The Clerk read as follows:

SEC. 3. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1912, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding $10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements

within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1912.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman a question bearing on section 2. It says, "Hereafter the Panama Railroad Co. shall carry no insurance to cover marine or fire losses." What is the purpose of that, may I ask?

Mr. TAWNEY. The purpose of that is to save to the Government of the United States about $40,000 a year in the premiums paid to the insurance companies for marine and fire insurance in the past. The reason for it—of course the gentleman from Tennessee knows that the Government carries no insurance on its property, or, rather, it carries its own insurance. The Government of the United States owns all the stock of the Panama Railroad Co. It is virtually a Government institution and belongs to the Government, and the premiums we paid prior to incorporating this into law averaged about $40,000 a year. Now, the gentleman will remember, I think it was about three years ago when this provision was first inserted, and it was then provided that the Panama Canal Commission, in case of loss, was authorized to loan to the Panama Railroad Co. an amount sufficient to enable the company—or to pay to the Panama Railroad Company an amount sufficient to reimburse it for the loss—so that the railroad company, that furnishes and maintains a commissary on the Canal Zone, would have money with which to buy new supplies to meet those which were destroyed by fire.

But since that time the earnings of the Panama Canal Railroad have increased and the credit of the Panama Railway Co. is such now that, in case of loss of that kind, it could borrow from the banks where necessary to meet any emergency that might arise. And for that reason the commission has recommended that the change be made as we provided here in section 2.

Mr. GARRETT. I understand perfectly well the good policy of the Government in not carrying its own insurance. I have to confess that I am not very familiar with marine insurance, however, and I was just wondering——

Mr. TAWNEY. That is insurance on the vessels alone.

Mr. GARRETT. That is what I was going to inquire. Is it on the vessels alone or on the cargo?

Mr. TAWNEY. It is on the vessels. The Government of the United States is in no way responsible for the loss of the cargo. Of course, in these cases, nearly all of it is our own cargo.

Mr. GARRETT. Yes; I understand that.

Mr. TAWNEY. If the loss is of the vessels, of course the Government will stand that loss.

Mr. NORRIS. I would like to ask a question concerning that same paragraph. I notice it provides that no further payment of principal or interest be made. Have there been losses?

Mr. TAWNEY. That relates to another matter. I will say that two years ago last summer there was a loss, and it was made good by a provision to make it good to the railroad company. It was something like $60,000 or $70,000. The language I think which the gentleman from Nebraska is inquiring about relates to notes that were given at the beginning of this project.

Mr. SMITH of Iowa. And since——

Mr. TAWNEY. Now, the Panama Railroad Co. is relocated, or will be relocated, at the end of the next fiscal year, and this is done for the purpose of relieving the Treasury Department from the necessity of this bookkeeping transaction, because that is all it was. At the beginning of this project we did not own all of the stock of the Panama Railroad Co. There were outstanding shares, and all money that was appropriated for the reconstruction of the railroad was loaned to the Panama Railroad Co., since which time we have obtained possession of every share of the stock, and of course it is a debt we all owe now to ourselves, and it is merely to obviate the necessity of taking money out of one pocket and putting it into another.

Mr. GARRETT. Of course I take it that in acquiring the stock there was a full settlement with the stockholders as to the interest and the notes.

Mr. TAWNEY. Of course, the original stockholders were fully compensated.

Mr. JOHNSON of South Carolina. Mr. Chairman——

Mr. TAWNEY. I yield to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. I understood the gentleman to say that the Government owned every share of stock in the Panama Railroad Co.

Mr. TAWNEY. Yes, sir.

Mr. JOHNSON of South Carolina. If it be true that the Government owns every share of stock in the Panama Railroad Co., why is it necessary that there should be kept in New York expensive offices and expensive officers of that railroad company—general counsel, headquarters, and all that sort of thing?

Mr. TAWNEY. I will say to the gentleman from South Carolina that while the Government owns the stock, the Government is operating the railroad and a steamship line under the charter given to it from the State of New York. That is its official residence.

The official residence of the Panama Railroad Co. is in New York, and it must have offices there in order to transact its business, because, while it owns the Panama Railroad, that runs from Colon to Panama, it also owns a line of steamboats that ply between New York and Colon.

Mr. NORRIS. That is, the railroad company owns the steamboats?

Mr. TAWNEY. The railroad company.

Mr. NORRIS. And they must maintain the corporation the same as any other corporation?

Mr. TAWNEY. They must maintain their corporate status in New York the same as any other corporation, and they must have their office and transact their business there. They can not do otherwise. If they did not maintain a corporate organization there they would lose their charter, and we would have to operate the whole thing with purely departmental officers at the seat of government or some place else.

Mr. JOHNSON of South Carolina. I thought the railroad was operated by the Secretary of War.

Mr. TAWNEY. The railroad is not operated by the Secretary of War.

Mr. JOHNSON of South Carolina. Did not the Secretary of War, not very many months ago, make a contract with a company that runs boats from San Francisco?

Mr. TAWNEY. As an officer of the Panama Railroad Co.; yes. He is an officer of the Panama Railroad Co., and the chairman of the Isthmian Canal Commission is the president of the railroad. The Secretary of War is one of the directors of the company, and I suppose he has general charge of the business policy, possibly.

Mr. JOHNSON of South Carolina. Then I want to ask the gentleman another question in that connection. Is it true that he made a contract with a steamship company on the Pacific side, giving them perhaps twice as much of the tonnage as was hitherto allowed?

Mr. TAWNEY. Allowed to whom?

Mr. JOHNSON of South Carolina. To the company owning and operating steamships carrying freight from San Francisco to New York.

Is it not true that he or his subordinates, whoever they were, during the past year entered into a contract with that company, giving them something like twice the proportion of charges that they hitherto received?

Mr. TAWNEY. I can not answer the question positively. I would say it is not true on general principles, but I have no information upon the subject.

Mr. JOHNSON of South Carolina. Then how much does it lack of being true?

Mr. TAWNEY. I do not know. I know that a contract of some kind was made.

Mr. JOHNSON of South Carolina. The newspapers reported the fact that there was a tremendous difference in the business given to that steamship line, giving them a freight charge much larger and a larger proportion of the freight than they had hitherto received.

Mr. TAWNEY. I do not know whether it was the result of a contract or not, but whatever was the cause, the steamboats of the Panama Railroad Co. plying between Colon and New York are carrying anywhere from twice to three times the amount of freight from the Pacific coast now that they were carrying a year ago. I do not know what the cause of it is, but I understand that is a fact.

Mr. JOHNSON of South Carolina. I do not know how a privately owned steamship line could have all the freight to haul.

Mr. SULZER. Mr. Chairman, I am opposed to any increase in the postal rates on second-class mail matter. The amendment proposed to be put on the Post Office appropriation bill in the Senate to do so is a tax on intelligence and an imposition on the reading people of our country. I trust it will be signally defeated in the Senate when the matter comes to a vote. In this connection I now send to the Clerk's desk and ask to have read in my time, as a part of my remarks, a splendid letter written by our former colleague, the Hon. William R. Hearst, to his friend Col. John Temple Graves, which was published yesterday in the Washington Post, and elucidates

the whole question in an able way and a commendable manner. I hope every taxpayer in the country will read this patriotic letter of Mr. Hearst, and then write to his Member of Congress about what he thinks of the iniquity to increase postal rates on second-class mail matter.

The Clerk read as follows:

HEARST ASSAILS MAGAZINE TAX.

WASHINGTON, *February 24, 1911.*

The Washington Post publishes the following:

The views of William R. Hearst on the proposition to increase the postage rate on magazines are given in the following letter, received from Mr. Hearst by John Temple Graves in this city:

FEBRUARY 17, 1911.

DEAR MR. GRAVES: I have heartily supported many of Mr. Taft's measures, and did so simply because I considered them valuable to the country and worthy of my support and of every man's support.

The measures, therefore, of Mr. Taft's which I supported were considered entirely upon the basis of propriety and the general welfare. The question of excessive magazine taxation, which I am going to oppose, I am considering wholly upon the same basis.

It is true that I and a member of my family are interested in magazines and that I would be somewhat affected by magazine taxation; but that fact, I am quite confident, has had no influence whatever upon my position on this question. I think I am above financial considerations of that kind.

I supported Mr. Taft's corporation tax, although 11 of my publications are incorporated and have to pay the tax. Furthermore, I continue these publications in corporate form and pay the tax, although I could at any moment transform them into personal possessions and avoid the tax.

Furthermore, I am one of the most ardent advocates of Mr. Taft's income-tax plan, although I will also be a considerable taxpayer under that system when it becomes a law.

It is only reasonable, therefore, to assume that in opposing this excessive magazine tax I am not seeking to avoid legitimate taxation, but am merely trying to prevent the passage of a measure which would not only be unjust to all magazine publishers, but injurious to the public generally.

What are the magazines upon which it is proposed to levy this tax? A magazine may be described as a collection of the best literature and the most valuable informative articles in so cheap and convenient and popular a form that this educational matter is easily obtained and assimilated by the great mass of the reading public.

I consider the gradual reduction of the price of the magazine from 35 cents to 10 and 15 cents to have been one of the most beneficial achievements of the nineteenth century, since it placed this good literature and valuable information within the reach of almost every American citizen and added what may be called a post-graduate course to the education furnished by our public schools.

The magazine is so creditable a production and so valuable an influence in American life and growth that it is almost as important that magazines of good character should be cheap as that public schools should be free.

The attempt to return magazines to the previously expensive basis I consider almost as serious a blow to popular education as a proposition to place the public schools upon a pay-school basis.

If, therefore, the Post Office Department were, as it asserts, carrying the magazines at a loss, it would merely be doing a creditable thing. But the Post Office Department is not carrying the magazines at a loss. It is merely carrying the magazines at a cheap rate, and there can be no question about the desirability of the Government performing this service nor about the duty of the Government to perform it.

Any attempt to make the people's press a high-priced press, out of the reach of the mass of the reading public, is just as serious a blow at a free and popular press as an attempt to restrict its liberties of utterance.

The magazines which are so cheap nowadays as to be within the reach of all are not cheaply produced. On the contrary, they are very expensively produced. They are produced on the best paper, with the best type, with the best art work, and with the best literature, and they can only be sold at a cheap price because of the advertisements which they carry. The profit on these advertisements is the thing which enables the best class of artists and the best class of writers to be engaged, and high-class art work and high-class literature to be disseminated at a small price to the general public.

The attempt to tax these advertisements, therefore, is an attempt to tax out of existence either the high quality of the magazine or the low price of the magazine. Either of these results would be most disastrous to the general welfare of the community, and therefore this proposition of the Post Office Department is, to my mind, so dangerous as to call for the opposition of every patriotic citizen in the United States.

I would go so far as to say that if this measure should become a law it would be the simple duty of every thoughtful American citizen who believes in popular education and realizes that the safe conduct of a republic depends upon the educated intelligence of its people to do his utmost to administer the severest possible rebuke to the administration responsible for so dangerous and disastrous a measure.

It is asserted, and of course admitted, that the Post Office Department is conducted at a loss. So are the State Department, and the Army and Navy Departments, and the Interior Department, and the Agricultural Department, and the Labor Department, and the Judicial Department, and the Executive Department—sometimes at a heavy loss, but, let us hope, always for the benefit of the people.

I am willing to admit, however, that the Post Office Department should not be conducted at a loss if it is possible properly and advantageously to conduct it at a profit.

There are two ways of transforming a deficit into a surplus. One plan is by increased taxation, which has been the refuge of every incompetent government in the history of the world, and the other plan is by economical business administration, and this has always been the distinguishing mark of those governments which have deserved the approval of the people and the considerate attention of history.

Any blundering incompetent can plunder the public to raise money to conduct a department extravagantly. The test of ability in public or private business is to conduct a proposition successfully without excessive expenditure, but with such intelligent economy and such elimination of useless expense as to create a surplus instead of a deficit.

The choice of the Post Office Department in the present instance lies between reckless taxation and economical administration, and if the Government would give as much attention and as much effort to conducting the Post Office Department economically as it is now giving to the attempt to tax a valuable educational institution out of existence, the Government would deserve the high praise, instead of the stern censure, of the community.

I know something about the cost of distribution of publications. I know something about the reasons for the excessive cost of distribution in the post office. And I say that the high cost of distribution in the post office is largely due to loose and careless and reckless methods, to antiquated systems and incompetent management.

It is estimated that 40 per cent of the charged weight of mail matter is composed of cumbersome mail bags and their heavy iron locks and fastenings.

How absurd to imagine that a man who wanted to break into a mail bag would be deterred by a ponderous lock.

The Post Office Department might as well insist that a burglar-proof lock be affixed to every letter, under the inane impression that the only way to tear open a letter would be to pick a lock.

I know, too, personally and positively, of an instance where the great mass of western mail was sent over one railroad and when the bulk of it was transferred to another railroad all the postal clerks previously employed were maintained on the first railroad for over two years after the mail had been transferred.

Of course, the cost of distributing the mail is great under such loose and clumsy business methods.

The Evening Journal, without any of the powers of the great United States Government behind it, distributes its product for seven-tenths of a cent a pound, and included in this average is the 1-cent-a-pound rate paid to the Government for copies mailed. Obviously, then, the proportion of the product which is not carried by the post office is delivered for much less than seven-tenths of a cent per pound.

The New York American distributes by mail and express 303,584 pounds of daily and Sunday papers every week at a cost of $1,655.17, or little over one-half a cent per pound. This average includes 28,028 pounds sent by mail at 1 cent per pound, so, obviously, the average of matter not distributed by mail is less than one-half a cent per pound.

The New York American sends 67,268 pounds of these papers over the Pennsylvania Railroad at one-fourth of a cent per pound, or one-fourth the rate paid to the United States Post Office Department.

That same rate—one-fourth of a cent per pound—is exactly the rate charged by the Canadian Government for carrying magazines by mail through its post office department and for distributing them over a thinly populated territory even greater than the United States.

If, then, the Pennsylvania Railroad can make a profit carrying printed matter at a rate of one-fourth of a cent per pound, and the Canadian post office under more difficult conditions than ours can carry mailed magazines at one-fourth of a cent per pound, how ridiculous to assert that the United States Government, with all its opportunities and facilities, can not distribute the magazines profitably at 1 cent a pound.

The express companies carry publications in bulk, in many instances, far cheaper than the Government mails will carry them. They would carry those publications individually cheaper if the Government would allow a private institution to conduct that branch of the governmental business. The magazine publishers could get together and distribute their own product as cheaply as the Government now distributes it, or more cheaply if the Government would allow the magazines to have the privileges which it arrogates to itself.

How absurd, then, to assert that the Government can not distribute the magazines profitably at this present rate when it handles the magazines along with all other mail distributed and without any particular extra expense because of them.

Even if, as I said, the Government were handling the magazines at a loss, it would be doing a creditable thing. But it is not handling the magazines at a loss. It is carrying them at a profit, and if it taxes the magazines out of existence it will compel the Postal Department to be conducted at a greater loss than the loss at which it is now conducted.

What inconsistency, too, for the administration to advocate a Government subsidy to restore a United States merchant marine and at the same time advocate a measure to put out of existence a much more important American institution.

If it is a Republican policy to promote business and encourage industry, and a proper Republican and American policy to take money out of the United States Treasury to subsidize a private business in order to create an industry, why is it not a proper Republican and American policy to continue to provide a cheap mail rate in order to maintain a great American industry and perpetuate a mighty educational influence already existent?

WILLIAM RANDOLPH HEARST.

The Clerk read as follows:

SEC. 6. Hereafter the Panama Railroad Co. shall not be required to give bond, either with or without surety, in contracts which it may make to furnish services, materials, or supplies to the Army, Navy, Marine Corps, or other departments of the Government, and such contracts may be made for periods less than one year, as may be agreed on, and formal contracts in writing shall not be required unless agreed on.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on section 6.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order on the paragraph.

Mr. TAWNEY. I suppose the gentleman wants some information in regard to it.

Mr. GARRETT. Yes.

Mr. TAWNEY. The Panama Railroad Co., being a corporate organization, or ostensibly an independent organization in the Government service, when it sells provisions to the Navy Department or to the Marine Corps, is required to give a bond, and the expense of that bond cost the Government of the United States in one instance, as I recall now from the hearings, $193. The effect of this provision is to enable the Panama Railroad Co. to deal with other departments of the Government on the Canal Zone with respect to furnishing supplies and materials that apply generally to all departments or any department of the Government dealing with another department of the Government. It is to relieve the company from the necessity of giving a bond.

Mr. GARRETT. I think I understand.

Mr. TAWNEY. The head of the commissary department down there urged this very strongly, for two reasons: One is the amount of time lost in advertising and the annoyance in complying with all of the rules and regulations that are imposed upon outside companies doing business with the Government; the other was the requirement of a bond.

Now, for example, when he, at the head of the commissary department, makes an offer or accepts a bid of the Marine Corps for subsistence, he must make a bid for a period of six months. He bids higher at the time, for the purpose of covering any possible increase in the price of articles of subsistence that may occur during the six months or a year, and it is costing the Marine Corps and Navy Department more for articles of subsistence than it would if simply furnished by the Navy Department and paid for in the ordinary way of doing business between the various bureaus of the department.

Mr. GARRETT. This is to do away with a system which has been rendered archaic by virtue of the Government becoming the sole owner of the Panama Railroad?

Mr. TAWNEY. That is right; the word "archaic" is exactly right. Mr. Chairman, this completes the reading of the bill, with the exception of two items—the fortification of the Panama Canal and the public-building items, which cover the first 60 pages of this bill. The Supervising Architect has gone over all of the public-building items of the bill, has corrected all the typographical and other errors, including the one in respect to the immigrant station at Baltimore, where the bill carries only $10,000 while the committee recommended $110,000. I do not know whether the Members of the House care to remain here to-night for the purpose of reading or having read these 61 pages of public-building items. I think they have all had time to carefully examine them. Every Member who has any appropriation in that bill seems to be satisfied with the action of the committee. I have heard no complaints thus far against the recommendations of the committee.

Members of the House understand that the committee has treated them absolutely on the square; there has been no favoritism shown, except in the three instances I referred to yesterday—one in Texas and the other in Washington where the buildings are located at the capital of the State, the only two that are so located, and the other at Gettysburg, where it is desired to complete the building in time for the celebration of the fiftieth anniversary of that battle.

I was going to ask unanimous consent, Mr. Chairman, that we consider as read, beginning at page 5, line 19, down to and including page 61, line 15. That includes all of the public-building items and nothing but public-building items.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman a question. On page 26, provision for Greenwood, Miss., post office, it says, "for site and completion of present building, $30,000." The amount authorized by the public-buildings bill is $60,000.

Mr. TAWNEY. The other $30,000 has been appropriated. If the gentleman will look at the document furnished by the Supervising Architect he will find there all the appropriations under existing authorizations up to the present time, and the reason that there is only $30,000 carried in this bill for that item is that you have had the other $30,000.

Mr. GARRETT. Mr. Chairman, there is a similar case in the matter in which I am interested. That is for Union City, Tenn.

Mr. TAWNEY. That is for the continuation. The limitation of cost is $50,000.

Mr. GARRETT. Yes; I understand the situation.

Mr. TAWNEY. I will yield to the gentleman from Pennsylvania.

Mr. WANGER. Mr. Chairman, there is an item on page 13 of the bill—

Bristol, Pa., post office: For site and continuation of building under present limit, $40,000.

The Secretary of the Treasury acquired the site in 1909, but no work has been done upon it. Since the alignment of the Philadelphia & Trenton Railroad through Bristol, being a part of the great Pennsylvania line to New York, has been shifted, so that the present post-office site, which was adjacent to the railroad station, will be half a mile from the new station, it is desired that the Secretary of the Treasury should at his discretion have the authority to exchange that site for a suitable site nearer the new station, and for such an amount of cash as might represent the difference in value, if any, between the two sites; and if he receives cash that amount shall be appropriated, together with the appropriation carried in the bill. The proposition is entirely on the side of the Government. It is favored by the Secretary of the Treasury, who has written a letter to the honorable chairman of the committee, and I ask unanimous consent that the amendment which I send to the desk may be agreed to.

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

The Clerk read as follows:

At the end of line 7, on page 13, strike out the period and insert a colon and the following:

"*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, in lieu of erecting the said post-office building upon the site at the south corner of Pond and Mulberry Streets, to exchange said site for (a) a suitable site in the vicinity of the railroad station about to be established in the neighborhood of Prospect Street, Beaver Dam Road, and Jefferson Avenue, in the said borough of Bristol, on the new alignment in said borough of the Philadelphia & Trenton Railroad, and (b) the payment by the owner or owners of such new site to said Secretary of such amount in cash as may equal the fair difference in value, if any, between such sites. In the event of such exchange, the Secretary of the Treasury is authorized and directed to erect the post-office building upon the site so acquired, and to execute a quit-claim deed to the person or persons conveying such new site to the United States, conveying all rights, title, claim, and interest of the United States in and to said site at the south corner of Pond and Mulberry Streets. And in the event of the Secretary of the Treasury receiving a payment in such exchange, the amount thereof in addition to the foregoing sum of $40,000 is hereby appropriated toward the erection of said post-office building."

Mr. TAWNEY. Mr. Chairman, I understand that the necessity for this legislation grows out of the fact that the station in close proximity to which the site was purchased and the building located has been moved by the railroad company to half a mile from the present site of the railroad station. And I find from the letter of the Secretary of the Treasury that he recommends this change, and the amendment which has been offered does not increase the limit of cost so that there could be no greater expenditure by reason of the change. Unless the Committee on Public Buildings and Grounds, which has jurisdiction of this legislation, objects, I will not interpose any objection to the amendment offered by the gentleman from Pennsylvania.

Mr. WANGER. Mr. Chairman, I will say that I submitted this to the chairman of the Committee on Public Buildings and Grounds, and he said he had no objection to it at all, that he thought it was in the public interest, and that the amendment should be adopted.

The CHAIRMAN. Then the gentleman from Minnesota, as the Chair understands, asks unanimous consent that that portion of the bill, beginning with line 18, on page 4, and ending with line 15, on page 61, which was heretofore passed without prejudice, shall now be considered as having been read, subject to the amendment to be offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Yes; and also three minor amendments, which are made necessary by reason of corrections sent to the committee by the Supervising Architect. For example—I will read so that there will be no misunderstanding—on page 6, line 1, strike out the word "Michigan" and insert the word "Minnesota." It was printed "Anoka, Mich.," instead of "Anoka, Minn."

Then on page 8, in line 22, before the word "ten," insert the words "one hundred and," so that it would read "$110,000." That is the Baltimore immigrant station.

On page 30, line 4, strike out the words "and courthouse." They have inadvertently inserted those words in connection with the Huntington, Ind., post office, when there is no authorization for anything other than a post office.

The CHAIRMAN. The Chair will again state the requests for unanimous consent of the gentleman from Minnesota, that that portion of the bill beginning with line 18, page 4, and ending with line 15, page 61, heretofore passed without prejudice, shall now be considered as read, and the amendment offered by the gentleman from Pennsylvania, which has been read to the committee, and the amendments just read by the gentleman from Minnesota, be considered as agreed to. Is there objection?

There was no objection, and it was so ordered.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the Clerk may be permitted to correct all totals in the bill made necessary by the amendments, to correspond with the amended amounts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, in respect to the Panama Canal fortification item, which is now left, I ask unanimous consent that one hour be allowed the gentleman from Iowa [Mr. SMITH] and one hour the gentleman from Ohio [Mr. KEIFER], with the right to yield to Members for and against the proposition such time as they may desire. I will say that this does not preclude the possibility of further debate at the expiration of the two hours. I do not want Members to think that

this will cut off any opportunity for debate under the five-minute rule.

Mr. SMITH of Iowa. I will say to the gentleman I hope it does not provide that we shall continue debate for two hours if we do not want to.

Mr. TAWNEY. No; it is understood that the debate need not continue for two hours unless there is demand for it.

Mr. SMITH of Iowa. And that the vote shall be taken whenever the debate is closed.

Mr. TAWNEY. Yes; the vote should be taken when debate closes, either under this arrangement or, if debate is continued under the five-minute rule, the vote is to be taken at the conclusion of debate under the five-minute rule. Of course, debate under the five-minute rule is under the control of the committee, and the committee can close debate at any time. This subject is one that involves the establishment of an entirely new policy, and it is one of the most important questions that Congress has considered at this session. For that reason I make this request.

Mr. ADAMSON. Mr. Chairman, while I am not a member of the Committee on Appropriations and while I very rarely endeavor to break in on debate on a matter coming from any other committee but my own, yet I have worked on this canal matter for about 14 years, and I hope some time before this debate closes I can get a few minutes.

Mr. TAWNEY. I think the gentleman from Georgia will be given opportunity.

Mr. FITZGERALD. Does the gentleman from Minnesota have any idea now as to how long he would care to have debate run?

Mr. TAWNEY. I think anywhere between now and 9 o'clock.

Mr. FITZGERALD. That probably will accomplish it.

Mr. TAWNEY. Anywhere between now and 9 o'clock.

Mr. FITZGERALD. General debate——

Mr. TAWNEY. Two hours for general debate and then under the five-minute rule, and Members have opportunity to extend their remarks if they desire to do so.

The CHAIRMAN (Mr. OLMSTED). The gentleman from Minnesota asks unanimous consent that that portion of the bill——

Mr. CLAYTON. Mr. Chairman, I would like to know what the limitation is as to debate.

The CHAIRMAN. The Chair will state it so that the gentleman will understand. The gentleman from Minnesota asks unanimous consent that that portion of the bill beginning with line 13, on page 229, and ending with line 18, on the same page, relating to fortifications of the Isthmian Canal, heretofore passed without prejudice, shall now be considered, and debate in the nature of general debate may proceed for two hours, one hour to be controlled by the gentleman from Iowa [Mr. SMITH] and the other by the gentleman from Ohio [Mr. KEIFER], and neither to be required to occupy all the time [applause], and at the expiration of that time debate under the five-minute rule shall be as usual.

Mr. TAWNEY. Shall proceed under the rules of the House.

The CHAIRMAN. Not to be affected by this unanimous consent. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I understand some gentlemen on this side of the House, on both sides of the proposition, probably, want to speak. Now, if you exhaust the two hours of general debate, of course, under a strict interpretation of the rule, there are but two five-minute speeches on a side.

Mr. TAWNEY. I will say to the gentleman from Alabama there is no disposition on my part, or on the part of any man who is opposed to this proposition, to take advantage of the rule. Opportunity is to be given, at least until 9 o'clock, and that is only tentative, for full discussion of this proposition.

Mr. UNDERWOOD. As I understand the gentleman from Minnesota, there will be full opportunity under the five-minute rule.

Mr. TAWNEY. Yes; under the five-minute rule. This is done in order to present this matter fully from the standpoint of both sides of the House.

Mr. UNDERWOOD. I have no objection.

Mr. TAWNEY. And the minority members of the committee, before I made this request, had agreed to the division of the time between the gentleman from Iowa and the gentleman from Ohio as representing the two opposing sides on this question.

Mr. UNDERWOOD. I have no objection to the gentlemen on the two sides having this time for general debate. The only thing I wanted to have understood was that there would be ample opportunity under the five-minute rule for gentlemen on this side of the House.

Mr. TAWNEY. That will be accorded to members of the committee, of course.

The CHAIRMAN. Is there objection?

Mr. TAWNEY. Mr. Chairman, the time consumed in the discussion and determination of the question of order is not to come out of the two hours allotted to the gentleman.

The CHAIRMAN. The Chair understands that the two hours' debate is to be consumed before the question of order is determined. The point of order has been reserved and that question can remain in abeyance until the close of debate. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, in 1850 there was ratified what is known as the Clayton-Bulwer treaty between Great Britain and the United States with reference to the construction of an isthmian canal. For reasons which are quite manifest it was then agreed that neither nation would alone construct this great canal. With the lapse of years we desired to build this canal by ourselves and entered into negotiations with Great Britain for the abrogation or modification of the Clayton-Bulwer treaty of 1850. That treaty in express terms forbade the fortification of the canal therein contemplated, and when the new treaty, known as the Hay-Pauncefote treaty, was negotiated it contained an equally positive prohibition of the fortification of the new canal. That treaty contained a provision by which the United States and Great Britain jointly adopted certain rules for the neutralization of the new canal, and contained a further provision that the other nations of the world would be invited to adhere to the stipulations of neutralization.

When that treaty came before the Senate of the United States it was amended, not by striking out the prohibition of fortification, but by inserting a provision that the United States might defend the canal, and by striking out the provision that the nations of the world should be invited to adhere to the provisions for its neutralization. It has been lately frequently suggested that this canal could be defended and protected by treaties with the nations of the earth, guaranteeing its neutrality. I want to call your particular attention to the fact that it was the American people and not the British people that instituted negotiations for the first Hay-Pauncefote treaty, that it contained such a guaranty from England, and providing for inviting the nations of the earth to adhere to that declaration of neutralization; and it was the Senate of the United States that struck out the provisions for inviting the nations of the world to adhere to the neutralization provisions of that treaty.

When this treaty as amended by the Senate was transmitted to the British Government it refused to accept the treaty as thus amended, and did it for several reasons, prominent among which was the fact that we had stricken out the provision to invite the other nations of the earth to adhere to the provisions with reference to the neutralization of this canal. And Great Britain took the position that she could not afford to be bound by a contract to respect the canal and its neutrality alone of all the great nations of the earth; that if we were unwilling to invite the other nations to adhere she would be bound to respect this canal, and no belligerent with whom she might be at war would be so bound.

The hour had struck, it seems to me, for the United States to determine then whether it wanted to neutralize this canal by treaties with the nations of the earth or whether it intended to depend upon the military and naval forces of the United States for its defense and rely upon our own strength. We refused, even in the treaty that we were seeking to negotiate, to allow a provision to remain that would invite the nations of the earth to adhere to these neutralization provisions. What an attitude would we be in if applying for a treaty to enable us to build this canal, we caused its rejection by refusing to accede to a provision that we would invite the nations of the earth to adhere, and thereby lost the treaty we desired, to announce to the world with a vacillating temper that we want to do those things by which we lost this treaty rather than to do.

When these negotiations terminated because of our refusal to invite the nations of the earth to adhere, new negotiations took place for a new treaty that could meet the objections of the various parties to the old Hay-Pauncefote treaty. And a new treaty was made, and I now read from a memorandum from Lord Lansdowne, which was sent to be shown to the British ambassador here, with reference to the new, or the second, Hay-Pauncefote treaty. He says:

> While the amendment reserving to the United States the right of providing for the defense of the canal is no longer pressed for, the first portion of rule 7, providing that no fortification shall be erected commanding the canal or the adjacent waters, has been omitted. The latter part of the rule has been incorporated in rule 2 of the new draft.

It was no longer necessary to explicitly provide for the right of defense on the part of the United States when we had stricken from the Clayton-Bulwer treaty and the first Hay-Pauncefote treaty the provision that the canal should not be fortified.

For more than 50 years we had been bound not to fortify this canal, bound by solemn treaty obligation; and now, with both parties considering the question, we struck from this new treaty the provision against fortification. And yet gentlemen would have us believe that this alteration, to which attention was called on both sides of the Atlantic, meant nothing whatever and we still had no right to fortify the canal.

I again read from the memorandum of Lord Lansdowne:

In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal should be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States.

The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

This new treaty not only struck out the provision against fortification and struck out the provision that we would invite the nations of the earth to adhere to rules for the neutralization of this canal, but it went further, and the United States alone adopted certain rules for the neutralization of this canal in place of the United States and Great Britain, as in the former treaty. Having refused the treaty in which England joined in the neutralization in part by reason of its inviting other nations to share in the defense of the canal with us, it is now suggested that we go back to England and tell her that with vacillating mind we rejected it then, but that we would be glad to have it now, and would be glad to have her give us the treaty now that we then refused to accept. [Laughter.]

Now, nothing can be more important in construing the last treaty than the memorandum of the American Secretary of State, sent to the Senate when it was considering that treaty, and explanatory of it as it was understood on the American side at that time. I have here that memorandum, and I want to call the attention of the members of this committee to some of the matters contained in Secretary Hay's memorandum on that subject.

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

Mr. SMITH of Iowa. Oh, certainly.

Mr. NORRIS. Was that memorandum submitted to Great Britain?

Mr. SMITH of Iowa. That memorandum was not submitted to the British Government, but it will be discovered on reading Lord Lansdowne's memorandum and this memorandum that both understood it alike.

Mr. NORRIS. I submit that the memorandum submitted by our Secretary of State and not submitted to the other party should not be considered as final.

Mr. SMITH of Iowa. I am only considering it as part of the res gestae while this treaty was being considered in the Senate. The great Secretary of State who had been making it one of the great works of his life to negotiate this treaty sends to the American Senate his impressions of it, his views and opinions concerning it.

Mr. CLAYTON. Your contention is that the position you take now in regard to this is in line with the memorandum?

Mr. SMITH of Iowa. That is the memorandum both of Lord Lansdowne and Secretary Hay.

Mr. CLAYTON. I agree with you.

Mr. JOHNSON of South Carolina. Do you have to go to other papers to ascertain the meaning?

Mr. SMITH of Iowa. I think not; but gentlemen have contended that in some way it forbids fortifications.

AS TO THE RIGHT OF THE UNITED STATES, NOTWITHSTANDING THE NEUTRAL RULES ADOPTED BY THE TREATY, TO DEFEND ITSELF BY ITS OWN FORCES, AND TO SECURE THE MAINTENANCE OF PUBLIC ORDER, COVERED BY WHAT WAS GENERALLY KNOWN AS THE DAVIS AMENDMENT.

His Majesty's Government criticized the vagueness of the language employed in the amendment, and the absence of all security as to the manner in which its ends might at some future time be interpreted; but thought that, however precisely it might be worded, it would be impossible to determine what might be the effect if one clause permitting defensive measures and another clause (which has now been omitted) prohibiting fortification of the canal were allowed to stand side by side in the same convention.

Great Britain thought that there ought not to be a provision there that we might defend the canal as an amendment to the treaty which forbade its fortifications, and that matter was settled in the second treaty by striking out the prohibition of fortification.

This amendment was strenuously objected to by Great Britain as involving a distinct departure from the principle of neutrality which had theretofore found acceptance by both Governments, inasmuch as it would, as construed by Lord Lansdowne, permit the United States in time of peace as well as in time of war to resort to whatever warlike acts it pleased in and near the canal, which would be clearly inconsistent with its intended neutral character and would deprive the commerce and navies of the world of the free use of it.

It was insisted that by means of the amendment the obligation of Great Britain to respect the neutrality of the canal under all circumstances would remain in force, while that of the United States, on the other hand, would be essentially modified, and that this would result in a one-sided agreement, by which Great Britain would be debarred from any warlike act in or near the canal, while the United States could resort to any such acts, even in time of peace, which it might deem necessary to secure its own safety.

Moreover, it was insisted that by this amendment, in connection with the third amendment, which excluded other powers from becoming parties to the contract, Great Britain would be placed at a great disadvantage as compared with all other powers, inasmuch as she alone, with all her vast interests in the commerce of the world, would be bound under all circumstances to respect the neutrality of the canal, while the United States, even in time of peace, would have a treaty right to interfere with the canal on the plea of necessity for its own safety, and all other powers not being bound by the treaty could at their pleasure disregard its provisions.

AS TO THE AMENDMENT STRIKING OUT THE ARTICLE IN THE TREATY AS SUBMITTED TO THE SENATE WHICH PROVIDED FOR AN INVITATION TO THE OTHER POWERS TO COME IN AND ADHERE TO IT.

This was emphatically objected to, because if acquiesced in by Great Britain she would be bound by what Lord Lansdowne described as the "stringent rules of neutral conduct" prescribed by the treaty, which would not be equally binding upon the other powers, and it was urged that the adhesion of other powers to the treaty as parties would furnish an additional security for the neutrality of the canal.

In the hope of reconciling the conflicting views thus presented between the former treaty as amended by the Senate and the objections thereto of the British Government, the treaty now submited for the consideration of the Senate was drafted.

The substantial differences from the former treaty are as follows:

First. In the new draft of treaty the provision superseding the Clayton-Bulwer treaty as a whole, instead of being parenthetically inserted, as by the former Senate amendment, was made the subject of an independent article and presented as the first article of the treaty. It was thus submitted to the consideration of the British Government in connection with the other substantial provisions of the treaty which declared the neutrality of the canal for the use of all nations on terms of entire equality.

Second. By a change in the first line of Article III, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.

This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.

It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former Senate amendments. The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

It was also believed that this change would be in harmony with the national wish that this great interoceanic waterway should not only be constructed and owned, but exclusively controlled and managed, by the United States.

Third. The next important change from the former treaty consists in the omission of the words "in time of war as in time of peace" from clause 1 of Article III.

Mr. KEIFER. That is in the treaty.

Mr. SMITH of Iowa. Not in that part or in the same connection.

Mr. KEIFER. It was better arranged.

Mr. SMITH of Iowa. It does not mean the same thing.

Mr. KEIFER. It meant exactly what it said.

Mr. SMITH of Iowa. Let us see what John Hay said:

No longer insisting upon the language of the Davis amendment—which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed, when necessary to secure its own defense, which the Senate had apparently deemed necessary because the provision in Rule I, that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary.

We struck those words from this treaty that we might insure that this treaty would not be binding in time of war as well as in time of peace. For it is fundamental that treaties not made in contemplation of war terminate upon war arising between the parties to the treaty. But a treaty made in contemplation of war remains in force in war as in peace, and so we struck out from this provision in the old treaty the words "in time of war as in time of peace" that this treaty might end with war so far as this feature was concerned and give us the right to defend the canal against all mankind.

Fourth. In conformity with the Senate's emphatic rejection of Article III of the former treaty, which provided that the high contracting parties would, immediately upon the exchange of ratifications, bring it to the notice of other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty.

Because the Americans and not the British have rejected the theory of international neutrality it was omitted from this treaty. We had lost the other treaty because England wanted that and we refused it.

It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality (now that Great Britain was relieved of all responsibility and obligation to enforce and defend its neutrality) would practically meet the force of the objection which had been made by Lord Lansdowne to the Senate's excision of the article inviting the other powers to come in, viz, that Great Britain was placed thereby in a worse position than other nations in case of war with the United States.

Fifth. The next change from the former treaty is the omission of the provision in clause 7 of Article III, which prohibited the fortification of the canal, and the transfer to clause 2 of the remaining provision of clause 7, that the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Now, it is true, as suggested by the gentleman from Ohio [Mr. KEIFER], that this treaty does contain the same language about "in time of war as in time of peace" in another connection, and I am going to discuss its meaning in that connection in discussing some of the provisions of this treaty. I have here the final Hay-Pauncefote treaty as ratified.

The first provision I desire to call attention to is that the canal shall be free and open to the vessels of commerce and war of all the nations "observing these rules." Now, if any nation attempts to violate the neutrality of this canal it is no longer entitled to the use of this canal. The canal is free and open to the ships of all nations that observe these rules, and not others, and there is not a thing in this treaty to prevent our excluding by force from the use of this canal any nation that does not observe these rules. I hope that every Member will be deeply impressed with the meaning of this phrase, "open to the vessels of commerce and war of all nations observing these rules;" not making a treaty to observe them; not making a treaty guaranteeing the neutrality of the canal, but every nation of this earth shall be entitled to the privileges of the canal so long, and only so long, as it observes the rules.

"The canal shall never be blockaded." In our strength and our courage and our pride we said we would not invite the nations of the earth to maintain the neutrality of this canal, but that the United States would itself adopt these rules, among them that this canal shall never be blockaded.

How are you going to prevent a blockade if you have not got any guns? The smallest naval power on earth can blockade this canal unless we have there in some form the instrumentalities of war to break the blockade. We did not specify how we would guarantee that this canal should not be blockaded, whether by ships of war or land defenses, but our solemn faith is plighted to the proposition that we will always protect this canal against blockade.

The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress.

This treaty provided that, though we are not in a strict sense sovereigns there, this treaty shall cover the usual 3 marine miles from shore, and that that shall be deemed a part of the canal that we are solemnly pledged that we will protect against blockade. I propose to insist upon the fortification of this canal, first, because when we struck from the treaty with Great Britain the provision to ask the nations of the earth to guarantee, and thereby forced her to renounce her guarantee of neutrality, we declared a great national policy, that, as we owned the canal, we would ourselves defend it against all comers.

I shall defend the fortification of this canal, because when we struck from the treaties of 50 years the provisions against fortification it was the plain understanding of both parties that we had the right to fortify. I shall defend the fortification of this canal, because the solemn faith of the Republic is pledged that we will protect this canal against blockade, and I shall insist that fortifications are essential to protect the canal against blockade, even by an inferior power. I shall insist that this canal shall be fortified, because it is the property of the Republic, and we have got the right to defend it against the whole world. [Applause.]

Now, if the United States wants to utilize this canal in time of war, to consolidate its fleet upon either coast, a single battleship stationed at the far end of the canal could prevent the passage of a gigantic fleet through the canal.

It is essential that those who do not observe the provisions for the neutralization of the canal shall be kept at such a distance that the American fleet can sail through and form and not be attacked one vessel at a time as it comes through this canal. We said we would not allow it to be blockaded. Much less will we allow it to be blockaded as against our own commerce and our own Navy.

We will have spent $400,000,000 chiefly for the purpose of increasing the power of the American Navy, and yet an utterly insignificant force at one end of this canal can absolutely preclude our passing through the canal and utilizing it for the purposes for which we spent $400,000,000 unless we can defend the ends of the canal and keep this enemy at a distance until our fleet can form after it has passed through the canal. Shall we take all the pains to get a treaty excluding the prohibition of fortification; shall we proudly repudiate an adherence of other nations and proclaim our purpose of having the canal in our own strength and then break our solemn pledge to the world that nobody shall be permitted to blockade this great ocean highway? Others may defend the fortification of the canal upon what grounds they please. Some may assert that we would be justified, even in violation of the treaty, in time of emergency in defending ourselves as best we could. I am not here to defend any proposition so shocking to public and to private morals. I am here to insist that we have the right to fortify the canal; that it is more than a right—we have contracted to preserve its neutrality and to protect it against blockade, and this makes it a solemn duty of this people to fortify the entrance of this canal as securely as any of the ports in the world. Now, Mr. Chairman, I will reserve the balance of my time——

Mr. NYE. Will the gentleman permit one question?

Mr. SMITH of Iowa. Most certainly.

Mr. NYE. Assuming it is wise to fortify, is it essential to pass this appropriation at this time?

Mr. SMITH of Iowa. It is, and I take pleasure in explaining why. We have upon the canal the greatest organization that ever existed for the installation of concrete work. The emplacements of these fortifications will cost more than $4,000,000, and it is essential, as the work upon the locks draws to a close, that this great force shall not be scattered, but shall proceed with its splendid present organization to do this work much more cheaply, as it can be done by it, than by any other force. It will be a waste of money, a waste probably of millions if this be delayed for a single year, and I think that proposition would alone be sufficient, but it has been my experience in the work of eight years upon the Fortifications Committee that no great fortification is completed inside of two to three years from the time of the making of the appropriation, and seldom in so short a time as that. This canal will now be done before these fortifications will be completed. If we ought to have them at all, we certainly ought to have them when the canal is finished, and for their protection against destruction we need fortifications even before the canal is finished. Now, unless there are some other questions desired to be asked, I will reserve the balance of my time. How much time have I remaining?

The CHAIRMAN. The gentleman from Iowa has 20 minutes remaining.

Mr. KEIFER. Mr. Chairman, the magnitude of the question and the whole scope of the debate is so great that it is impossible to undertake to cover the ground in an hour, and I am not at liberty to use that hour myself. I will take but a few minutes in my opening remarks on this subject.

Mr. Chairman, there has been a great effort in this country—and my friend from Iowa [Mr. SMITH] has fallen into the same line of discussion—to convince people that neutralization of a piece of property, like a canal, that is to be used for public purposes by all the world, is capable of being or may be fortified, notwithstanding it is by treaty and otherwise guaranteed that it shall be neutralized. And great efforts are being made to make black seem white. Neutralization and fortification and its consequent blockade can not go together. In all international treaties neutralization means the exclusion of everything connected with war. Neutralization excludes everything, and my friend argues that unless you forbid something to be done by express provision in a neutralization treaty you may neutralize and at the same time vote war measures all along the line, however much they may conflict with neutralization and other expressly forbidden things.

Mr. SMITH of Iowa. That is on the theory that we will have peace if we have to fight for it.

Mr. KEIFER. There is where another trouble of the gentleman comes in. There never was any occasion in the world for neutralization in peace. Neutralization is for war and for war conditions. But the gentleman argues that you may blockade the canal by seacoast defenses, although the treaties all expressly say it is never to be done. That is the argument, that is the testimony, that the first thing that is proposed to be done, as reported by the Fortification Board, is to put seacoast de-

fenses at either end of this canal to blockade it. The gentleman says any nation could blockade it from without. A blockade never comes that way, but you do not need that. Any little roving ship of any kind that floats the sea, even if you have got a thousand battleships on the canal, can still blockade it from all the commerce of the world.

I am not going to go into the discussion now at length. The gentleman reads largely from a communication which he says was prepared by John Hay and sent to the United States Senate. He is misled about that. John Hay never prepared it, and it was a matter of remark that he did not do it. The document which he reads from was not prepared by him, but by somebody, possibly by a clerk, in the State Department that wanted to make an argument that way, and it was disregarded by the Senate. The treaty speaks for itself, and Hay negotiated and indorsed it, including all its neutralization. When the Senate came to deal with the treaty, the Senators, by action of their own, declared that the treaty neutralized the canal and forbade fortification. I am speaking of the treaty of November 18, 1901. But there was a man about the administration of this Government at the time the treaty was made and at the time it was sent to the Senate for ratification who was supposed to have known something about it, who passed some judgment on it, and he had something to say with reference to it. This is a part of what he declared:

> The treaty of November 18, 1901, was prepared to preserve the general principle of neutralization embodied as the settled policy of the United States Government in the Clayton-Bulwer treaty more than 50 years before.

That is what he declared constituted the November 18, 1901, Hay-Pauncefote treaty.

Mr. SHERLEY. Who said that?

Mr. KEIFER. The man who said that was Theodore Roosevelt, President of the United States, when he submitted it to the Senate and asked them to ratify it. They took him at his word. Some of them said, "No; we do not want that. Although it has been the settled policy of this Government since the Clayton-Bulwer treaty of 1850, we want the right to fortify the canal." There were six of them, as I recollect, who desired to retain a right to fortify and blockade the canal. They made motion after motion and offered amendment after amendment to amend that treaty so as to give such right, and they were always voted down. Then the treaty was ratified with the understanding that it subjected the canal to neutralization, nonfortification, and nonblockade.

I have not time to read the proceedings in the Senate, but I will put them in my remarks.

I now yield to the gentleman from Georgia [Mr. ADAMSON] for 10 minutes.

Mr. ADAMSON. Mr. Chairman, as we have such a fine audience, I regret that I have not two or three hours at my command. This audience makes up in quality as much as it loses in numbers. [Applause.] The fixing of a limit for general debate is a signal for a hegira of the Members to escape long, dry speeches and return to vote at a time fixed; but some of my associates, learning that I was to speak at this time, have been kind enough to remain. I hope some of my absent brethren, who may vote wrong, will, when they read my speech, not consider me immodest to suggest that they might have avoided error by remaining and keeping their minds open to information on this subject. [Applause.]

I am glad on this occasion to be able to compliment both the distinguished leaders of this debate that in a measure they are both right. I can honestly take the time from the gentleman from Ohio [Mr. KEIFER] and he can properly yield me time, because I am going to vote for his motion to strike out this section. I could not accept time from the gentleman from Iowa [Mr. SMITH], though while I agree with most of his propositions when the time comes to make them applicable, I am going to vote against him now. It is something remarkable that I should be able to agree with either of the gentlemen. Our schools of political thought are so different, because of environment, education, and party alignment, that when I find myself in accord with either I am reminded of those old ridiculous lines of Goldsmith's about—

> His conduct still right, with his argument wrong,
> The coachman was tipsy, the chariot drove home.

The canal should be fortified, as contended by the gentleman from Iowa, but not now. It should also be neutralized, as insisted by the gentleman from Ohio, but by us alone, unaided by other nations.

Now, as to whether or not to fortify the Panama Canal depends upon the angle of vision from which you view the subject. If you regard this Government as a commercial machine, making a canal for the benefit of either American commercial adventurers as a method of ship subsidy or as a free gift to the world in perpetual gratuity, you can talk about it as the gentleman from Ohio does. But if you take a correct view of it, as is taken by the gentleman from Iowa [Mr. SMITH], after we build this canal as a constitutional war and navy measure, the only warrant we ever had to build it, you can very readily reach the right conclusion and agree with me that the strip across the Isthmus of Panama ought to be used primarily for military and naval purposes. We have constructed it for those purposes, and we should so use it as to accelerate the passage of our own ships to and fro across the Isthmus and we should use it as a necessary and useful military and naval base. We could make an attractive and beautiful healthy park out of it there in the Tropics, while utilizing it for military and naval stores, for armament and equipment that would make us invincible and invulnerable upon either ocean in time of war.

And in periods of peace—and we hope they will be either frequent or lengthy—in times of peace and prosperity we should invite commerce, and we should make the tolls low enough not only to compete with the route around the Horn and the route through the Suez Canal, but also to enable us to compete with the transcontinental railroads, which so long obstructed and prevented the construction of that canal.

And I may say right here, as I said in the Fifty-fifth Congress, that these corporate influences operating against the construction of the canal were so powerful that if the Representatives who believe in the construction of the canal, as I do, had not been willing to vote for it solely as a military and naval measure the canal proposition would never have been commenced and no dirt would be flying at Panama. But we took a constitutional view of it, and we proceeded to pass that act in spite of the opposition of the corporations, and I hold to all the views to which I then held, not only that we have the right to make it an instrument of strength and power both for offense and defense for the United States, but I go further and agree with the gentleman from Ohio [Mr. KEIFER] that it ought to be absolutely neutral. But I do not agree with him that we ought to go cringing and fawning and begging all the nations of the earth to come here and help us violate and repudiate the Monroe doctrine to help us in our administration of our rights and duties on the Western Continent by agreeing with us how to manage our affairs. [Applause.]

I propose, as I proposed in the beginning, Mr. Chairman, that by the might and power of the United States we should say to all the earth, as we promised England, that we will not only police this canal strip, we will not only protect it against ever being blockaded, but we will see that all the nations who observe the rules of this canal management shall pass through the canal on absolutely equal and fair terms, and we will attend to the job ourselves. No other nation is invited to interfere or take a hand in any respect.

All these questions of our right and duty to fortify and neutralize the canal on our own account and by our own power were thrashed out during the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. The Clayton-Bulwer treaty contemplated a purely commercial canal, which Congress had no authority to construct. That treaty forbade a military canal, the only kind we were warranted to construct. I took the position that if we could not amend the Clayton-Bulwer treaty so as to conform to our purposes, we ought to denounce it to a final end and go on with our plans; but I assert the belief that by proper effort we could amend it. We tried and succeeded. We are now building a canal according to our own ideas and constitutional authority. In due time we will finish it. Then we will devote the canal and canal strip to the use of our Army and Navy, incidentally inviting commerce to pass through and deriving some financial return therefrom. We should fortify at both ends of the canal, placing all around both Panama and Limon Bays and in the islands within Panama Bay the most powerful batteries in the world, invincible and invulnerable, secured and protected in the best manner known to the art of war. We should mount guns with sufficient range, accuracy, and carrying capacity to command and clear the offing for miles out to sea, so that under their protection our Navy, emerging from either end of the canal, may be able to form in battle array before proceeding to take care of itself and destroy any hostile fleet.

The only standing order, always observed by our Navy, is understood to be "Either destroy or capture all the enemy's ships." If as predicted by some apprehensive gentlemen, airships becoming dangerous, threaten to fly over the fortifications and thereby annul their usefulness, some Yankee will soon invent a gun that will find their range and bring them down. Other nations can not object to our fortification plans. Certainly England can not until she dismantles Gibraltar and

all her fortified positions off our eastern coast, stretching in long line from Labador to the southern seas. If those guns off our coast are not aimed at us nobody knows their purpose, yet we do not whine and complain of threatened and immediate hostility. Neither can any other nation complain that we fortify, making a military reservation of the strip in order to protect our property and protect all shipping, military and commercial, which we invite to pass through the canal, just as we are entitled to security in passing through Suez, whether protected by immediate physical power or by the imputed power and prestige which is known to exist, resting ultimately and fundamentally upon the power and prestige of British arms.

But, Mr. Chairman, every boy, I suppose, as soon as he begins to think about it, expects to get married some day, but he does not want to do that until he is grown and has learned how to get married. [Laughter.] He expects to occupy his house as soon as he builds it but he does not move in until it is ready. In every one of the last two or three Congresses I have had to resist premature efforts of gentlemen to legislate finally for the canal and the canal strip. I have always said, "Let us wait and build the canal first. Let us not allow any excitement or anything else to get us out of the track of proceeding to the work and finishing the canal."

When we have the canal ready to open for our own use, primarily, and secondarily for the use of the commerce of the world; when we know that we are going to be there permanently, and know what we are going to have there, and know how we are going to use it, and just what we can do and what is necessary to do, then let us provide permanent legislation for the operation of the canal and for the management and government of whatever the United States sees proper to encourage and use and keep on that canal strip. [Applause.] And let it all be done on our own motion and neutralized by our own invitation and power. If we should pursue any other course we would sacrifice our ascendency on this continent and justly lose the respect of the world. [Applause.] But this legislation at this time is premature. The end of material things is not coming with the death of this Congress. There will undoubtedly be other Congresses, and several of them, before the canal is finished. Some of us fear we will have an opportunity to begin legislation before we want it. It is not a very long time even to next December, even if a Republican President can refrain from the extraordinary act of calling together a Democratic Congress without promising to sign the bills that pass. If he should be illogical enough to convene a Democratic Congress prematurely, under the delusion that they will champion his measures, gratuitously, rashly, and ridiculously, or if he should be insincere enough to call a Democratic House together in extra session, without intending in good faith to approve the measures which he knows it is their duty to pass, and which he knows the people instructed that Congress to pass, we will welcome the call.

The people will hold him and his party responsible for his peculiar conduct. Unless he intends to approve the reform legislation the people have determined upon, he can depend upon it that his pet measures will receive the last and least attention. Nobody need become excited or get in a hurry about fortification or any other legislation about the regulation of the canal or the canal strip. Our business is now, and will be for several years to come, to try to finish that canal, and it requires an effort on our part to divest the subject of irrelevant questions and premature suggestion and action. There are no perceptible war clouds on the horizon. The people of no nations are lying awake of nights meditating assaults on us. Occasionally we hear an excitable lecture or speech, or read sensational articles in newspaper and magazines, but no reason yet appears to precipitate permanent legislation for the strip or for the fortification and management of the canal years in advance of its probable opening. When Culebra quits sliding, when that volcanic débris assumes its natural slope as does all dirt of whatever character, when the locks are finished and tried out and the dams are pronounced secure beyond peradventure, when we know what we are doing and are willing to risk our own battleships and invite the commerce of the world, we will surely have foreseen it long enough to have begun and completed preparations, not only for the protection of the canal and canal strip, but also for the permanent regulation and operation and government thereof. It is, however, entirely unnecessary to become hysterical and begin to hurry now about permanent legislation. If fortifications presented the only proposition at this time I might have afforded to refrain from these remarks, but in other bills and other places we have seen that efforts are being made to anticipate by present legislation everything that can ever become necessary to be done in connection with the canal under favorable circumstances and with verification of the hope of the most optimistic. Plans have been made and are being carried forward now to push all these measures through before this Congress dies a week from to-day, as if there were never to be another Congress, and may the good Lord vouchsafe to us that there may never be another Republican Congress. This is all premature. I have heard all the arguments in favor of it and all the reasons on which they are based. Accepting the assertions made in the premises, some of them appear plausible at first glance, but on examination and reflection the plausibility disappears. There is no sound reason to justify such legislation at this time. [Applause.]

Mr. KEIFER. Mr. Chairman, I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman there are two inquiries involved in the proposition to fortify the Panama Canal:—

First:—Is it competent for the United States to erect these fortifications, under the stipulations of existing treaties?

Second:—Conceding the right, should this right be exercised to the exclusion of any other policy?

A treaty of neutralization, concluded between this country, and the great powers of the world, would be in harmony with the spirit and policy that directed all the negotiations which preceded the formal beginning of that mighty work at Panama, which is destined to change the trade relations, and I might almost say, the destinies of the world. Such a treaty would protect the canal in the most effective manner, without burden or expense to this country, without any impingement upon our national interests, and without derogation of our national dignity, and self-respect. It is a recent discovery of the jingo spirit, that national honor and self-respect, are involved in the construction of great military works, and the maintenance of a costly military force on the Isthmus. The Clayton-Bulwer treaty of 1850, expressly provides, that the contracting parties shall guarantee the neutrality of a canal through Central America, and that neither "will ever erect, or maintain, any fortifications commanding the canal, or the vicinity thereof."

In the course of the debate it has been suggested, that in some mysterious way, the Monroe doctrine is involved in the fortification of the canal by this Government, and that any effort to neutralize it through a treaty with the European, and other countries, would be a violation of this doctrine. This attitude merely illustrates the straits to which the advocates of fortification are driven, to provide arguments in support of their position. The Monroe doctrine was to the front in a far more acute form, during the long period preceding the Civil War, than it has been at any time in the last 40 years. Yet the statesmen and Presidents of that time, never apprehended that the maintenance of this doctrine was inconsistent with the neutralization of an interoceanic canal through international agreement. In 1826 President Adams declared in his instructions to the American representatives to a Panama congress, that if an interoceanic canal should be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation, or reasonable tolls. In 1835 the Senate of the United States adopted a resolution requesting President Jackson to undertake negotiations with the Governments of Central America, and New Granada (now Colombia), to effectually protect by appropriate treaties, such individuals, or companies, as might desire to establish communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the Isthmus, and to insure, forever, by the stipulations of these treaties, the free and equal right to navigate such canal, to all nations, on the payment of reasonable tolls. A like resolution was adopted in 1839, by the House of Representatives, which concluded as follows: "For the purpose of ascertaining the practicability of effecting a communication between the Atlantic, and Pacific Oceans, by the construction of an isthmian canal, and of securing forever, by suitable treaty stipulations, the free and equal rights of navigating such canal, to all nations."

In 1846, the United States negotiated a treaty with New Granada, (now Colombia) by which the former power guaranteed the perfect neutrality of the Isthmus "with the view that the free transit from the one, to the other sea, shall not be interrupted or embarrassed, at any future time."

It may be objected that the parties to these negotiations are all nations of the Western Hemisphere. True, but go with me a step further. A little later, to be precise, in December 1849, an effort was made on the part of President Taylor, through his Secretary of State, to induce England to effect a treaty with Colombia, then New Granada, by which the former would guarantee the neutrality of the Isthmus. At the same time, the American minister to Colombia was directed to urge upon that

country, the wisdom of making such a treaty with Great Britain. So far from holding that participation of the European powers in the neutralization of the canal, would be an infraction of the Monroe doctrine, President Buchanan welcomed the co-operation of these powers. The following extract is taken from the President's reply to a communication from Great Britain, suggesting a treaty between Great Britain, France, and the United States, to secure the freedom and neutralization of the transit route over the Isthmus of Panama:

The President fully appreciates the importance of that route, to the commercial nations of the world, and the great advantage that must result from its entire security, both in peace, and in war, but he does not perceive that any new guaranty is necessary for this purpose, on the part of the United States. By the treaty concluded with New Granada on the 12th, of December 1846, to which your lordship has referred, this Government guaranteed the neutrality of the Isthmus, and also the rights of sovereignty, and property over it, of New Granada.

A similar measure on the part of England and France, would give additional security to the transit, and would be regarded favorably, therefore, by this Government. But any participation by the United States, in such a measure, is rendered unnecessary, by the arrangements already referred to. The President hopes that by general consent of the maritime powers, the interoceanic lines, with the harbors of immediate approach, may be secured beyond interruption, to the great purpose for which they were established.

This invitation to England and France, to supplement by independent action, the undertaking into which this Government *had* entered to neutralize any interoceanic line of transportation, followed the Clayton-Bulwer treaty of 1850, which was ratified by the Senate on March 22, of that year. It may be almost said, that this treaty was the outcome of President Taylor's message of December 1849, in which he insisted that an isthmian canal should be constructed under the common protection of all nations, for the equal benefit of all. But whether it is true that this message was the parent of the negotiations that culminated in the treaty, it is none the less true, that this treaty was in harmony with the established attitude of this country, that any canal across the Isthmus, should be effectually neutralized, and open to the ships of all countries. There was no war-breathing jingo of that day, to oppose the co-operation of Great Britain in guaranteeing the neutralization of the canal, on the ground that such co-operation would be an interference with the Monroe doctrine. At least if such a jingo existed, he did not make his protest effectual.

President Pierce, in his message of 1854 actually insisted that an effort should be made to make the "doctrine of neutralization a principle of international law, by means of special conventions between the several powers of Europe, and America."

The Clayton-Bulwer treaty is too elaborate a document for reproduction in its entirety, but a few pregnant citations will be afforded. In Article I, it is declared, among other things, that:—"The Governments of the United States, and Great Britain, hereby declare, that neither the one, or the other, will ever obtain, or maintain for itself, any exclusive control over said ship canal, agreeing that neither will ever erect, or maintain any fortifications commanding the same, or in the vicinity thereof." Later, it is declared in Article V, that the signatory powers "will protect the completed canal from interruption, seizure, or unjust confiscation, and guarantee its neutrality, so that the said canal may be forever free and open." The parties to this guaranty were amply able to make it good, and a canal constructed under the protection of this treaty would have been neutralized forever and a day, without a fort, or a garrison along its route, or any increase of the national burdens of the contracting parties. By the express provisions of the treaty, the canal was to be open on like terms to the citizens, and subjects, of every other State. The gentlemen who oppose neutralization by the powers, on the ground that it is in conflict with the Monroe doctrine, will find little support for this view, in the attitude expressed in Article VIII, of the foregoing treaty. Without reservation, the contracting parties engage, in that article, to invite every other State, with which either, or both, have friendly intercourse, to enter into stipulations with them, similar to those which they have entered into with each other, and in Article VIII it is provided that the canal shall be open on like terms, to the citizens, and subjects, of every other State.

The Monroe doctrine is difficult of exact definition, but certainly it has never been hitherto invoked, to prohibit the powers of the world from participating in a great scheme of peace, through the effective neutralization of an international highway. We impeach the wisdom and foresight of our forefathers, if not their patriotism, by the suggestion that the Monroe doctrine forbids any effort to neutralize the canal by international convention. It is passing strange that in the voluminous correspondence, public documents, and official communications, relating to this subject, no trace is found of any lurking belief, on the part of anyone concerned with forwarding this great project, that the cooperation of foreign countries with this Government, to preserve the canal from every form of hostile interruption, was an impingement upon a principle so fundamental, and respected, as the Monroe doctrine. Such a suggestion is not well taken. The Monroe doctrine was neither assailed, nor weakened, when the Clayton-Bulwer treaty stipulated the neutrality of the canal. The Monroe doctrine is a principle of peace. So is the principle of neutralization. They are in harmony, not in conflict. Why not welcome every aid that will tend to keep inviolate from the profaning hands of hostile attack, the mighty work which we will hold, in its completed form, as a trustee for the world? If the world is to participate on equal terms in the benefits of this enterprise, why may not the nations of the world act in concert to preserve its integrity, and thus relieve this country from a burden, which we may be able to carry, but which we would willingly put aside, if such action may be taken without prejudice to material interests, loss of national power, or standing in international councils? The former attitude of this country, and the facts of the case, alike repel the contention, that the principles of the Monroe doctrine forbid the neutralization of the Panama Canal, through international compact.

The United States could neither build, nor acquire supreme control of this canal, under the Clayton-Bulwer treaty. Hence, when it was decided that this enterprise should take a national form, it was necessary to negotiate another convention. This was done under the auspices of President McKinley, and is known as the Hay-Pauncefote treaty. This treaty specially provides for neutralization, adopting in substance the rules of neutralization found in the rules of 1888, relating to the Suez Canal, and declaring that the canal shall be free and open, in time of war, as in peace, to the vessels of commerce, and of war, of all nations, on terms of entire equality. In one of the later provisions, it is provided that, "no fortifications shall ever be erected, commanding the canal, or the adjacent waters." This treaty was ratified by this country in 1900, a little over 10 years ago, when our jingoes had not learned, that mighty fortifications, and a great army at Panama, were vital to the defense of this country. If it is suggested, that this provision against fortifications, escaped the attention of the Senate, such a suggestion is repelled by the facts of record. An amendment to strike out this clause was offered in the Senate, and rejected by a large majority. The Hay-Pauncefote treaty of 1900 was approved by the Senate, but rejected by Great Britain. A rejection on our part might have been properly related to the clause against fortifications. But the action of Great Britain can not be explained on this ground. In 1901, a subsequent Hay-Pauncefote treaty was negotiated under the direction of President Roosevelt, and approved both by this country, and England. If the right to fortify the canal is claimed under the latter treaty, that claim should be supported by a clear and explicit declaration. No ambiguous reference would be sufficient to support a claim which the United States had been willing to forego in its entirety, within the previous year. For the purposes of intelligent discussion, the text of the present treaty, omitting the formal preliminaries, and conclusion, is herewith reproduced:

ARTICLE I. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. II. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to, or purchase of, stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have, and enjoy, all the rights incident to such construction, as well as exclusive right of providing for the regulation, and management of the canal.

ART. III. The United States adopts as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal—that is to say:

1. The canal shall be free and open to the vessels of commerce, and of war, of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions, or charges of traffic, or otherwise. Such conditions, and charges of traffic, shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any

one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. IV. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Mr. SHERLEY. Is not the gentleman aware of the fact that when New Granada undertook to sound some of the European powers as to the guaranteeing of the neutrality of the proposed canal, that America said to her then that she would consider such intervention on the part of foreign powers as an unfriendly act?

Mr. SAUNDERS. On the contrary the Government of the United States through its minister to Colombia directed the Government of Colombia to take up with Great Britain and negotiate with her, a treaty by which the latter country should guarantee the neutrality of the then contemplated canal. Those are the facts of history. Now I wish to say another thing in this connection. It is asserted that we should not call in the aid of the world to neutralize this canal. Who then shall neutralize it? The Government of the United States? In all history did a country ever undertake to say that it should be neutral, and its property neutralized? Neutralization, as a matter of necessity, contemplates the cooperation of others, and when we declared in the Hay treaty in favor of the great principle of neutralization, and that is the one thing that is thrust to the front in that treaty, we announced a principle, and assumed an attitude, which committed us to invite the cooperation of others to make effective the neutralization of the canal. A few days since President Taft announced that it is the exclusive duty of the United States to preserve the neutrality of the canal.

I would like to ask one question, and perhaps the gentleman from Kentucky, who has just risen, can answer it, in connection with the question he proposes to ask. My question is this: Where do we find in the Hay treaty, and I now have it before me, any clause which says that it shall be the sole duty of the United States to neutralize the Panama Canal.

Mr. SHERLEY. Without reading the treaty, I can not answer the gentleman categorically.

Mr. SAUNDERS. I invite any gentleman on this floor to point out the clause of that treaty which says it shall be the duty of the United States singly, and alone, to neutralize the Panama Canal.

Mr. SHERLEY. Is the gentleman aware that President Arthur, in a message to Congress, September 6, 1881, declared—

This Government learned that Colombia had proposed to European powers to join in the guaranty of the neutrality of the proposed Panama Canal, a guaranty which would be in direct contravention of our obligation as the sole guarantors—

And so forth——

Mr. SAUNDERS. I am well aware of that.

Mr. SHERLEY. And then goes on to state that his predecessor——

Mr. SAUNDERS. I am perfectly well aware of that.

Mr. SHERLEY. But the gentleman denied it.

Mr. SAUNDERS. No, I did not. The Monroe doctrine was more to the front before the Civil War, as a burning question so to say, that it has been since that time, and yet during President Taylor's administration the minister of this country to Granada was directed by the President to urge upon that country the propriety of negotiating a treaty with England by which the latter was to neutralize the canal in aid of the neutralization of the United States Government.

Mr. GARRETT. When was that? if I may ask the gentleman.

Mr. SAUNDERS. I will give the gentleman the date in a few moments. There is no question that this was done.

Mr. HUGHES of New Jersey. Does the gentleman differentiate that statement, from the statement of the gentleman from Kentucky?

Mr. SAUNDERS. No. I do not. Both statements are true, and recite the actual occurrences. They present two opposing attitudes. President Taylor's attitude represented the attitude of our country when, as I have said, the Monroe doctrine was far more to the front in public discussion than it is to-day. Now, I wish to call the attention of this House to another proposition.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. Will the gentleman explain why Article III of the treaty adopted says that "the United States adopts, as a basis of the neutralization of such ship canal, the following rules," whereas the treaty that was not ratified had it that the high contracting parties were to adopt.

Mr. SAUNDERS. The language used merely emphasizes the extent to which this country was willing to go in adopting the principle of neutralization. As England was a party to the Suez pact, it was not necessary to say that she was consenting to an application of the Suez rules to Panama. It is splitting hairs, it seems to me, to undertake to say that the provision cited shall be construed in such a way as to announce that the obligations of the high contracting parties under section 4, does not include an obligation of Great Britain to guarantee on its part the neutrality of the canal.

Mr. CLINE. Will the gentleman permit a question?

Mr. SAUNDERS. Yes.

Mr. CLINE. If the right to fortify is conceded, I want to ask the gentleman if that does not carry with it the right to blockade the canal, and consequently is a violation of the treaty.

Mr. SAUNDERS. Certainly. If the right to fortify is conceded, then by the exercise of that right the United States can establish that very blockade which the treaty forbids.

If we have the right of blockade, if we have the right to maintain armies, if we have the right to establish bristling fortifications on the canal, without any authority to that effect afforded by the terms of the treaty, why was it necessary for the treaty to give this country in explicit terms the authority to maintain military police to protect the canal against lawlessness. This inferior right would be included, as a matter of course, in the other and larger power.

Mr. SHERLEY. Will the gentleman permit?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. He must bear in mind that the Clayton-Bulwer treaty made certain obligations on both England and America, and expressly denied to America certain rights that ordinarily she would possess.

Mr. SAUNDERS. I understand that.

Mr. SHERLEY. Now, in order that there may be no doubt as to her abusing those rights when it adopted the terms of the Clayton-Bulwer treaty, setting out the powers that belonged——

Mr. SAUNDERS. If all that is true, I would like to make this comment: This treaty does not require England to do anything save to be bound by the obligations which she incurred as a high contracting party. What were, and are these obligations, if the duty of guaranteeing neutrality at Panama, is not one of them? Our rights and duties are determined by this treaty. We should live up to them, like an individual to his contract.

Mr. CLINE. The President of the United States in his speech in New York on the night of the 21st of January did not rest the right to fortify on our sovereignty. He said we secured that right out of a nullification of the Bulwer treaty and the Spooner Act of 1902.

Mr. SAUNDERS. Let me refer to the Spooner Act. That was an act of this Government, and by no principle of interpretation with which I am acquainted, can the act of one party to a contract, be held to be the interpretation of the instrument, in the sense that it has ascertained the rights, and presented the views of both. Never has that been ascertained to be true. So that when you suggest the Spooner Act as an interpretation of the Hay-Pauncefote treaty I ask you by virtue of what authority was the Spooner Act passed? We must look to the treaty itself, to determine our rights, and the authority of the Government to pass the Spooner Act.

Mr. SMITH of Iowa. Will the gentleman permit a question?

Mr. SAUNDERS. Certainly.

Mr. SMITH of Iowa. Does he not think it strange that so many gentlemen upon this floor now voted for the Spooner Act, which expressly provided that the President is authorized to enter into such contract as may be deemed necessary for the proper excavation, construction, and completion of the defense of such canal?

Mr. SAUNDERS. No. Just as I will not be surprised to see the fortification of the canal ordered, though it is in violation of the terms of this treaty.

Mr. SHERLEY. If that act was in violation of that treaty——

Mr. SAUNDERS. How in the name of high heaven can the individual act of one contracting party, supersede the obligation of a joint instrument?

Mr. SHERLEY. I can simply answer you by saying that this Government has on several occasions terminated a treaty by act of Congress, and the Supreme Court has recognized the validity of such action.

Mr. SAUNDERS. I recognize, of course, that if the United States Government wishes to break a treaty, there is nothing that restrains her except force, but surely no one will ad-

vance the argument that because we have the force to do that which is wrong, that therefore the force with which a thing is done, makes the act right.

Mr. SHERLEY. I do not agree with the gentleman's assumption that it is a violation of the treaty, but if it was it would supersede the treaty.

Mr. SAUNDERS. You are suggesting that this act indicated that we proposed to terminate that treaty.

Mr. SHERLEY. No; I have not suggested it.

Mr. SAUNDERS. What is your suggestion, then?

Mr. SHERLEY. I simply said that, taking your assumption, the effect of it was to abrogate the treaty.

Mr. SAUNDERS. On the contrary, I simply said it might indicate our purpose to abrogate it. It was passed without regard to the binding effect of the treaty, but it could never abrogate it, unless the United States clearly indicated that it did not intend to be bound by the terms of its own solemn compact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I yield more time to the gentleman.

Mr. SAUNDERS. I wish to say in conclusion, that I shall vote to oppose the fortification of the canal, because I believe that it is contrary to our treaty stipulations. I shall oppose and vote against the fortification of the canal, because in the contemplation of the gentlemen who know the war game, gentlemen like Admiral Evans and the distinguished gentleman from Ohio who has spoken on this subject, and many others, the effect of these fortifications will be to weaken, and not strengthen, our line of defense.

I shall vote against the proposition to fortify the Panama Canal, because if after our professions of peace, we really favor peace, the mightiest contribution that we could make to the peace of the world, will be the neutralization of this great international highway.

The most casual examination of this treaty, will reveal that it does not contemplate that the canal shall be an exclusive possession of the United States, in time of war. The chief purpose of this pact, was not to change the attitude of the contracting parties, toward the great principles of neutralization, and universal use, but to enable the Government of the United States to construct an isthmian canal, if desired, at its own cost, and to afford this country, subject to the provisions, and limitations of the treaty, the exclusive right of "providing for the regulation, and management of the same." It is expressly provided that the canal shall be free and open to the vessels of commerce, and of war, of all nations observing these rules, on terms of entire equality. It is further provided that the canal shall never be blockaded. Mighty fortresses erected by this country, commanding and controlling the approaches and use of the canal, will constitute a blockade, whenever they are utilized to exclude the ships of another nation in time of war. The chief argument of the gentlemen who insist upon fortifying this highway is, that we will need it in time of war, for the transfer of our war vessels from one ocean, to another. But suppose our antagonists desire to use it for the same purpose? Will it be competent for this Nation to exclude them, under authority of this treaty, and if it does exclude them by its forts, and military garrisons, will not such act be that blockade which is forbidden by Article II?

If it was not intended that the canal should be used by Great Britain, in the event of war with this country, and such a war is as likely as any that is suggested, what does the treaty mean when it declares that the canal shall be free and open to the vessels of war, of all nations observing the rules of neutralization, that the same shall never be blockaded, nor any right of war, or act of hostility, exercised within it, and that vessels of war of a belligerent shall not revictual, or take any stores in the canal, except so far as may be strictly necessary? These rights would be enjoyed by the nations of the world, whether or not they became parties to this international agreement designed to preserve and secure them. Thus they possess the present right of free use of the canal, without any obligation to preserve the property. The United States is not a party to the Suez pact, but during the War with Spain, we were informed that the use of that canal was open to us, in the event we desired to send our warships to the Orient by that route. But if the nations of the world will enjoy the right to use the Isthmian Canal, why not emphasize the value of that right, by inviting their cooperation to preserve the integrity of the same in perpetuity? Surely no one will seriously contend, that the right to build frowning fortresses, and maintain great armies on the route of the canal, will be found in the section which provides that the United States shall be at liberty to maintain such military police, along the canal, as may be necessary to protect it against lawlessness, and disorder? These words convey an obvious meaning, and refer to the ordinary conditions likely to exist on a work of this character, in a country subject to periodic disorders. No one would include a standing army, or fortifications of such extensive character that the prime cost will run into the millions, under the head of military police. It will be noted that the language of the act is most specific and emphatic, when a sweeping right is intended to be conveyed.

Article II, provides that the United States "shall have, and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation, and management of the canal." This confers a right, as it should be conferred, clearly and unambiguously. If it was intended that this treaty should confer upon this Government, the right heretofore expressly denied, namely, to erect and maintain fortifications commanding the canal, and the waters adjacent thereto, we would expect to find this authority granted in explicit and unambiguous terms, and not lying perdu in a clause authorizing the use of military police to preserve the canal against lawlessness, and disorder. These are not apt words to describe a state of war, or to convey authority to prepare against the same, by the construction of vast forts, and the establishment and maintenance of a strong army, on the route of the canal. President Taft in a recent address on this subject, declares that the Hay treaty shows, not only that the canal was to be built, owned, and operated by the United States, but that the neutrality of the canal should be maintained by the United States, and that nothing in the treaty would prevent the United States from fortifying the canal, or closing the same, to the shipping of the enemy. In sole support of this proposition he cites, not the treaty itself, but the Spooner Act of 1902, directing the President to build the canal, and make proper defenses. But this act was our own, and not a joint act. Hence it can not be considered an authoritative interpretation of a treaty, which, of necessity is a joint instrument. Again, the President insists that the right to fortify the canal, and close it to the shipping of an enemy, must have been insisted upon by the Senate. But the Senate did nothing of the sort. On the contrary that body ratified a measure, in the first instance, which expressly excluded the United States from the exercise of this right, and by an overwhelming majority, voted down an amendment designed to strike out the provision forbidding fortifications.

The President is further in error, in suggesting that under the treaty with England, it is this country which guarantees the neutrality of the canal, thus excluding, even England, the other high contracting party, from participation in the guaranty. Article IV, clearly imposes this obligation upon both contracting parties. If this is not intended, what does this article mean, when it provides that "no change of territorial sovereignty, or of the international relations of the country, or countries traversed by the canal, shall affect the general principle of neutralization, or the obligation of the high contracting parties, under the present treaty." In what portion of the instrument do we find the provision, either in terms, or by necessary implication, that the neutrality of the canal shall be exclusively guaranteed by the United States? The treaty confers only one exclusive right upon this country, the right to provide for the regulation, and management of the canal. What are the obligations imposed upon the high contracting parties to this convention, if the obligation to preserve the neutrality of the canal, is not one of them? Evidently, Article IV contemplates that there will be certain obligations of a joint character imposed by the treaty, else its language is meaningless, and largely superfluous. Among these obligations, whatever they may be, what obligation is so obvious and paramount, as the obligation to preserve the neutrality of the highway proposed, in order that its benefits may be secured, not only to the contracting parties, but to the other nations which are included within its terms? Our rights upon the Isthmus are treaty rights, measured and determined, by those treaties. Under what view of the Hay-Pauncefote treaty will this Government undertake to exclude the vessels of Great Britain, in time of war with that country, and at the same time keep its faith, and carry out our undertaking, that the canal shall be free at all times, to the vessels of war, of all nations, and that the same shall never be blockaded, nor any right of war, or act of hostility, be committed within it?

The exclusion of the war vessels of Great Britain from the free use of the canal in time of war, will in itself constitute the very blockade against which we have undertaken to provide, and which we have guaranteed shall not occur. Garrisons and armies in the zone, intended to make this blockade effective, will merely serve to emphasize our breach of faith, and the worthlessness of our guaranty. Our national honor is touched in this suggestion. It is no longer a question of what the terms of the compact should be. We are concerned merely with the ascertainment of the provisions of the existing compact, and

with the maintenance of good faith, in our relations to the other contracting party.

The President asserts further, that he would be "glad to have all the powers come in, and consent to the neutrality of the canal, as a treaty obligation," but expresses the fear that even then, a possible injury might be done to the canal by some irresponsible belligerent. Such a fear is most remote. If the great powers of the world unite to protect the canal, and add their sanction to the joint undertaking of this country, and Great Britain, there is no responsible, much less irresponsible belligerent, who would dare to commit one act of mischief along the entire course of the canal, and thus challenge the irresistible combination committed to its protection. Such a course on the part of any responsible nation is unthinkable. This Government will be able to deal with irresponsible persons under the police power which is fully accorded to it, by the Hay-Pauncefote treaty. Some opponents of neutralization insist that there is no analogy in the neutralization of the Suez Canal, resting this contention on the ground that the land through which the Suez Canal runs, is not within the jurisdiction of England, or of any of the five great powers.

But this objection does not go to the principle of neutralization, which is always secured by treaty compacts, and mutual agreements. The Suez Canal was neutralized with the consent of the power which exercises jurisdiction over the territory through which it runs. Conceding that we possess titular sovereignty over the zone, and are fully competent to enforce our authority, and preserve our property, these facts would give a flattering character to our invitation to the powers to unite with us in neutralizing the canal. Such an invitation would be an earnest of our desire for universal peace, and evince our readiness to work to that end, in disregard of the suggestions of a false pride, that we carry a great burden alone, merely because the enterprise is on our territory. This fact presents no hindrance to the enactment of a sufficient treaty of neutralization. The suggestion of ownership, is merely intended to quicken a feeling of vanity on our part, and is fully as mischievous as the contention that our right to erect fortifications at Panama, is upon the same footing as our right to fortify the harbor of New York, or Pearl Harbor in the Hawaiian Islands. If the latter contention be true, the question may well be asked: Why was it necessary to negotiate a further treaty with Great Britain, before proceeding with the enterprise? If the zone is our soil in the same sense as Hawaii, then any treaty stipulations with any European country, preliminary to the construction of a canal, were a superfluity. But the analogy of New York, or Pearl Harbor, does not hold good. Our rights at Panama, so far as they relate to the canal, as well as our obligations, are largely treaty rights, and the terms of the treaties must determine the extent, and character of these rights. Not only is there no loss of national dignity, in an invitation to the nations to join with us in a compelling treaty of neutralization, but this action on our part would give incomparable impetus to the movement for universal peace. Such a treaty would surround the gigantic work at Panama, with the benefits of a world-compelling sanction.

Think of such a consummation, secured without money, and without price. Extend to the great powers an invitation to aid us in this practical fashion, to secure the canal against the possibilities of harm, and immediately there will ensue a universal realization, that after all, the blessings of peace, which are now sought through the costly way of military preparations, may be secured by the preferable way of mutual compact, thus avoiding not only war, but war's alarms. It is the disposition to stand on national dignity, when that dignity is not involved; it is the willingness to hearken to the suggestions of a false pride, which hinders the progress of universal peace. On all hands it is admitted that international cooperation will afford a permanent and effective neutralization of the canal, but pride whispers in our ear that we should reject neutralization without cost, in favor of a policy that will afford less positive and definite results, though involving the expenditure of millions that could be utilized in far more helpful enterprises of national progress and uplift. Away with this costly and burdensome alternative, product of a diseased vanity. Sink deeper than ever plummet sounded the suggestion that we will lose dignity, prestige, or standing, by neutralizing the canal through the friendly cooperation of the other powers. As well contend that no friendly compact of practical neutralization should have been arranged with Great Britain, for the Great Lakes, but that we ought to protect our side of the line against hostile incursions, by bristling fortifications at every lake port, and frowning fortresses crowning every eminence on the long frontier between Canada and this country. I am unable to perceive that the Hay treaty affords this country the authority necessary to construct fortifications at the terminals, and along the course of the canal, and thereby arrange to make effectual a blockade which, in terms, the treaty forbids.

But conceding that we possess this right, a wise policy indicates that it should be waived in favor of neutralization. Unless we abrogate the Hay treaty, and repudiate the terms upon which the compact was secured, this country enjoys no exclusive right to the use of the canal, even in time of war. I freely agree that the United States is financially able to establish, and maintain any fortifications that the military experts may recommend. Our resources are practically inexhaustible, but this fact furnishes no reason why we should enter upon a scheme of fantastic and useless expenditures. Men who know the war game, men like Admiral Evans, and Gen. KEIFER, and many others, are agreed that fortifications at Panama will weaken our line of defense. Unless the garrisons are maintained on a war footing, they will be captured before relief arrives, in the event of an unexpected declaration of war. If they are continuously maintained on such a footing, the prime cost of the fortifications, added to this cost of maintenance, may well give us pause. It is the opinion of competent military men that the physical character and climatic conditions of the country of the zone, are such that terminal fortifications will defend the canal to little purpose against expeditionary forces landed in time of war and operating from the adjacent territory. The ends of the canal are well out in either ocean, so that a hostile fleet lying beyond the range of the forts, could attack our fleet as it emerged from the canal, and before it could form in line of battle. Hence in the result, it is our fleet that will protect the canal, and hinder the landing of expeditionary forces. Two ex-Secretaries of this Government, have declared against this scheme of fortification. Ex-Secretary of State Olney challenges the assertion, that the Hay treaty confers upon this country the right to fortify the canal, and propounds the trenchant inquiry: If the United States meant to secure in the Hay treaty, and Great Britain intended to concede, the absolute ownership, and control of the canal, with the consequent right to fortify the same, what was the occasion, or the reason, for this country to ask, and Great Britain to concede, the right to police the canal? True. The right to fortify and blockade, would include the lesser right to police the zone against lawlessness and disorder.

In a real sense, the United States is a trustee of this international highway, under the treaty stipulations. Hence the significance of the provision that it shall have the police authority necessary to protect the canal, and its works, against sporadic lawlessness. This authority properly attaches to such ownership and control as are provided for in the treaty. But the larger duty to afford complete protection against hostile attack, is a joint obligation, lodged in the two contracting parties. Ex-Secretary of the Navy, John D. Long, holds that a naval force at either end of the canal, with a moderate garrison on shore, will be ample force to protect the canal against irresponsible depredators. In his opinion, extensive fortifications are unnecessary. But I will not undertake to discuss the military and strategic features of the proposition to establish formidable batteries, and maintain an extensive army at Panama. Fortunately this phase, as all other phases, for that matter, of this situation has been exhaustively discussed by the Member from Ohio, Gen. KEIFER, who brings the knowledge of a soldier, with the prescience of a statesman, to the elucidation of this problem. The admirable speech which he has printed in the RECORD, is a mine of information for all who seek light on this subject, and it will remain a monumental contribution to the debate on this great question. The arguments on military grounds, which he advances against the proposition to fortify the canal, are of so cogent and convincing a character, that I reproduce them in full in this connection:

Barring all questions of the policy of neutralization of the Panama Canal, in the interest of and for the promotion of commerce, and universal peace among the nations, and putting aside all treaty obligations to neutralize it, or the Canal Zone, and regarding the canal only as to its value in time of war to which the United States is a party, and for strategic reasons alone, I believe that it is easy of demonstration that the United States should have its neutrality guaranteed by an international treaty, similar in terms and character to the Suez Canal treaty—1888—now in effect, embodied in the Hay-Pauncefote treaty.

If this Government was at war with a great maritime nation possessed of a superior army and navy, and otherwise strong enough to wage successfully an offensive war distant from its own shores, it would be a fearful misfortune to our country to have to maintain an army on the line of the Panama Canal and a navy in the waters of both oceans at its ends sufficiently strong to protect it from seizure and destruction.

If such a belligerent nation had a navy or fleet which we could whip on the sea with our Navy, we could find it in either ocean and destroy it. If it had one with which our Navy could not cope, then the enemy could soon blockade the canal and starve out and capture whatever army and navy, unless very large, we were unfortunate enough to have in the fortifications and at the terminals of the canal. Such a belligerent, with such a fleet, could soon, if necessary, pass around the Horn or through the—neutralized—Straits of Magellan, as did Capt. Clark with the *Oregon* during the late War with Spain in 1898; and the more, in such case, of our Army and war vessels we had sta-

tioned to protect the Panama Canal the weaker we would be for offensive or defensive work at more important places. If we should be at war with a weak naval power, a fortified canal would be of no possible strategic importance to us; and so if at war with a superior naval power the canal would not only be of no strategic importance, but a positive source of weakness to us.

If open, neutralized, never blockaded, and not fortified, as guaranteed by existing treaties, and the ships of war of a nation with which we were at war could pass through the canal unmolested, they would not do so until a base for coal, ammunition, and other absolutely necessary supplies were first established. Such a base would be impossible to find on the Atlantic or Pacific shores.

A war fleet on the ocean without an established base of supplies, unless near enough to its home base to keep up quick, certain, and regular communication by transports, would need no adverse fleet to destroy it. Such a fleet thus situated would be even worse off than an army on land campaigning without a base of supplies for food, forage, and ammunition in a country where they could not be found. Imagine Cervera's Spanish fleet leaving Spain in 1898 for America without a friendly harbor in which to take refuge and receive coal and other supplies. We heard much of Admiral Schley's troubles about not blockading Cervera's fleet for want of suitable or ample coal barges from which to coal the American Fleet.

Before our splendid Atlantic Fleet—16 ships—could start—1907—around the world we had to arrange for coal at foreign ports, and we expended for coal alone used on its voyage $2,984,900.41, at an extra cost of $1,619,843.32, the total expense of the entire voyage being $13,460,512.

The most serious objection to fortifying the Panama Canal, aside from the impracticability of it, is the fact that, in peace as well as war, the United States would have to keep an army and navy of substantial size *and strength* on the line and in the waters at the termini of the canal to defend it from attack should war suddenly break out. The example may be cited of Japan—February, 1904—seizing the harbors at Port Arthur and Chemulpo and capturing or destroying all the Russian vessels at Chemulpo, and capturing, destroying, or closely blockading Russia's warships and her best army, 25,000 effectives, then stationed at Port Arthur. Had these places been neutralized, or even abandoned, the Russian war vessels then in the Orient could have been in combined fleet at Vladivostok, or other place of comparative safety, from whence it could have operated effectively. As it was, the Russian naval power in the East was substantially destroyed or rendered inefficient the opening day of the war. And the subsequent attempt to hold and protect Port Arthur by Stoessel's Russian Army was equally unfortunate and fatal to success. The Russian strategists and critics, with those of other countries concurring, will never cease to attribute Russia's defeat to the mistake of trying to hold Port Arthur. They believe that if Stoessel's army could have been in concentration with the other Russian forces at the Yalu the Japanese never could have crossed it, and that the war would speedily have come to an end without the humiliation of Russia; that there would have been no destruction—1905—of the Russian fleet under Rojestvensky in the Japan Sea.

The sequel shows the supreme folly of the Russian's persistence, with one of its best armies and a remnant of its warships, in trying to hold Port Arthur until its other armies were beaten on several fields, and then finally losing Port Arthur and Stoessel's army with it in time for the Japanese army (Noga's) that captured it to join and take part in the final overthrow of the Russian main army at Mukden. And Russia's divided navy was annihilated as a natural consequence of such bad strategy.

In case our country should be at war our Army and Navy, to be effective, should be in concentration for offensive or defensive purposes against the enemy wherever he could be found—not engaged protecting a piece of property, however valuable.

Circumstances might possibly arise when, without fortifications, our Navy might be called on to protect the canal at the entrances or in the open sea, but then it would have the aid and cooperation of the powers which join in guaranteeing its neutralization.

With a large Army and Navy the canal might, at great peril elsewhere to the United States when engaged in war, be protected by the United States alone, but during such time no commerce could pass through it and no revenue would be derived from it, as a single warship of the enemy on either ocean could capture or prevent the entry or safe exit of any ships laden with commerce. Only batteries on high places near the entrances could blockade or defend the canal from injury by belligerent battleships. Possibly, only they could be erected and made available on one or more of the islands owned by the United States near its Pacific entrance. Battleships to protect the entrance would have to lay a good distance at sea, otherwise, at an inside-made harbor, from whence they could only move out one at a time, they could be shut in by an outside inferior fleet, aided, if necessary, by batteries on islands or the mainland not owned by the United States. Fortifications could be erected by an enemy on such islands or the mainland to command the channel entrances of the canal.

Indeed, the 5 miles limit of the Canal Zone on either side of the canal is, in this day of guns capable of accurately throwing shot 9 or more miles, far from being protective of it from batteries located on foreign territory. The Gatun, Pedro Miguel, and Miraflores locks could easily be put out of commission by guns located on heights not in the Canal Zone should the business of fortifying be entered upon. Panama, neither by its own—1903—nor by the New Granada treaty, is expressly forbidden to fortify on the line or adjacent shores of the canal; and judging by the past and present disturbed Central American conditions there is always danger of Panama becoming or being under the sovereignty of a country unfriendly to the United States.

All these dangers will be overcome by international neutralization and by the United States abiding strictly by the treaties. Authorized police regulations will amply protect the canal from the lawless and preserve order, and grim batteries on the shores at the entrances to it and at intervals along its line, with the most modern guns and armed men within them, will not dispense with such policing.

No ship would enter the canal to destroy it, even of a nation with which the United States was at war. Its own safety would be of first importance, and a nation would not desire to bring down upon it the guaranteeing powers while already engaged in war.

If a ship of any description entered the canal, pretending to acquiesce in its neutralization, but to do mischief, a thing hardly conceivable, it would not be entitled to protection if its purpose was discovered. Fortifications, however great, would not prevent a secret attempt by a ship or lawless band to injure the canal.

It has been suggested that a ship flying a flag of some country without right might enter the canal to dynamite its locks. This would mean its own destruction, and fortifications would be no protection against such, or like, deception. Again, I repeat, that only a ship of some nation has rights to be respected, and neutralization does not secure any rights save to those acting peaceably and in good faith. Guns need not be placed to fire on ships in the canal or in its locks.

All such dangers are, however, provided against, as the treaties expressly authorize the United States to "maintain such military force along the canal as may be necessary to protect it against the lawless."

Fortifications, batteries of great guns, at the entrances and on the line of the canal will be wholly useless for any purpose of its defense except to blockade it. Battleships will never enter it to attack or destroy it. They would be helpless there, unable to maneuver. They could not reach or injure the dams forming the lakes, and the destruction of the lakes or locks would be their own destruction. They will only enter to pass peaceably through the canal. So of all belligerent vessels. Fortifications can therefore only be of use to blockade the canal and could be otherwise of no practical use. Neutralization extends 3 marine miles beyond the canal ends, consequently a hostile fleet could not come within that limit without violating the treaties.

Admiral George Dewey, who is possessed of great knowledge and much experience, whose great success at Manila, May 1, 1898, resulted practically in overthrowing and destroying the Spanish fleet the first day of the Spanish War, when asked to approve the proposed fortifications and armament on the Panama Canal, is reported to have said:

"Fortifications? Why, of course not. As I understand it the canal is to be and should be a neutral commercial pathway between the two great oceans. To fortify it would simply result in making it a battle ground in case of war. Fortifications would be enormously expensive and ought not to be erected."

This summary of Admiral Dewey states well the extreme danger in time of war of having to employ forces in distant parts to protect property. The scattered fleets of Spain, when war came in 1898, afforded another striking example of bad strategy.

The fact that Spain tried to defend the far-off Philippines resulted in the same prompt discomfiture that befell Russia at the opening of the war with Japan.

Unless large forces, both Army and Navy, were constantly maintained on and adjacent to the Panama Canal, however fortified, a similar disaster would, if war came, most likely befall the United States.

To thus maintain an army and navy would be at great annual cost of treasure and of life. It would require the material increase of both our Army and Navy, now generally regarded as too small.

The report of the Panama fortification board, January 4, 1911, unless carefully examined, might be misleading as to the necessary cost of fortifications, though not as to their purpose. Their principal purpose is clearly stated to be the blockade of the canal against all comers; they are, in large part, described as "seacoast defenses for the termini of the canal * * * seacoast fortifications." The report also recommends naval stations and their equipment, including dry docks, searchlights, fire control, and so forth, at the termini, and whatever else is incident thereto.

It may be said that such war preparations do not mean blockade only as necessity arises; that there might be neutralization still. Their erection will be an act of war forbidden by all treaties, and they mean blockade of the canal, likewise forbidden, in war or peace, by the treaties.

The preliminary initial estimate in the board's report, as originally made, was $19,546,843, but it is cut for the present, under instructions, to $12,475,328, not including anything for "the cost of construction for naval purposes" nor for the Navy, the necessary "naval establishments," nor for the naval equipment, emplacements, armament, and forces to occupy them recommended by the board. Important points at both termini deemed necessary by the board for sufficient fortifications are also excluded from the present estimate, and only 12 companies of Coast Artillery, 4 regiments of Infantry, 1 battalion of Field Artillery, and 1 squadron of Cavalry—ordinarily, as now recruited, about 5,000 effective men; no naval forces—are estimated for as "an army garrison to be maintained on the Canal Zone in time of peace." This would be an average of about 100 men to the mile—not a respectable police force. Stoessel was shut up and finally captured in 1905 by Japan at Port Arthur with an army garrison strongly fortified, stationed in time of peace, of 25,000 men. To fortify and garrison a zone thus feebly 50 miles in length would only invite prompt capture by an enemy if war broke out.

If the canal is to be fortified and blockaded, it should be done with such ample works, armament and garrisons, naval stations and forces, and vessels of war as would defy the greatest naval power. There dare not be fortifications with garrisons and naval stations and navy only sufficient in time of peace.

If the United States assumes, as to the canal, an attitude of war, it must always there keep on a war footing, otherwise it would be seized before the defenses could be enlarged or reenforced. This would only be modern experience. Wars break out suddenly now, differing from earlier times. If fortifications, naval stations, and so forth, are to be established on the canal they should be adequate and kept ready at all times for strong war.

An estimate to cover the original cost for ample fortifications, armament, garrisons, permanent camps and barracks, naval stations, dry docks, searchlights and fire control, marines, purchase of sites, ships to be constantly at the stations, and so forth, of $100,000,000 will prove far too low; likewise, an estimate for their annual maintenance, including sanitation, of $10,000,000 is too low.

In my estimates I include nothing in the way of military and naval construction not recommended by the Fortification Board; and I have omitted from them the cost of positions outside of the Canal Zone on the mainland and islands, which the board seem to regard as important.

There seems to be a well-grounded belief among our high military officers that the fortifications on our main, or continental coasts, and our small Regular Army and Navy are far from adequate for our protection in the event of war, and that many millions of dollars should be promptly spent to put our country in only scant preparedness for war. If this is true, then it alone furnishes a most important reason why we should not fortify the Panama Canal if it can otherwise be protected.

Our continental coast line, excluding bays and inlets and the Alaskan coast, is above 32,000 miles in length, one and a third times the circumference of the earth at the Equator.

An army constantly kept on the Isthmus would be subject to the ravages of disease common to it, unless the sanitation now maintained thereon at an annual cost aside from administration of about $2,000,000 was kept up. But for such sanitation the canal would not be built, as the Chagres River-Isthmus region is naturally the most deadly one from disease, yellow fever and the like, in all the world, as its history for above 400 years proves. It is not proposed to maintain such general sanitation beyond the time of its completion.

Our Army and Navy, to meet the new and additional requirements resulting from the United States having constantly to protect the Panama

Canal, would have to be increased from their present inadequate strength at least 25 per cent before there would be any well-grounded security in case of a sudden outbreak of war. The strength of the Regular Army on October 15, 1910, was 4,310 officers and 67,459 enlisted men. The cost of creating such increases and the necessary additional cost of maintaining continuously a considerable number of soldiers, sailors, and marines on the canal and its adjacent waters would be comparatively very great, as all their wants would have to be supplied from long distances; in time of war convoyed to them.

This country should hesitate long before taking upon it such an additional and oppressive burden at a time when there is little or no room to doubt that existing international treaties completely guarantee the neutralization of the canal, and also when a more general international treaty, easily negotiated, will effectually and perpetually protect it in a state of neutralization without special expense to the United States and by which it will forever, irrespective of the events of war, have its title thereto guaranteed, with all the revenues receivable therefrom.

The foregoing are only some of the principal reasons why, for strategic purposes in time of war to which the United States is a party, it should on every consideration of interest rejoice over the neutralization of the Panama Canal.

The tendency of this age is toward the neutralization of waterways and of countries, in the interest of peace. The Black Sea, a large portion of the Danube, the Bosphorus, the Dardanelles, the Straits of Magellan, Switzerland, Belgium, Norway, the Rio Grande, and many other rivers, all have been neutralized by effective treaties. For over 75 years, the Rush-Bagot arrangement has been in operation, neutralizing, to all intent, the Great Lakes and the St. Lawrence River.

The neutralization of our great waterway through international agreement, will be a majestic contribution to the cause of universal peace. There is but one country that can take the initiative in this matter. That country is the United States. This is the day of our opportunity, if we would go forward as peacemakers. Prudence, sound policy, and material interest alike counsel us to extend an invitation to the powers of the world, to participate in a conference to neutralize the canal. Such a step will be the inevitable beginning of universal neutralization, a consummation most devoutly to be wished. The construction of the Panama Canal is the crowning achievement of an age of material wonders. Wonderful indeed have been the triumphs of the Anglo-Saxon people over the physical world.

We have tunneled the heart of darkness, we have traveled the upper air,
For who shall write in the book of man, this thing thou shalt not dare?
So we of the race of dominance, lords of hand, and of brain,
Have wielded the staff of Moses, and cloven the land in twain.

The races of men will mingle, when the seas of the earth are wed,
The ships of a hundred nations, the path of the sun will thread,
And the golden galleys of commerce, borne by the winds of fate,
Will cast their magnificent anchors, hard by the Golden Gate.

[Loud applause.]

Mr. SHERLEY. Mr. Chairman, it is a curious fact that in all the discussions relative to the fortification of the Panama Canal—a subject that has been acute not only in the minds of the American people, but of the world for the past few months—no voices have been raised, save those of Americans, to deny the power of this country to fortify and protect the Panama Canal.

Is it not a very curious fact, if the position of these gentlemen be correct, that England should remain silent now for eight years after an express declaration on the part of America that we propose to fortify the canal? Is it not a curious fact that in the year 1903 the treaty made with Panama, by which we acquired the sovereignty which enables us to build the canal, carried expressly a provision stating that we had the right to fortify the canal?

If that was in contravention of the Hay-Pauncefote treaty, then was the time for England to declare her opposition and to let this country know that in her opinion she would consider an attempt at fortification on our part a violation of the treaty. But nothing has occurred on the part of the other contracting party to indicate that she considers that we are violating her rights. When we passed the Spooner Act no protest came from England to declare that that act was in contravention of the treaty; and yet if it be true that the treaty denied the power to fortify, the fact that that act expressly instructed the President not only to build but to make provision for the defense of the canal made it a violation of that treaty.

But, gentlemen, how absurd in the light of the history that surrounds the building of the great American canal this contention must seem! We entered into a treaty in 1850 with England, known as the Clayton-Bulwer treaty, and I state that that treaty had more to do with the delaying of the building of the Panama Canal than any other single thing. Shortly after it was entered into American statesmen realized, because of the geographical condition of this country and the development of the great West of America, that we could not afford to have a canal across the Isthmus which was not an American canal, controlled by Americans, policed by Americans, and, if need be, defended by Americans.

And so it was that negotiations were begun and continued for years to get away from the binding effect of that treaty, and Mr. Blaine, in one of his papers to the British Government, called attention to the various reasons why this country could not rest content to leave that treaty in existence without limit of time; that conditions had so changed as to make it essential that America should be free to build and defend her own canal. And when, after years of such negotiation, a treaty was submitted by President Roosevelt that left some doubt on this question, it was rejected by the Senate of the United States, and another treaty was found to be necessary, and as a result we have the treaty of November, 1901.

Is it not a curious fact that in that treaty not only is the first article a repeal of the Clayton-Bulwer treaty, but the statement that the contracting parties shall be the guarantors of the neutrality of the canal that was in the first Hay-Pauncefote treaty is omitted, and it is provided that the United States itself shall guarantee that neutrality?

Mr. KEIFER. Will the gentleman please indicate that clause? I am perfectly certain there is no such clause in the treaty at all.

Mr. SHERLEY. The gentleman should not be so sure about it.

Mr. KEIFER. If the gentleman will read it, he will find that it relates to the adoption of the neutralization provided for under the Clayton-Bulwer treaty.

Mr. SHERLEY. It does relate to the adoption of a basis of neutralization, but this fact is to be borne in mind, that the treaty prior to that in dealing with the same subject of the adoption of rules of neutralization declared that the high contracting parties adopted, and so forth. Why, then, in this treaty the unusual language that the United States adopts, and so forth? If there was meant to be no difference, if the same idea was to be conveyed, why bring into the matter a question of doubt? Why change the usual language in diplomatic agreements and bring in an unusual term?

Mr. KEIFER. It was in the preamble.

Mr. SHERLEY. I do not know what the gentleman means, but what I have stated I hope is plain to the committee.

Now, Mr. Chairman, I do not want to take the very brief time allotted to me in a statement as to our right to fortify.

To my mind, no man can approach that question with an open mind and read all of the treaties relating to it and come to any other conclusion, particularly in view of the silence of the nations that might have a right to protest. I say again that it is curious that some of us here should be the only ones to find a violation of treaty obligations.

But assuming that we have the right to fortify, I want to discuss somewhat briefly the reasons why we should fortify. I shall never willingly consent to the proposition that, having spent $400,000,000 to create this canal joining the two oceans, a canal that was built largely because of what we believed was a military necessity, for it remains yet to be determined whether economically we have been justified in this vast expenditure of money—I say I shall never agree after having expended that amount of money to leave that canal open in a time of war to our enemy upon the same conditions as we could use it ourselves. Such a proposition seems to me almost idiotic. Neutrality when we are at war, for that is what you have to consider, presents one of two propositions: Either the canal must be closed to both the United States and its enemy, or open to both during the war. In either event we give our enemy everything and get nothing. It has been repeatedly stated that the justification of the canal was that it made our fleet twice as effective; that it enabled it if in the Atlantic to go through into the Pacific, and if in the Pacific to go through into the Atlantic; and yet, if this canal is to be neutralized in the sense in which these gentlemen mean it, in case of war with Germany and our fleet happened to be on the Pacific, we could not use the canal, or if we could use it Germany could use it also. If we had war with Japan and our fleet was in the Atlantic, the same thing would be true. In other words, we destroy the material advantage we should have from building the canal.

Mr. TAWNEY. Will the gentleman yield for an interruption?

Mr. SHERLEY. I will.

Mr. TAWNEY. I assume that the gentleman is familiar with the debates, especially in the Senate, where the matter was debated at great length as to whether we should authorize the construction of the canal. Has the gentleman been able to find, or can he point to but one sentence in that debate, uttered by Senator Hanna, to the effect that we would authorize or propose to authorize the canal as a military asset or for military purposes?

Mr. SHERLEY. I am not familiar enough with the debates to tell the gentleman. Even assuming that the gentleman's statement is correct, it would not necessarily determine any-

thing. Why, if we had to determine what laws meant by what is said on this floor as to what they mean, Lord have mercy upon us and the administration of justice! There are enough opinions given every day on every bill that comes up here to substantiate any contention.

But I go back to the proposition as to what is our duty as a Nation looking forward to the events of the future. Neutrality is a beautiful dream, but neutrality has never yet stayed the hand of a nation that felt its national life imperiled. I would like to see possible the Utopian dream of these gentlemen when men shall cease to go to war, and when everything shall be decided in a great international court of justice, but that day is far, very far away. We are told of the neutrality of the Suez Canal. Prior to the adoption of the convention of 1888 did England observe the neutrality of the Suez Canal when she went to war?

Mr. KEIFER. Yes.

Mr. SHERLEY. By no means. She seized part of the canal and made it the base of her operations. That was her conception of neutrality when she felt the necessity of the moment. Not only that, but she has never yet agreed in so many terms, and within recent years has through a high official denied, that she had fully given her consent and was bound by the terms of the *Suez* agreement.

I say to you another thing—that if she did, the conditions are in no sense similar to those in America. The Suez is her route to India and to Australia, yet the route around the Cape of Good Hope is not much greater than it is through the canal. The Panama Canal is our route to the Pacific, but it is infinitely shorter than the route around South America. Not only is that true, but England has always depended for her supremacy on the navy—on the fact that she maintains a navy equal to the strength of any two other nations. She looks to that to protect her rights and she looks to Gibraltar and to the fortifications that she has put right at the mouth, so to speak, of the Suez to enable her to maintain her position. But let us take up another contingency. Suppose Suez was captured or taken by an enemy of England. It would in no sense imperil her safety, but if Panama falls into the hands of an enemy of America the situation is entirely different. The cases are in no sense parallel. But we hear much of the neutralization of certain countries. Men speak of Switzerland, and yet Switzerland maintains an army of extreme effectiveness in order to make certain that neutrality. They talk of the neutrality of Belgium, and yet when the Franco-Prussian War came on it was the marching of the Belgian soldiers along the frontier that preserved her neutrality to her. I am not willing to leave what I believe to be practically a coastline of America to the uncertainties of the observance of treaty obligations, even though all the nations of the earth enter into them.

Mr. KEIFER. Will the gentleman yield?

Mr. SHERLEY. Yes; for a question.

Mr. KEIFER. I wanted to know the date of the time the gentleman says England seized the Suez Canal.

Mr. SHERLEY. I can find it in a moment, but the gentleman can hardly expect me to go through papers now. I will give it to him personally in a few moments. Let me suggest another thought to the members of this committee. What happens in the case of the violation of neutrality? Who is to do the punishing? Where is the great international force that shall guarantee the observance of international agreements? Suppose we have a war with a foreign country, do you suppose all the other nations of the earth are going to be on our side? No; the moral support of a number of them will be with our opponents. Do you suppose that in case of violation of neutrality by our opponent that those whose sympathies or whose interests lie with our opponent are going to come in and punish? Gentlemen should remember that the Panama Canal is American property, a natural place for an enemy to seek to seize, and he can well risk the uncertain and future punishment of neutrals whose interests are not involved for the great advantage he would have in striking almost a deathblow at his enemy. If we want to make certain the neutrality of this Isthmus we must do it by our own power, by our own force. [Applause.]

Mr. SAUNDERS. Will the gentleman from Ohio give me about 10 seconds?

Mr. KEIFER. Certainly.

Mr. SAUNDERS. My friend from Tennessee asked a question, and I desire now to give him the information in order to have it go in the RECORD. In December, 1849, the President instructed Mr. Foote, then our minister to New Granada, to urge upon that Government to take measures to negotiate a treaty with Great Britain to secure a guaranty of neutrality for the Isthmus of Panama.

Mr. KEIFER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I am somewhat surprised at the statement of the gentleman from Kentucky, whom I have always regarded as absolutely correct when he discusses a proposition. I am surprised at the statement that he makes that this canal was constructed primarily as a military basis of operations. Why, Mr. Chairman, for more than 75 years every message that was sent to Congress by the Presidents of the United States dealt with this question purely upon a commercial basis. The gentleman talks about this canal being a matter of strategic importance as a military point and was chiefly built for that purpose. I want to call his attention and the attention of this committee to the fact that after we had the War with Spain, after we had sent the *Oregon* around the Horn in 1898, two years after that, President McKinley sent a message to Congress, and with it a treaty, asking that this canal, when built, should not be fortified, should never be blockaded, but should be open in time of war and in time of peace to all nations and to all flags.

Mr. TAWNEY. If the gentleman will permit me, President Roosevelt, subsequent to the recommendation of President McKinley when sending the first Hay-Pauncefote treaty to the Senate, made the same recommendation.

Mr. CLINE. He did the same thing, Mr. Chairman, and I call attention to the message of President Roosevelt in 1904, in which he reiterated the same proposition. Talk about the neutrality of the Suez Canal! Why, Mr. Chairman, the Suez Canal has always been on a basis of absolute neutrality; and in 1887, when Russia intimated that she would blockade that canal, which never has been blockaded and has always been open to the trade of every nation on the globe, England submitted to Russia that she would consider any attempt to blockade it as an interference with her interests in India, and as a result of that the six great nations of Europe met at Constantinople in 1888 and signed an agreement whereby they were to maintain the canal absolutely on the basis of neutrality——

Mr. SHERLEY. Will the gentleman yield?

Mr. CLINE. No; I can not yield.

Mr. SHERLEY. Has England ever signed that agreement?

Mr. CLINE. I can not yield. Absolutely on a basis of neutrality. I want to call the gentleman's attention to another proposition, viz, that we never have negotiated a treaty with South America and never negotiated a treaty with England or with any other power with reference to a transcontinental route over the Isthmus, but what we urged as the very basis of that treaty the absolute neutrality of the canal. Now, I want to call attention to another fact which seems to me to be important. When the treaty of 1901 was before the Senate it contained, which were afterwards adopted, these provisions:

The canal shall be free and open to the vessels of commerce; that it never should be blockaded; that vessels of war of belligerents shall not revictual nor take any stores in the canal except so far as may be strictly necessary; that no belligerents shall embark or disembark troops; that the provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. It contains all the elements of neutrality. Now it happened at that time Mr. CULBERSON of Texas offered this resolution:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

What did the Senate of the United States do with that proposition? It voted it down by a vote of 44 to 26. Does that look as though they wanted to constitute the canal a strategic point in times of war and fortify it? Another proposition that was made there was made by Mr. TILLMAN, that we should strike out the provision for the neutrality of that canal based upon the provisions of the Constantinople agreement.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CLINE] has expired.

Mr. KEIFER. I yield two minutes more to the gentleman.

Mr. CLINE. Mr. TILLMAN offered a proposition that we should strike out the very basis of this neutralization that was found in the Constantinople agreement. And the Senate of the United States refused by a vote of 65 to 15 to do that. Then come back and tell me that we reserved in that treaty the right to fortify? Why did not the United States say so in the treaty if it proposed to reserve the right to fortify? That is the proposition. Why did it not do so in that treaty? I call the attention of the committee to the fact that the Congress of the United States in adopting that treaty knew that the agreement was that England had conceded to us the right simply to protect

the canal against lawlessness and disorder by policing it; and not to fortify.

And another fact, England refused to ratify that treaty, and the correspondence is here, until the United States should make as the basis of it the provisions for neutrality as embodied in the Constantinople convention.

Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

Mr. HUGHES of New Jersey. Is the Constantinople convention the one that dealt with the Suez Canal?

Mr. CLINE. Yes, sir.

Mr. KEIFER. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Eighteen minutes.

Mr. TAWNEY. Mr. Chairman, before he left the floor I asked the gentleman from Iowa [Mr. SMITH] if it was satisfactory to him if at 7 o'clock, inasmuch as it was due to the Members who have remained here and have not yet had an opportunity to get anything to eat, to take a recess until 8 o'clock. Members have gone away with the idea and understanding, which was, in fact, made upon the floor of the House, that this debate would continue until half past 7 o'clock, and that the debate under the five-minute rule would not commence until then. So it would not be fair for us to go on and conclude the consideration of this matter now.

Mr. HINSHAW. Some of us have stayed here for two hours now, expecting to vote.

Mr. TAWNEY. I suggest we take a recess until 8 o'clock.

Mr. JOHNSON of Kentucky. I object to that. I have stayed here all the time without knowing anything about that arrangement.

Mr. HUGHES of New Jersey. Mr. Chairman, reserving the right to object to the unanimous consent reserved by the gentleman, I would like to know if there are any gentlemen who desire to be heard further?

Mr. TAWNEY. The gentleman from Iowa [Mr. SMITH] has consumed all of his time except 5 minutes, and he said there was no demand for it, and the gentleman from Ohio [Mr. KEIFER] has consumed all of his time except 18 minutes.

Mr. SHERLEY. I think he reserved the five minutes himself, in the event that he might want to close the debate.

Mr. TAWNEY. I will say that he reserved that for himself. Let us take a recess, say, until 7 o'clock and 30 minutes, then. I have not had anything to eat since breakfast. At the suggestion of gentlemen around me, I move that we take a recess until 7.40 p. m.

The CHAIRMAN. The Chair would suggest to the gentleman that the committee will have to rise before taking a recess.

Mr. TAWNEY. Mr. Chairman, I then move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move that the House take a recess until 7.40 p. m.

Mr. HINSHAW. Mr. Speaker, what is the regular order?

The SPEAKER pro tempore. The regular order is anything the House may bring before it.

Mr. HINSHAW. I am in favor, Mr. Speaker, of the regular order. I want the House to go ahead and read this bill. Some of us have stayed here two hours, now, expecting this vote, and I am not going to stay here for it until the time mentioned, and I think some others are of the same opinion, if you are going to take a recess.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. HINSHAW] demands the regular order, which is equivalent to an objection.

Mr. TAWNEY. What is the regular order?

Mr. BUTLER. To go back into committee.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32909, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32909, the sundry civil appropriation bill, with Mr. MANN in the chair.

Mr. SIMS. Mr. Chairman, this is too important a debate to be carried on before empty desks. If we are going to stay here and debate, I do not see why the Members should not be here.

Mr. SHERLEY. I suggest to the gentleman that he make his point; let him go ahead and make it.

Mr. SIMS. Very well. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN (after counting). Fifty-seven gentlemen are present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Ellerbe	Knapp	Plumley
Aiken	Ellis	Knowland	Poindexter
Alexander, Mo.	Elvins	Korbly	Pou
Alexander, N. Y.	Englebright	Küestermann	Pratt
Ames	Estopinal	Lafean	Prince
Anderson	Fassett	Langley	Pujo
Andrus	Ferris	Latta	Rainey
Ansberry	Fish	Law	Randell, Tex.
Anthony	Focht	Lawrence	Ransdell, La.
Ashbrook	Foelker	Legare	Rauch
Barchfeld	Fordney	Lever	Reid
Barclay	Foss	Lindsay	Rhinock
Barnard	Foster, Vt.	Lively	Richardson
Barnhart	Fowler	Livingston	Riordan
Bartholdt	Fuller	Lloyd	Roberts
Bartlett, Ga.	Gaines	Longworth	Rodenberg
Bates	Gallagher	Loud	Rothermel
Bennett, Ky.	Gardner, Mass.	Loudenslager	Rucker, Colo.
Bingham	Gardner, Mich.	Lowden	Rucker, Mo.
Boehne	Gardner, N. J.	Lundin	Sabath
Boutell	Garner, Pa.	McCall	Saunders
Bowers	Gill, Md.	McCreary	Scott
Bradley	Gill, Mo.	McCredie	Sharp
Broussard	Gillespie	McDermott	Sheffield
Burke, Pa.	Gillett	McGuire, Okla.	Sherley
Burke, S. Dak.	Glass	McHenry	Simmons
Burleigh	Goebel	McKinlay, Cal.	Sisson
Burleson	Goldfogle	McKinley, Ill.	Slayden
Byrd	Gordon	McKinney	Slemp
Byrns	Graff	McLachlan, Cal.	Small
Calder	Greene	McMorran	Smith, Cal.
Calderhead	Gregg	Madison	Smith, Mich.
Campbell	Griest	Malby	Smith, Tex
Capron	Guernsey	Martin, Colo.	Snapp
Carter	Hamer	Martin, S. Dak.	Southwick
Cassidy	Hamilton	Maynard	Sperry
Clark, Fla.	Hammond	Miller, Minn.	Stafford
Clark, Mo.	Hardy	Millington	Stanley
Cline	Harrison	Mondell	Steenerson
Cocks, N. Y.	Havens	Moon, Pa.	Stevens, Minn.
Cole	Hay	Moon, Tenn.	Sulzer
Cooper, Pa.	Hayes	Moore, Tex.	Swasey
Coudrey	Heald	Morehead	Talbott
Covington	Heflin	Morgan, Mo.	Taylor, Ala.
Cox, Ohio	Henry, Conn.	Morgan, Okla.	Taylor, Colo.
Cravens	Henry, Tex.	Morrison	Taylor, Ohio
Creager	Higgins	Morse	Thomas, Ky.
Crow	Hill	Moss	Thomas, N. C.
Crumpacker	Hitchcock	Moxley	Tilson
Currier	Howard	Mudd	Tou Velle
Dalzell	Howell, N. J.	Murdock	Townsend
Davidson	Howell, Utah	Murphy	Volstead
Davis	Hubbard, Iowa	Needham	Vreeland
Dawson	Hubbard, W. Va.	Nelson	Wallace
Denby	Huff	O'Connell	Washburn
Denver	Hughes, Ga.	Olcott	Webb
Dickinson	Hughes, W. Va.	Olmsted	Weeks
Dickson, Miss.	Hull, Iowa	Padgett	Weisse
Dies	Humphrey, Wash.	Page	Wheeler
Dodds	James	Palmer, A. M.	Wiley
Douglas	Johnson, Ohio	Palmer, H. W.	Willett
Draper	Jones	Parker	Wilson, Ill.
Driscoll, D. A.	Joyce	Parsons	Wood, N. J.
Dupre	Kahn	Patterson	Woodyard
Durey	Keliher	Payne	Young, Mich.
Dwight	Kennedy, Iowa	Pearre	Young, N. Y.
Edwards, Ky.	Kinkead, N. J.	Peters	

Under the rule the committee rose; and Mr. BENNET of New York having taken the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil bill and, finding itself without a quorum, the Chairman, under the rule, instructed the Clerk to call the roll, and he returned herewith a list of the absentees.

The SPEAKER pro tempore. One hundred and eight Members are present—a quorum—and the committee will resume its sitting.

Mr. MILLER of Kansas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Kansas. The two hours for general debate having expired, would it be in order to ask for the reading of the bill under the five-minute rule?

The CHAIRMAN. The time for general debate has not expired.

Mr. KENDALL. Mr. Chairman, the time for general debate expired at 7.20.

The CHAIRMAN. The gentleman is mistaken; it did not.

Mr. KENDALL. Does the Chair have any disinclination to advise the House when it will expire?

The CHAIRMAN. It will expire after two hours of general debate.

Mr. GOULDEN. Mr. Chairman, the matter of protecting the valuable property of the country—when finished $400,000,000 will have been expended—is of grave importance to the Nation.

I realize that an honest difference may exist as to the propriety of fortifying the Isthmian Canal.

Having had the satisfaction of visiting this great enterprise and investigating the matter as fully as my limited time would permit, I am convinced that the Committee on Appropriations acted wisely in making this provision, so as to permit the inauguration of the proper fortifications.

I am heartily in favor of the plan to fortify the canal. It is too great a risk to trust to peaceful measures. Treaties and neutralization are all right, but in case of war I had rather trust to proper fortifications and a well-disciplined and fully equipped Army and Navy.

The other day we discussed the urgency of adding 430 officers to the Regular Army. This was intended to supply the National Guard of the States, the mainstay of the Nation in time of domestic trouble or foreign invasion. The false spirit of economy in vogue in this Congress caused that necessary addition to be cut down to 230. Prudence would have justified an increase instead of a decrease, and I trust that the body at the other end of the Capitol will at least restore the number to 430.

I have great faith in the National Guard, the nucleus of grand volunteer armies, upon which the country must rely in case of war, of which, thank God, no cloud is visible anywhere. The views of that distinguished engineer in charge of the Isthmian Canal, Col. Goethals, whom we had the satisfaction of hearing in this Chamber last week, confirms me in my conviction that fortifications should be started at once and completed as early as practicable.

It will afford me special pleasure to vote for the appropriation of $3,000,000 recommended by the Appropriations Committee in this bill. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. If the Chair is correct, the gentleman has 5 minutes and the gentleman from Ohio has 18 minutes remaining.

Mr. KEIFER. Mr. Chairman, I am not going, as I indicated in the first place, to make any systematic answer to the various things that have been stated here. I only wish now to call attention to some mistakes that have been made by gentlemen who have preceded me. The gentleman from Kentucky [Mr. SHERLEY] finds, on looking at his memorandum, that the incident in which he says England seized the Suez Canal and violated the treaty at one time was in 1878, just 10 years before the treaty was formed. [Applause.]

England did do certain things at that time in violation of some things that the Khedive of Egypt, under the Sultan of Turkey, was trying to maintain which was thought not to be honorable; but it was out of this and for the purpose of preventing that very thing from ever occurring again that the great nations of Europe, consisting of Russia, Turkey, Germany, Austria-Hungary, Italy, the Netherlands, Spain, France, and England, entered into the Suez Canal treaty, and it has never been violated from that day to this. According to my inquiry, not a single dollar has ever been expended looking to the fortification of the Suez Canal in any way. No fortifications have been built or exist for its blockade or defense.

Mr. SMITH of Iowa. Does the gentleman claim that the treaty of Constantinople has ever gone into effect by its terms?

Mr. KEIFER. Absolutely; and the United States in June, 1898, appealed to Great Britain, that controlled it largely, to know whether under the terms of it we might send a fleet through the canal without interruption, and it was said that we could, and Spain, with whom we were then at war, assented to it. [Applause.] I put the correspondence between the State Department and the English authorities in my speech here of May 17, 1910.

Mr. KOPP. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. KOPP. In the case of the Suez Canal, would it ever have been practicable to operate the canal except by international treaty?

Mr. KEIFER. With or without an international treaty in time of peace. I suspect that the gentleman has in his mind the proposition that international treaties are only made for peace and not for war, but the rule is that they are made for war and never for peace. Neutralization for peace! That is the most absurd suggestion that was ever made. Neutralization is to prevent war involving certain property or territory when war exists. But for war there would and could be no such thing as neutralization. No nation can alone neutralize its own possessions. It requires an international treaty to guarantee neutralization and to make it effective. International treaties neutralizing a great common-carrier public highway like the Panama Canal is designed to be, in which all the nations of the world have a common interest, never have been and never will be disregarded. Such treaties are wholly different from treaties between two nations or treaties merely to neutralize a territory or country solely for the benefit of its inhabitants. The latter treaties may sometimes be broken, the former never are.

I might say about this document the gentleman from Iowa [Mr. SMITH] read from, that if he will look at the title he will find it was prepared by somebody advocating, doubtless, the ratification of the treaty of November, 1901, regardless of what its stipulations were, not by John Hay, who had negotiated it for the United States, but the document was prepared with reference to the operation of the Clayton-Bulwer treaty, and the only thing John Hay had to do with it was to send it up to the Senate, where they disregarded it all the way through. He knew the treaty spoke for itself and was plain and easy of construction.

Mr. DIEKEMA. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] makes the positive statement that this communication was sent by Mr. Hay.

Mr. KEIFER. That is true.

Mr. DIEKEMA. And the gentleman from Ohio denies it. What reason has he for denying that this is the authentic statement made that Mr. Hay sent it to the Senate?

Mr. KEIFER. I say he stated the truth if he stated it in that way, and that is exactly what the paper says. There is some fine print in brackets here, under the heading on page 2, which reads:

> Prepared in the Department of State and sent by Mr. Hay to the Senate Committee on Foreign Relations.

Mr. KENDALL. Did it not go there with his authority?

Mr. KEIFER. Oh, the gentleman is making a discussion about it. Why did he not prepare it? Because he concurred in what President Roosevelt said, that the treaty carried with it all the neutralization policies that had been maintained in this country for 50 years, and as embodied in the Clayton-Bulwer treaty; and that is the reason he did not prepare any such stuff as that. But they say the Clayton-Bulwer treaty was superseded, both the gentleman from Iowa and the gentleman from Kentucky, and they talk as though they believed that. In the proclamation the President of the United States, Mr. Roosevelt, says that the Clayton-Bulwer treaty was set aside.

> Without impairing the general principles of neutralization established in Article VIII of that convention.

The preamble to this Hay-Pauncefote treaty recites that it is made to remove all objection to the construction by the United States of a canal that may arise out of the terms of the Clayton-Bulwer treaty—

> Without impairing the general principle of neutralization established in Article VIII of that convention.

I turn now to Article IV of the same treaty and read:

> It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.

This I read from the treaty of November 18, 1901, now in force. Nothing is plainer than that all the neutralization established by the 1850 Clayton-Bulwer treaty was continued and still remains in full force.

Mr. SMITH of Iowa. I would like to ask the gentleman what he has to say with reference to the first article of the existing treaty, which is that the high contracting parties agree that the present treaty shall supersede the aforementioned convention, which was the Clayton-Bulwer treaty.

Mr. KEIFER. The gentleman asks a question that seems to come too late, as it is plainly declared in the opening part of the treaty that the neutralization of the Clayton-Bulwer treaty is to be preserved, as the President of the United States in his proclamation, which I hold in my hand, states; and the fourth article thereof, that I have just read, says the same thing. So the neutralization of the Clayton-Bulwer treaty was readopted in the Hay-Pauncefote treaty, and it remains still in full force. Now, I want to call attention to another mistake on this same line. The gentleman from Kentucky [Mr. SHERLEY], I think it was, who talked about a clause in the treaty by which we preserved only certain principles of the Clayton-Bulwer treaty, and he was as careless about that as some other things, for where that is spoken of in the treaty nothing is said about the Clayton-Bulwer treaty at all. I read the first paragraph of article 3, to which he referred:

> The United States adopts as a basis of neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

And there is not a word in that article or any article of the treaty in relation to the Clayton-Bulwer treaty at all, but it only adopts the neutralization principles—nonfortification, no act of war, and no blockade—of the Clayton-Bulwer treaty,

which is continued in force, and by Article III the rules of neutralization "substantially as embodied" in the Suez Canal treaty are also adopted and, in effect, made part of the Hay-Pauncefote treaty and made applicable to the Panama Canal.

Both the gentlemen from Iowa and Kentucky, with apparent earnestness, refer to and quote from paragraph 1, Article III, of the Hay-Pauncefote treaty and exclaim loudly that it shows that the United States alone guarantees the neutralization of the canal, and they pretend to think that it could do so.

There is not a word in that paragraph about the United States or any nation guaranteeing neutralization; it only refers to the basis of neutralization. It reads:

The United States adopts as the basis of the neutralization of such ship canal the following rules.

And so forth. This claim is hardly ingenuous.

Article IV, as I have shown, and other parts of the treaty speak of "the obligation of the high contracting parties" to neutralize the canal.

Now, Mr. Chairman, one other thing. Somebody says that we made a treaty with the Republic of Panama by which we expressly provided for the fortification of the canal. Now, if I wanted to go on record, I would say there was no such treaty ever made and nobody ever discovered one of that kind.

Let me read from the treaty, the last one in date. It speaks for itself, and if gentlemen are right that the November (1901) treaty means nothing, we have had the silliest, most foolish, and most ignorant class of people at the head of this Government for some years past that could possibly be conceived of. Turn to the eighteenth article of the treaty with the Republic of Panama, which bears date of November 18, 1903, and after the Spooner Act was passed that gentlemen here have been talking about, signed two years to a day after the Hay-Pauncefote treaty of 1901:

The canal, when constructed, and the entrances thereto shall be neutralized in perpetuity and shall be open upon the terms provided by section 1 of Article III of and in conformity with the stipulations entered into by the Governments of the United States and Great Britain on November 18, 1901.

That is the sort of agreement for fortifications we find; but, to nail down the question, turn to Article XXV of the same treaty, which reads: "For the better performance of the engagements of this convention and to the end of an efficient protection of the canal and the preservation of its neutrality the Government of the Republic of Panama will" do so and so. Protection; they talk about that as though it meant something. In the Suez Canal treaty is a provision for protection, and in the Hay-Pauncefote treaty, now in force, of November 18, 1901, is a provision for protection, and in the twenty-third article of the Panama treaty there is a like provision for protection when necessary and when neutralization is assailed. Article XXIII of the Panama treaty does not permit any preliminary or precautionary preparations, only measures to be taken when found necessary. But nobody ever dreamed of neutralization or of maintaining it always by purely peaceable means. Why not fight to maintain it in case of attack? The treaties all provide, in effect, to defend neutralization when it is assailed, and indemnity for violating would be required. The Suez Canal treaty provides that the signatory powers of that great treaty may keep two ships at either end of the canal at Port Said or Suez, not to do anything more than to protect it in case its neutralization is assailed. That is all; and we have a provision in our treaty providing that we may do the same thing.

I notice my friend MILLER of Kansas here who read the other day a clause of the Panama treaty and insisted on keeping out of his speech the only provisions in it that provided for neutralization. Now, let us see what the United States may do. Under the second section or paragraph of Article III of the 1901 treaty we find this:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

If it stopped there, the United States might have seemed to have been shut out, for neutralization shuts out every act of war. But, prudently, they shift over, as they said in the Senate, and as the draftsman said, they shifted the clause that was to take the place of section 7 of Article II of the 1901 treaty, which section expressly forbade fortifications, so as to take the place of the section but to have the same effect. I now read what immediately follows the clause I have just read:

The United States, *however*, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

That is to say, notwithstanding all the neutralization, notwithstanding all the prohibition against blockade or acts of war, the United States may have such military police along the canal as to protect it against lawlessness and disorder. *However*, the United States, the treaty says, may do certain specified things.

Now, some of these gentlemen here are lawyers and judges. Will they say that, having expressed these things in the treaty, it means to include everything else, or is the rule of the law, as laid down by the Judges of the Supreme Court with reference to treaties or with reference to contracts and compacts, that wherever you express a right or a power, that is to the exclusion of all others? Gentlemen seem to proceed on the idea here that, by omitting the word "fortifying" in one place or "in time of war as in time of peace" in another, the United States is authorized to do that which will override other provisions of the treaty, to wit, fortify and blockade at the same time. Later on I shall speak more at length on this matter.

The notion about fortifying the canal and still not blockade it, as my friend from Iowa suggests, is like a man who, being afraid that some burglar will break into his house and steal his goods, hires policemen to stand at his front and back doors to keep them open so that the burglars can get in without any trouble instead of breaking the doors.

Strategy, says my friend from Kentucky [Mr. SHERLEY]. That is also where we differ. I have cited examples before in my speeches and can do so now. If we are to have a war, if we throw down the gauntlet of war on the canal, we will, at least, have to have half of our Army as now constituted and more than half of the Navy down there to protect the canal, or we will lose it. If the enemy is on the Pacific, we will go there and defeat him. If the enemy is on the Atlantic, we will go there. If he is in both places, we will deal with him in detail. If he is so strong that he will beat us in either place, the canal will not help us or him. It is ridiculous to suppose that we should have to tie up a part of our Army and Navy to protect a piece of property. Neutralization of the canal is different from a declaration of a neutralization of a country like Switzerland. That is where the people have the protection of others from attack and enjoy their neutrality. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, in January of this year the Senate adopted a resolution as follows:

Resolved, That a brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty be printed as a public document.

In pursuance of that resolution Senate Document No. 746 was printed. It starts with this heading:

A brief history of the amendments proposed and considered since the action of the Senate on the former canal treaty with Great Britain and which have resulted in the treaty now submitted.

Referring to the present existing treaty between Great Britain and the United States:

Prepared in the Department of State and sent by Mr. Hay to the Senate Committee on Foreign Relations.

It seems to me a mere caviling about words to say that this is not the information furnished by that greatest of modern American diplomats, John Hay, to the Senate in support of the ratification of the existing treaty with Great Britain. It was from this document that I read at length at the opening of this debate.

I was very glad to hear the gentleman from Ohio [Mr. KEIFER] avow, and, I should call it, admit that it was no use to talk about neutralization except with a power to enforce neutralization; that the treaty of Constantinople, which he says is in force, but which I do not think by its terms has yet taken effect, provided for naval vessels to enforce the neutrality. In that case the nations adhering to the treaty mutually guaranteed the neutrality. In this case the United States repudiated international guaranty of neutrality, and it has proclaimed neutrality which I concede will be generally applicable in time of war.

But it is senseless for the United States to declare that it will maintain neutrality with popguns against the navies of foreign nations that have not agreed to respect the neutrality of the canal. The very purpose, and the prime purpose, of fortification is the same purpose contemplated in the treaty of Constantinople—to maintain the neutrality and see that it is not violated.

Now, Mr. Chairman, I do not care to pursue this debate further, and I yield back the balance of my time, trusting that if anything should arise in the five-minute debate requiring a reply I may be permitted to reply.

Mr. BORLAND. The gentleman from Iowa says that the United States agreed with Panama——

Mr. SMITH of Iowa. Oh, no; agreed with Great Britain. I did not say anything about Panama.

Mr. BORLAND. The United States is under obligation to Panama by its treaty to guarantee its neutrality.

Mr. SMITH of Iowa. I did not say that.

Mr. BORLAND. Does the gentleman concede that to be a fact?

Mr. SMITH of Iowa. I do not care to assume any such thing.

Mr. BORLAND. If that is correct, does it not entail upon the United States at least a moral obligation to obtain from foreign powers a treaty for the neutralization of the canal?

Mr. SMITH of Iowa. The treaty I referred to was repudiated in the American Senate, and the Senate would not accept a treaty of that kind. We are in no position now to say that. Having a treaty to that effect and refusing to take it, and announcing our ability and courageous purpose to defend it with American manhood, we are now going to back out and say we can not defend our own property.

Mr. BORLAND. After the British treaty was concluded, we have since entered into a treaty with Panama to secure its neutrality.

Mr. SMITH of Iowa. Oh, no; there is no such provision. We are proposing to maintain neutrality and maintain it with big guns.

Mr. KEIFER. To maintain it in violation of the treaty. There is a provision as to how we are to do it, and the gentleman is proposing to violate it and bring on trouble before the canal is built. [Cries of "Rule!" "Rule!"]

Mr. HAUGEN. Mr. Chairman, when the Post Office appropriation bill was up for consideration I sought an opportunity to discuss certain provisions of the bill, but as time was limited I was prevented from doing so, and now avail myself of the opportunity to call attention to the exorbitant rate paid to the railroad companies by the Government for carrying the mail; to point out this undue activity on the part of the railroads in favor of parcels post and the impossibility of establishing parcels post that would be beneficial and self-supporting. I believe this matter worthy of the most careful and thoughtful consideration. To begin with, How are the transportation companies paid? The present rates per pound weight were first fixed by the act of March 3, 1873. These were reduced 10 per cent by the act of July 12, 1876, and 5 per cent more by the act of June 17, 1878, and 5 per cent more by the act of March 2, 1907. First, the pay is based solely on the average weight of the mail carried daily the whole length of the route, but when a full railway post-office car is added to the train the Post Office Department pays to the railroad a rental for the entire car, based upon its length, or an average of $5,427.62 a car. The cars cost about $5,500 or $6,000 each, and are maintained and repaired at an annual cost of about $1,200. They are built and owned by the railroad companies and rented to the Post Office Department. The pay for a line of these cars is $25 a mile for 40-foot cars, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 or 60 foot cars.

I include in my remarks a schedule of rates of railway mail transportation which covers the present and recent laws on that subject:

Schedule of rates for railway-mail pay.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum.					
	Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land-grant railroads.	Intermediate weight warranting allowance of $1 per mile under the law.
						Pounds.
200 pounds	$50.00	$45.00	$42.75	$42.75	$34.20	
200 pounds to 500 pounds						12
500 pounds	75.00	67.50	64.12	64.12	51.30	
500 pounds to 1,000 pounds						20
1,000 pounds	100.00	90.00	85.50	85.50	68.40	
1,000 pounds to 1,500 pounds						20
1,500 pounds	125.00	112.50	106.87	106.87	85.50	
1,500 pounds to 2,000 pounds						20
2,000 pounds	150.00	135.00	118.25	118.25	102.60	
2,000 pounds to 3,500 pounds						60
3,500 pounds	175.00	157.50	149.62	149.62	119.70	
3,500 pounds to 5,000 pounds						60
5,000 pounds	200.00	180.00	171.00	171.00	136.80	
5,000 pounds to 48,000 pounds						80
For every additional 2,000 pounds over 5,000 pounds and under 4,800 pounds	25.00	22.50	21.38	20.30	16.24	
For every 2,000 pounds over 48,000 pounds	25.00	22.50	21.38	19.24	17.10	
RAILWAY POST-OFFICE CARS.						
Railway post-office cars 40 feet in length	25.00			25.00		
Railway post-office cars 45 feet in length	30.00			27.50		
Railway post-office cars 50 feet in length	40.00			32.50		
Railway post-office cars 55 feet in length	50.00			40.00		

Act of July 12, 1876, decrease of 10 per cent.
Act of June 17, 1878, decrease of 5 per cent.
Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000 pounds.
Land-grant roads receive 80 per cent of rate.

The Postmaster General states in his report for the fiscal year ending June 30, 1910, that the expenditures for that year for transportation of mails on railroads was $44,654,515.97 and $4,686,122.27 for railway post-office car service, or a total of $49,340,638.24. This Government pays the railroads practically $50,000,000 a year for carrying the mail. If we have the amount paid and the number of pounds carried, it is an easy matter to determine the average rate paid per pound. In compliance with the directions of the provisions of the act of March 2, 1907, in the post-office appropriation bill, all mail matter and equipments used in connection therewith and empty equipments dispatched were weighed for the period from July 1 to December 31, 1907, and which is reported in Table B to be: Total weight of mail matter, 618,130,722.15 pounds; equipment carried in connection therewith, 414,073,490.9 pounds; empty equipment dispatched, 53,848,134.1 pounds; total weight of domestic mails and equipments, 1,086,052,348.2 pounds, for six months. If you multiply it by two you have total mail matter, 1,236,261,444.3 pounds; total equipments, 935,843,250.6 pounds; or a total of 2,172,104,696.4 pounds. These figures, of course, are necessarily estimates, because the mail carried in the first six months of the year varies from the amount carried in the last six months. When the post-office appropriation bill was under consideration last year the distinguished chairman of that committee furnished this House with this information. (See CONGRESSIONAL RECORD, Feb. 24, p. 2348.) The department estimates the net weight of the mails for 1908 as follows:

	Pounds.
First class	167, 502, 610
Second class	785, 833, 110
Third class	179, 694, 654
Fourth class	58, 889, 400
Franked	4, 531, 080
Departmental	43, 092, 474
Foreign	60, 814, 956
Total	1, 300, 358, 284

In order to ascertain the average rate paid per pound to railroads for carrying the mail, we should deduct from this amount about 200,000,000 pounds which is not carried by the railroads—for instance, all of the local delivery, much of the free in the county, as well as much mail matter sent out on star routes and rural free delivery. Much of the foreign mail matter is not carried by railroads, as much of it is sent direct from post offices in the larger cities with ports, such as New York, Boston, Baltimore, Philadelphia, and others, and in all probability the railroads do not carry more than 1,100,000,000 pounds. If so, and if they are paid $50,000,000, the rate paid is more than 4½ cents a pound. But we will be liberal and grant that they carry one and a quarter billion pounds. The appropriations for 1911 for transportation by railroads and railway post-office cars was $50,000,574. That amount makes it more than 4 cents a pound, but you say that in determining the average rate paid railway companies the weight of equipments should be included. By so doing the rate paid railway companies would be less, but the Government gets paid for mail matter only, express companies get paid for actual weight of packages handled, and equipments are furnished by both the Government and the express companies; hence in making the comparison the weight of equipments has nothing to do with it.

It is fair to assume that the Government pays on an average at least 4 cents per pound for carrying mail matter. Compare this with the rate charged by the express companies for carrying express, not what the express companies pay the railroads for carrying express, but the rate charged the public by express companies for services rendered. If you will look over the Interstate Commerce Commission's first annual reports of the statistics of express companies in the United States for the year ending June 30, 1909, you will find that the average revenue received per piece was $0.5049, the average revenue paid per pound $0.0154, the total revenue $35,856,551.56 for handling in the aggregate 2,329,342,192 pounds in three months, as for April, August, and December, 1909. The number of pounds transported in three months is about twice the amount of mail matter transported in a year. The revenue of express companies is a little more than 1½ cents per pound as compared with 4 cents paid per pound by the Government. The Government then pays the railroads for carrying mail matter nearly three times the amount charged the public by express companies, and about seven times the amount the express companies pay railroads for carrying express. I quote from the report of the Interstate Commerce Commission of December 21, 1910, page 27.

The statistical information contained in this report covers the operations of 13 companies. The names of these companies, as also the mileage over which each operates, are as follows:

Classification of mileage covered by operations on June 30, 1909.

Name of carrier.	Total mileage.	Steam road mileage.	Electric line mileage.	Steamboat line mileage.	Stage line mileage.
Adams Express Co	34,360.00	30,676.00	196.00	3,405.00	83.00
American Express Co	48,224.78	45,668.08	475.70	2,058.50	22.50
Canadian Express Co	7,794.27	6,964.27	66.00	737.00	27.00
Canadian Northern Express Co	3,129.62	3,107.62	22.00	.....	.....
Globe Express Co	1,889.85	1,899.85	.....	.....	.....
Great Northern Express Co	7,412.16	7,031.57	169.59	211.00	.....
National Express Co	1,714.25	1,416.25	6.00	292.00	.....
Northern Express Co	6,757.75	6,488.75	8.00	261.00	.....
Pacific Express Co	22,672.54	21,721.20	343.00	608.34	.....
Southern Express Co	33,181.00	30,936.00	80.00	2,165.00	.....
United States Express Co	24,206.00	20,286.34	3,604.96	314.70	.....
Wells, Fargo & Co	65,698.43	59,316.90	1,438.76	4,081.65	861.12
Western Express Co	3,456.39	3,448.39	4.00	4.00	.....
Total	260,507.04	238,961.22	6,414.01	14,138.19	993.62

The character of the business transacted by the express companies is indicated by the following statement, which shows for the months of April, August, and December, 1909, the number of pieces carried, their aggregate weight, the average weight per piece, the total revenue, the average revenue per piece, and the average revenue per pound. The expenses incident to the compilation of the information by the express companies deterred the commission from requiring such a compilation for all the months of the year, but the combined results for the months selected may be accepted as typical of the business for the year.

Summary of traffic for April, August, and December, 1909.

Number of pieces	71,013,295
Aggregate weight ..... pounds	2,329,342,192
Average weight per piece ..... do	32.80
Revenue	$35,856,551.56
Average revenue per piece ..... cents	50.49
Average revenue per pound ..... do	1.54

Now, having pointed out the difference in the rate paid by the Government and the rate charged by express companies, I want to say a word about parcel posts and the express companies.

With these facts before us it seems to me they ought to settle the question for all time to come that under the present arrangements and with the present rate paid railroad companies for carying mail matter parcels post can not be made beneficial to the public or self-supporting, and with the present rates paid, in order to make the service of any value whatever, a heavy draft must be made on the Treasury. It also ought to ease the minds of those who are laboring under the delusion that the express companies fear Government competition and are opposed to parcels-post legislation. Certainly a corporation or individual who can carry parcels at a profit at $1.54 a hundred has nothing to fear from a competitor where the service costs the competitor three times the amount he is performing the service for, and, mind you, the revenue paid railroad companies for carrying mail matter is but a small part of the total expense of handling mail matter by the Government. The total expense of the Post Office Department for the fiscal year ending 1910 was $229,509,680.36. If the total weight was 1,250,000,000 pounds, the average cost was more than 18 cents a pound. Why this difference in cost? To begin with, the business of the express company is conducted by business men and on business lines, the Post Office Department is conducted by Congress and the department, and like all other business conducted by the Government, it is the most expensive, and until Congress and the departments adopt business methods and conduct its business as business men do, it of course can not compete with individuals or corporations.

Much has been said about the express companies exerting their influence against parcels-post legislation, and I regret to say that this claim is made by many who know, or ought to know, better. What are the facts? The express companies are merely subcompanies of the railroad companies. The express business properly belongs to the railroads, but the railroads, like many other large companies, the management, or those in control, organize subcompanies for the purpose of robbing their costockholders or the railroads of part of the profit as, for instance, in the Beef Trust subcompanies are organized, and but few of those in control of the company own and control the stock of the subcompanies. With the Beef Trust the by-products are sold to the subcompany at low prices, thus robbing their costockholders or the trust of part of the profit and for their own special benefit. So with the railroads; those in power and control proceed to organize a company; they call it an express company. They elect themselves to office. The officers or directors are generally a self-perpetuating body. (I quote from the Interstate Commerce Commission's report:)

The directors of this company are a self-perpetuating body, although it is provided in the articles of association and agreement that when shareholders owning two-thirds in amount of the shares of the company shall request it in writing, a meeting of shareholders for the election of directors shall be held. No such meeting has been held since 1862.

Article 8 of the articles of association and agreement reads in part as follows:

But it is hereby expressly understood and agreed that no director herein named and that may hereafter be elected shall be concerned or interested in any business or thing detrimental to the interest of said company or in opposition thereto.

Among the directors of the United States Express Co. are Mr. Stetson, general counsel for the Northern Pacific Railway and Southern Railway, also director of the Chicago-Erie Railroad and the Erie Railroad.

Mr. Weir, director, is chairman of the board of managers of the Adams Express Co. and director in a number of railway companies.

SOUTHERN EXPRESS CO.

One of the directors of the company is M. F. Plant, who is also a director of the Atlantic Coast Line Railroad, Chicago, Indianapolis & Louisville Railway, and in the Peninsula & Occidental Steamship Co. The number of stockholders is 30.

In the Wells-Fargo Co., by referring to the names of the directors, it will be found that the Erie Railroad and the Harriman lines are strongly represented on the board of directors. The directors of the company on June 30, 1909, were Dudley Evans, F. D. Underwood, E. H. Harriman, J. J. McCook, W. V. S. Thorne, A. K. Vandeventer, William Mahl, F. V. S. Crosby, and H. W. de Forest, all of New York, and H. E. Huntington, George E. Gray, and W. F. Herrin, all of San Francisco, Cal., and J. Kruttschnitt, of Chicago, Ill. Of these, Mr. Underwood was the president of the Erie Railroad and president or director of 80 or more railway and industrial companies; Mr. Harriman then headed the Harriman system of railways; J. J. McCook was of the firm of Alexander & Green, attorneys, and was director in certain insurance and banking concerns; Messrs. Kruttschnitt, Thorne, Van Deventer, Herrin, Mahl, and Crosby were officers of the Harriman lines, while Mr. de Forest was a director of the Southern Pacific Co. Mr. Kruttschnitt was also a director of the Pacific Express Co.

The Western Express Co. has six stockholders. The board of directors June 30 was composed of the following: E. Pennington, W. L. Martin, C. W. Gardner, and H. B. Dike, all of Minneapolis, Minn., and W. F. Fitch, of Marquette, Mich. Of these, Messrs. Pennington, Martin, Dike, and Gardner were officers of the Minneapolis, St. Paul & Sault Ste. Marie Railway and Mr. Fitch was president of the Duluth, South Shore & Atlantic Railway.

In the Pacific Express Co. the number of stockholders is given as 12. On June 30, 1909, the company was controlled through stock ownership by the Missouri Pacific Railway (40 per cent), Union Pacific Railroad (40 per cent), and Wabash Railroad (20 per cent). The directors of this company on June 30, 1909, were James Eggleston, C. S. Clarke, S. B. Schuyler, and E. B. Prior, of St. Louis, Mo.; F. A. Delano and J. Kruttschnitt, of Chicago, Ill.; and Erastus Young, of Omaha, Nebr. Of these, Mr. Clarke and Mr. Schuyler were officers of the Missouri Pacific Railway, Mr. Prior and Mr. Delano of the Wabash Railroad, Mr. Young of the Union Pacific Railroad and the Southern Pacific Co. and director of Wells, Fargo & Co.

In the Northern Express Co. the total number of stockholders is given as six, and the directors are Howard Elliott, J. M. Hannaford, and C. W. Bunn, all of St. Paul, Minn; and J. N. Hill and George H. Earl, both of New York, N. Y., all of whom were officers of the Northern Pacific Railway.

In the National Express Co. the number of shareholders is eight. The directors are Johnston Livingston, Lewis Cass Ledyard, James C. Fargo, Francis F. Flagg, and William C. Fargo, all of New York, N. Y. The first four names are also directors of the American Express Co.

In the Great Northern Express Co. the total number of stockholders is six. This company is controlled by the Lake Superior Co. (Ltd.), through stock ownership. The directors are R. I. Farrington, Louis W. Hill, E. Sawyer, J. M. Gruber, and W. W. Broughton, all of St. Paul, Minn., and all officers of the Great Northern Railway.

In the American Express Co., among its directors are two directors of the New York, New Haven & Hartford Railroad,

and $3,000,000 of its shares are owned by the New York Central & Hudson River Railroad. James C. Fargo, one of its directors, is also director of the Chicago & Northwestern Railway and the National Express, president and director of the Westcott Express Co. Ledyard, one of its directors, is a director of the Hartford Railroad, Northern Pacific Railroad. Mr. Pratt, one of its directors, is treasurer and director of the Standard Oil Co. of New Jersey and director of the Long Island Railroad, New York, New Haven & Hartford Railroad.

ADAMS EXPRESS CO.

The managers of this company (who acted as directors) as of June 30, 1909, were Levi C. Weir, William M. Barrett, Charles Steele, Basil W. Rowe, Dumont Clarke, and George F. Baker, all of New York, and William H. Damsel, of Chicago, Ill.

Mr. Weir was a director of the Des Moines & Fort Dodge Railroad, Iowa Central & Western Railway, Iowa Central Railway, Minneapolis & St. Louis Railroad, Norfolk & Western Railway, United Express Co., and also in various steamship, banking, insurance, and land companies.

Mr. Steele was of the firm of J. P. Morgan & Co., and was a director in a number of railway lines, among them the Atchison, Topeka & Santa Fe Railway, Central Railroad of New Jersey, Cincinnati, Hamilton & Dayton Railway, Erie Railroad, Lehigh Valley Railroad, Northern Pacific Railway, and Southern Railway; and also in various other railway and industrial corporations.

Mr. Rowe was a director in the subsidiary companies of the Adams Express Co. and of the Standard Trust Co.

Mr. Clarke was a member of the board of managers of the Delaware & Hudson Co. and director of the Long Island Railroad, of the Manhattan Railway, and of certain industrial, financial, and insurance companies.

Mr. Baker was a director in the Central Railroad of New Jersey, Chicago, Burlington & Quincy Railroad, Cincinnati, Hamilton & Dayton Railway, Colorado & Southern Railway, Delaware, Lackawanna & Western Railroad, Erie Railroad, Lake Shore & Michigan Southern Railway, Lehigh Valley Railroad, Michigan Central Railroad, New York Central & Hudson River Railroad, Northern Pacific Railway, and Pere Marquette Railroad, and also in numerous banking, trust, and industrial companies.

It will be observed that four of the seven managers (directors) were interested in the management of railway lines.

This, I believe, is sufficient to show that the express companies are owned, officered, controlled, and managed by the very men who control, manage, and practically own the railroads; that the express companies are simply subcompanies and a part of the railroads, and it seems unnecessary to state that as long as they get more money from the Government for carrying mail matter or parcels post than they themselves charge for the service that they have no objections to parcels post.

Suppose that you were engaged in the transportation business and your average charge for hauling 100 pounds was $1.54 for collecting, transporting, and delivering and some one came to you and offered you $4 a hundred for simply transporting it and relieved you of part of the service of collecting and delivery as well as part of the responsibility, would you accept or reject such a proposition? You might reject the proposition, but the railroads are not so scrupulous as to stand in their own way or against any such proposition. The high rate paid the railroad companies for carrying mail matter, I take it, accounts for the persistent and concentrated effort put forth by railroads for the establishment of parcels post. And I am not finding fault with the railroads putting forth every possible effort in increasing its revenue, but I object to the railroads putting it on the ground that it is in the interest of the public, and especially those living in the rural districts, and I have pointed out these facts to show that this movement on the part of the railroads is not to benefit the public, but the object sought is to enable the railroads to further drain the Treasury and to enhance its revenue. Be not deceived; railroads are not spending their millions in advertising, in maintaining a lobby in Washington and elsewhere—yes, and electing their own men to Congress and defeating those who are not in accord with their schemes—nor are railroad attorneys instigating contests in election cases in the interest of the public. Like other special and corporate interests, they are without soul and conscience to reckon with. First, last, and all the time the question with them is not to benefit but how to do the public and how their greed and avarice can best be subserved.

What does this extension of the service mean to the railroads? Suppose that through legislation one-eighth of the express business, or, say, only 1,000,000,000 pounds of express, is transferred to the post office. Its pay for carrying the 1,000,000,000 pounds for the Government at the present rate of 4 cents a pound would amount to $40,000,000, as compared with $15,400,000 now received by express companies—a net gain of $24,000,000 to the railroad companies.

If the Government carries the billion pounds at $1.54, the same rate as charged by the express companies, its receipts would be $15,400,000. If it cost the Government, say, 10 cents a pound for handling parcels post—and when you consider that the present average cost of handling mail matter is more than 18 cents a pound, of course it would cost more than 10 cents a pound to handle parcels post, but for the sake of argument we will say that it costs only 10 cents a pound—the total cost then for handling the billion pounds would be $100,000,000; total receipts $15,400,000, or a net loss of $84,600,000. But you say that this is not a fair comparison; that the parcels handled by the Post Office Department are less in weight and much greater in number than those handled by the express companies, and they require more space in cars and help in sorting and handling, and therefore the Government should pay more per pound for carrying mail matter than express companies should pay for carrying express. I admit the first, but not the last. The railroads have nothing to do with sorting mail matter. Mail matter is handed to them in lots from a single letter to trainload lots, the bulk of it in carload lots. Railroads simply carry it, and the Government sorts and looks after it while in transit, and the Government paid last year $19,385,496.51 for railway mail service, or for sorting the mails when in transit. Besides, it paid $1,630,638.48 for transportation of mails in screen wagons, $1,497,971.52 for mail-messenger service, and $810,568.29 for this pneumatic-tube service. Hence, on the one hand the Government pays all expense for sorting, receiving, and delivering mail matter, except at certain points where the railroads do receive and deliver the mail at the post office; on the other hand the express companies carry all sorts of parcels from the domicile in the cities to the station, thence by rail, sort, and deliver at the terminal city. For the Government the railroads perform part of the service of transporting mail, and receive nearly three times the pay per pound that the express companies do for rendering the whole service, and it seems to me that if the express companies can give this service at about one-third the rate paid by the Government for part of the service and still make their millions of dollars annually, the rate paid by the Government must be excessive.

WHY THIS EXCESSIVE RATE.

Compare the contracts made by the Government with the railroad companies and those made by the express companies, and you will find that, while the Government gets pay for the actual weight of mail matter only, it enters into an agreement with the railroad companies to pay rent for cars and for carrying all equipments. On the other hand, the express company pays a commission or tonnage on actual weight of packages handled and the railroad companies are required to furnish the express companies with special or exclusive express trains when warranted by the volume of the express traffic. The railroad companies furnish the necessary cars, keep them in good repair, furnish heat and light, and carry the messengers of the express company, as well as the safes, packing trunks, and all necessary equipment, and horses, wagons, and supplies required by express companies may be transported in express cars or shipped by freight. Railroad companies furnish such room in all its depots, stations, and buildings as may be necessary for the loading, unloading, transferring, and storage of express matter, provided the furnishing of such facilities shall not interfere with the business of the railway company. The railroad companies further agree to transmit free of charge the messages to express companies over telegraph lines which the railroad company operates along its line of roads, so far as it may be permitted to do so under its contract with telegraph companies. With all of this extra service, the express companies pay less than one-sixth the rate that this Government pays for part of the service. Will anyone contend that the Government is paying a just rate? With these facts before us, will Congress tolerate this injustice and permit this drain on the Public Treasury to continue? If express rates are high—and there is no doubt in my mind but they are too high—that is an absolute reason for Congress not to increase the rate by extending the postal service until the rate paid by the Government to the railroad companies has been readjusted and the rate made reasonable and fair. If express rates are high they should be reduced, and now that the express companies have been placed under the jurisdiction of the Interstate Commerce Commission, same as railroad companies are, there is no excuse

for these high rates. If rates are too high it is the duty of the commission to fix a just and reasonable rate.

Gentlemen, the total revenue of all classes of steam roads for the year ending June 30, 1910, was $2,787,266,136.64, an amount equal to about $147 per family in the United States, yet the railroads are not content. They have been clamoring for an increase of 10 per cent freight rates and for parcels post that will give them an increase of 600 per cent in express rates. Every railroad president and every lobbyist who can be employed are working overtime in promoting this scheme, and every inch of space that can be obtained in magazines and newspapers is utilized to this end. The net earnings of the railroads exceed $940,000,000, and if you will make the proper deduction from operating expenses not properly charged to operating expenses and credit that amount to net revenue, the railroads will have a much larger net revenue. It seems to me that the railroad companies ought to be satisfied and that they can get along for a time, at least, without any further increase. To me there seems no necessity for an immediate increase, either in freight rates or express rates.

But is it possible to establish parcels post and make it self-supporting and of any value to the public, even if you reduce the rates paid the railroad companies? If you reduce the pay or the rate 25 per cent, the rate is still about four times as much as the rate paid by the express companies. Cut it 50 per cent and it is still nearly three times the rate paid by express companies, and when you have reduced the rates 2 cents a pound, still the average cost of handling mail matter is 16 cents a pound; and suppose that parcels post cost the Government only half what the present average cost is for handling mail matter, still the cost is five times as great as the rate charged by express companies for carrying express.

Much is said about parcels post in other countries, especially in Germany. Yes, Germany does a parcels-post business on a large scale, but Germany owns its own railroads. The parcels post is a separate business from the post-office business and is carried in separate cars and on separate trains, stored in separate buildings, and they are separate as much as the post-office and express business are here, except there the two are conducted by the Government, while here only one. But Germany, with her dense population, can not be compared with our sparse population. The German Empire has 208,830 square miles, with a population of 58,500,000, or 280 to the square mile. The United States has 3,000,000 square miles, a population of only 92,000,000, or 31 to the square mile.

Of course if the Government owned the railroads it ought to carry freight and express as well as mail matter, but as nearly all countries carrying parcels post own and operate the railroads, and as the United States does not own and operate railroads, except in Panama, no comparison can be made. I will insert in my remarks a communication from the Department of Commerce and Labor, which gives the countries owning and operating railroads:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 4, 1911.

SIR: In compliance with your recent request for information showing the mileage of railroads in leading countries owned and operated by private companies and by the Governments, respectively, I have the honor to inclose herewith a table, copied in the Bureau of Statistics from the thirty-fifth number of the British Statistical Abstract for Foreign Countries, giving these data for the end of the calendar year 1907.

The more important changes in the respective mileage figures since 1907 are due to recent action of several European Governments in extending the mileage of the State owned and operated lines. Thus the Italian Government a few years ago took over the operation of all important national lines, which until then had been leased to three large companies. The extent of the lines operated by the Italian Government on June 30, 1909, was 8,789 miles. On January 1, 1908, the Austrian Government took over some lines owned and operated by private companies. As a result, at the end of the year the mileage of lines operated by the Government, including lines owned and operated as well as lines merely operated by the Government, was 11,105 miles out of a total railroad mileage in Austria on that date of 13,613 miles. Finally, the French Government owns and operates at present, in addition to the 1,758 miles of the so-called "old system" given in the inclosed statement, 3,700 miles, represented by the former French Western Railroad.

On the American Continent the most important change is due to the action of the Mexican Government, taken in the beginning of 1909, in amalgamating the two principal railway systems of the country, the Central and National Railways, into the Ferrocarilles Nacionales de Mexico, and in taking over one-half of the $230,000,000 worth of shares issued after the amalgamation. The operation of the railroads affected remains, however, in the hands of the companies.

Hoping that the inclosed information may prove of service to you, I am,

Respectfully, BENJ. S. CABLE, *Acting Secretary.*

Hon. GILBERT N. HAUGEN, M. C.,
House of Representatives, Washington, D. C.

Length of railways in various countries, distinguishing as far as practicable the lines which belonged to private companies and to the State, respectively, for the year 1907.

	Company roads.	State roads.
	Miles.	*Miles.*
Russia in Europe (exclusive of Finland)	13,271	21,133
Russia in Asia	559	6,173
Norway	238	1,353
Sweden	5,542	2,696
Denmark	908	1,189
German Empire:		
Prussia, Mar. 31[1]	1,210	21,846
Alsace and Lorraine, Mar. 31[1]	17	1,067
Bavaria, Dec. 31	714	4,054
Saxony, Dec. 31	3	2,095
Wurttemberg, Mar. 31[1]	166	1,219
Baden, Jan. 1[1]	11	1,072
Total length of lines, German Empire	2,715	32,180
Holland	1,017	1,161
Belgium	330	2,547
France	27,940	1,758
Switzerland	1,216	1,525
Portugal	866	558
Spain	8,961	.....
Italy	10,378	.....
Austria	6,113	7,315
Hungary	6,896	4,873
Bulgaria	236	751
Servia	5	427
Roumania	.....	1,979
Turkey in Europe	1,239	.....
Egypt	.....	1,441
Greece	845	.....
United States	227,455	.....
Mexico	13,995	.....
Costa Rica	.....	394
Peru	1,498	.....
Chile	1,682	1,536
Brazil	10,943	.....
Uruguay	1,217	.....
Argentine Republic	11,852	1,838
China	.....	2,394
Japan, Mar. 31	1,692	3,377
United Kingdom	23,108	.....

[1] Of the year following.

Data taken from the Statistical Abstract for the Principal and Other Foreign Countries, No. 35, issued by the British Board of Trade, 1910.

Unfortunately, under the rules of the House, any amendment to the Post Office appropriation bill proposing to reduce or readjust the rates would be subject to a point of order, and the only way this matter can be considered and determined is in the Committee on the Post Office and Post Roads or the Rules Committee, by bringing in a bill or rule.

I want to avail myself of this opportunity to appeal to the Committee on the Post Office and Post Roads to give this matter most careful consideration, and upon careful investigation I believe it would find it compatible with its duty to report a bill to this House so that this all-important matter may be considered and determined. I believe that justice demands speedy consideration. Congress should fix a just and reasonable rate. Railroads are entitled to such; nothing more and nothing less. Besides, there is a strong sentiment in favor of parcels post, and it is the duty of Congress to investigate and determine whether it can be made self-supporting and beneficial to the public. It must be clear to everybody that if the parcels post is to be established under present conditions, either a heavy draft on the Treasury must be made or the cost of the service to the Government must be materially reduced or the rate of postage must be increased.

Various suggestions have been made as to how this deficit could be made up.

One contention is that the express companies should be prohibited by law from carrying second-class matter, and that would make up a part of the deficit. If it costs the Government, as estimated by the Postmaster General, 9 cents a pound to handle second-class matter and it charges only 1 cent, for every dollar it receives it pays out $9, and is out $8 on every $9 transaction. I do not see how you can increase the net revenue of the department by increasing the second-class mail-matter business. Another contention is the rate on magazines and second-class matter should be increased, and that would increase the net revenue. The present rate on second-class mail matter is 1 cent a pound, yet with that low rate much of the second-class matter is now sent by express, much of it is carried at a half cent a pound; for instance, from Philadelphia to Kansas City, a distance of over a thousand miles, the rate is 50 cents per 100 pounds. If the publishers can save money by shipping magazines and second-class matter by express with the present low rate of 1 cent are they likely to send their publications through the mails when we increase the rate to 4 or 10 cents a pound? The fact that the express com-

panies carry second-class matter at half the rate that the Government does and at one-eighteenth of what it actually costs the Government to carry second-class matter is further evidence that the Government can not, under present conditions, compete with private and corporate interests.

Some have suggested that $40,000,000 can be saved by the discontinuance of the rural free delivery; that $32,000,000 can be saved by discontinuing the city-delivery service. That, of course, is out of the question, and I take it that nobody will seriously suggest that either of the two services shall be discontinued. Others have suggested that franking privileges should be discontinued. Well, as there is only 4,531,080 pounds of franked matter going through the mail, if the average cost is, as estimated by the department, 9 cents a pound, then less than half a million dollars can be saved. That will not go far in making up a probable deficit of $100,000,000. Another suggestion is that the rate on second-class matter shall be increased to the rate which it actually costs the Government for handling second-class matter, which is estimated at 9 cents a pound, and that this would increase the revenue to the extent of $60,000,000.

The policy of Congress has been to disseminate knowledge not only by the distribution of public documents, but by encouraging worthy and legitimate publications—the weekly, the semi-weekly, the dailies, and other periodicals. It has given newspapers and magazines a rate of postage not with a view of making money out of transporting the periodicals, but for the diffusion of knowledge and to promote education and happiness, and in so doing it has had the welfare of our people at heart. Its object has been toward enlightenment and a march onward and upward. Are we now to take a backward step? If so, advance the rate on second-class mail matter and deprive the legitimate and worthy publishers of this low rate and discontinue the distribution of public documents. If this is done, you will undoubtedly reduce the deficit. But can we afford to do it?

Now, one word about establishing a parcels post on rural routes. That has already been provided for. The carrier may carry merchandise for hire on request of patrons residing on their respective routes whenever the same shall not interfere with the proper discharge of their official duties and under such regulation as the postmaster may prescribe. My understanding is that the regulations of the department restrict the carrier to carrying unmailable matter only. The privilege of carrying parcels is left to the discretion of the Postmaster General.

If he will remove these restrictions, or if Congress will provide that all parcels shall be carried by the rural carrier for hire, and, if necessary, fix a maximum rate, the service can be had at a much lower rate than the one proposed, and these people can be just as well accommodated. This privilege was granted carriers at first and until Congress and the Postmaster General placed restrictions on the carriers, which was done with a view of insuring the people living in the rural districts a better service. It goes without saying that a carrier carrying a light load can and will give better and more prompt service than one carrying a heavy load, and for that reason the restrictions were made. Under present arrangements the carriers may, when requested by the patrons residing on the route, carry packages of any weight (all proposed amendments limit the weight of parcels to 11 pounds); if so, instead of expanding the service the result would be, if proposed legislation is enacted, to contract the service instead of expanding it.

If additional packages are to be carried the carrier's compensation should be increased. Under the present arrangement the carrier gets the fee and therefore has no claim on the Government. But if the parcels are to be carried and the fee paid the Government, the carrier will have a just claim for an increase of salary, and of course would demand it, and in justice to him his salary would have to be increased. In my opinion the increase of salary would largely exceed the increase in receipts. If the Postmaster General does not care to assume the responsibility of impairing the service by extending it through the removal of these restrictions, Congress can do it, if in its judgment it is deemed advisable. But the contention is that this arrangement will not reduce the deficit. Why should the farmer and country storekeeper make up a deficit not caused by him, but which is due to other causes, such as the carrying of certain mail matter at a loss, especially second-class matter, the franking privilege, and the exorbitant rates paid railroad companies?

The CHAIRMAN. General debate is closed under the order of the House.

Mr. KEIFER. Only the general debate to be controlled by the gentleman from Iowa and myself.

The CHAIRMAN. General debate is closed, but debate under the five-minute rule is now in order.

Mr. SMITH of Iowa. Mr, Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. Was not the order of the House to the effect that the point of order should come after all debate?

The CHAIRMAN. Of course, the gentleman from Ohio is in control as to when the decision shall be called for on the point of order. At present the point of order is reserved, and the proceedings will be under the five-minute rule.

Mr. SMITH of Iowa. Is the paragraph subject to amendment pending the reservation?

Mr. SHERLEY. Mr. Chairman, I insist that the point of order be either withdrawn or made.

Mr. SMITH of Iowa. Mr. Chairman, I, too, think it ought either to be made or withdrawn.

The CHAIRMAN. Does the gentleman from Ohio insist upon his point of order?

Mr. KEIFER. I think the provision is subject to a point of order. I think the arrangement was that the debate was to be concluded, and then we would see. I think the notes will show that.

The CHAIRMAN. The Chair is ready to rule.

Mr. TAWNEY. What is the point of order?

The CHAIRMAN. The point of order is made that the items in the bill are not in order, not being authorized by law.

Mr. TAWNEY. The understanding was that at the conclusion of general debate of two hours an opportunity would be given for debate under the five-minute rule.

The CHAIRMAN. The recollection of the Chair is, although the present occupant was not in the chair at the time, that unanimous agreement was for two hours' general debate, and at the end of that time the paragraphs should be considered in the usual manner under the five-minute rule. The point of order being pending, it is to be disposed of at the demand of any member of the committee.

Mr. SHERLEY. And must necessarily be disposed of before the items are opened to amendment.

Mr. SMITH of Iowa. I assume that the Chair has examined the Spooner Act, which is the only general act under which these items are authorized.

Mr. KEIFER. Well, Mr. Chairman, I want to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. KEIFER. I do not understand that it is necessary to refer to the Spooner Act to find out whether the Pacific seacoast defense is to be provided for in the paragraph just read. In the first place the Spooner Act does not provide for anything more than is provided for in the treaty, a paragraph of which I have recently read, giving the right to the United States to neutralize and the provision against blockading and the right to protect it against lawlessness and disaster. If the act provides for a violation of existing treaties the act is nugatory, and it antedates the neutralization provided for in the treaty with Panama. And there are two other reasons, Mr. Chairman. One is that we propose now by this provision to empower the War Department, through its fortification board, as appears by the matter sent here from the Quartermaster General, forwarded by the President, which shows that the work proposed is to be done by the War Department independently of the commission that the President has been authorized to appoint for the construction of the canal.

Moreover, there has been no appropriation made for many years under the Spooner Act. Why? Because we have been obliged to reenact the power that the President is to exercise under each one of the appropriation bills from year to year. This bill contains the same provision—authorizing the construction and use of the money in accordance with that act, that having exhausted itself in various ways. If the chairman has the act before him he will see that it was exhausted as soon as we had appropriated not to exceed $139,000,000. Let me read:

Section 5 of the Spooner Act: And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal and harbors and by the route finally authorized by and under the provisions of this act. Appropriations therefor shall from time to time be hereafter made not to exceed in the aggregate the additional sum of $135,000,000 if the Panama route be adopted, and $180,000,000 should the Nicaragua route be adopted.

The CHAIRMAN. Can the gentleman from Ohio inform the Chair whether the limit of authorization has not been increased since that time?

Mr. KEIFER. Never, except as we increased it annually.

Mr. SMITH of Iowa. Oh, yes.

Mr. KEIFER. If the gentleman has a statute that shows it, then I am mistaken. We have annually in this same bill increased it, because we have made this extension to it and nothing more. Gentlemen say, "Oh, yes;" but if they can not refer me to a statute increasing such authorization, I must insist that there is none.

Mr. TAWNEY. If my colleague will permit me——

Mr. KEIFER. Certainly.

Mr. TAWNEY. I would like to ask whether he considers the authorization in the tariff act for a bond issue as authorizing the increased cost of the canal?

Mr. KEIFER. That does not affect the question of the cost of the canal any further than it may furnish what is necessary to carry it on. The Spooner Act exhausted itself long ago. There is no doubt about that.

The CHAIRMAN. The Chair is prepared to rule.

Mr. KEIFER. Mr. Chairman, I am told there is a limit of cost fixed in the Payne-Aldrich bill.

The CHAIRMAN. The Chair has not before him the act increasing the limit of cost. The Chair recollects when the lock type of canal was agreed upon that there was an increase in the limit of cost, and if not, it was, the Chair thinks, when the Payne tariff bill was passed. The Chair would like to be informed when the lock type of canal was agreed upon. The Chair's recollection is that the limit of cost was increased to $375,000,000.

Mr. KEIFER. Mr. Chairman, this is important enough to get the act and try to find out.

Mr. SMITH of Iowa. The Payne tariff bill did increase the amount of bonds beyond the limit of cost fixed in the special act, but I call the Chair's attention to what I understand to be the well-settled parliamentary rule of law, that even though there was no law when Congress passed the first appropriation increasing it, authorizing that increase, yet the passage of that law was such an abandonment of the limit of cost that further appropriations could be made for it as for a work in progress, even though the amount was in excess of the limit fixed. I think there are a number of decisions to that effect.

Mr. KEIFER. No such rule as that applies in any parliamentary body that I ever heard of.

The CHAIRMAN. The Chair has not the act before him, but the Chair feels quite confident that the limit of cost was increased up to $375,000,000, and the Chair would like to be informed as to that fact.

Mr. KEIFER. I understand we have appropriated something in the neighborhood of $400,000,000.

Mr. SMITH of Iowa. Not that much.

Mr. OLMSTED. Then I would like to ask the gentleman from Ohio this: Suppose the limit of cost to have been fixed at $375,000,000 in some act of Congress. I understand the gentleman to say that Congress has since appropriated enough more to make the amount $400,000,000. Does not the appropriation of $25,000,000 more amount to a repeal of that limitation of cost?

Mr. KEIFER. Only to the extent of the twenty-five millions.

Mr. SMITH of Iowa. That is not the ruling.

Mr. SHERLEY. I suggest to the Chair that there is still another ground for the fortification of this canal. It is the property of the United States of America, and the same right that we have to fortify the Philippines or Alaska or the Hawaiian Islands applies also to the Panama Canal.

Mr. KEIFER. Oh, no. Neither the Philippines nor Alaska are or can be neutralized as the Panama Canal is by existing treaties, and can be further neutralized by a general international treaty with the principal powers of the world.

Mr. TAWNEY. The total appropriations for the Panama Canal are $248,001,458.58, and to that there should be added the appropriation carried in this bill of $45,560,000.

The CHAIRMAN. The Chair is prepared to rule. The Clayton-Bulwer treaty of April 19, 1850, contains this provision in Article I:

> The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, etc.

For many years there were bills pending, some of which were reported, in reference to the construction of an isthmian canal, a number of them relating in recent years to the Nicaraguan Canal in aid of the Maritime Canal Co. On December 12, 1898, the Hon. William P. Hepburn, who was then the chairman of the Committee on Interstate and Foreign Commerce, the committee of this House which had jurisdiction of legislation relating to the Isthmian Canal, introduced a bill which for the first time proposed that the Government itself should construct the canal. That bill provided, among other things, that the President of the United States—

> be, and he is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership * * * of certain territory on which to excavate, construct, and defend a canal of such depth and capacity, etc.

That was at the third session of the Fifty-fifth Congress. At the first session of the Fifty-sixth Congress, on December 7, 1899, Mr. Hepburn introduced another bill to the same effect, that the President, and so forth, be authorized to acquire territory on which to excavate, construct, and defend a canal of such depth and capacity. Following the introduction of that bill on the 5th of February, 1900, a treaty was signed by Mr. Hay and Sir Julian Pauncefote, commonly known as the first Hay-Pauncefote treaty, which referred to the Clayton-Bulwer treaty as follows:

> The United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objections that may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, etc.

Among other provisions in this Hay-Pauncefote treaty was this in Article II:

> The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules.

It will be noticed that this article places the responsibility for maintaining the principle of neutralization not upon the United States alone, but upon the United States and Great Britain. Paragraph 7 of Article II of that treaty contains this provision:

> No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

When that treaty was submitted to the Senate of the United States various amendments were suggested in the Senate, but in the end the treaty was not ratified by either party. Following the sending of that message to the Senate of the United States and its consideration in the Senate on May 3, 1900, Col. Hepburn introduced this bill:

> A bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.
>
> That the President of the United States be, and he is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity, etc.

Here were bills pending in Congress, one of which was reported before the treaty had been agreed upon and ratified between the United States and Great Britain abrogating the Clayton-Bulwer treaty, providing that the United States should construct and defend or protect a canal. The first Hay-Pauncefote treaty did not contain a provision directly abrogating the Clayton-Bulwer treaty. There was then before the two countries a proposition presented by a legislative committee of this House having control of the subject, a proposition that the United States should construct and defend or protect an Isthmian canal and a provision that the Clayton-Bulwer treaty could be, if not abrogated, changed to allow that.

The Hay-Pauncefote treaty, which was finally ratified, contained a provision that the high contracting parties agree that the present treaty—that is, the last Hay-Pauncefote treaty—shall supersede the aforementioned convention of the 19th of April, 1850, the Clayton-Bulwer treaty.

The Clayton-Bulwer treaty, therefore, is entirely abrogated. Article III of the Hay-Pauncefote treaty provides that the United States, not the United States and Great Britain, but the United States adopts as a basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople of October 28, 1888, for the free navigation of the Suez Canal. That is to say, the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions, of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

And there are various other rules. Article II of that treaty provides that—

> The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money by individuals, etc.

And that—

subject to the provisions of the present treaty, the United States shall have and enjoy the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Paragraph 2 of Article III provides:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

And the provision which was in the first Hay-Pauncefote treaty, "that no fortification shall be erected commanding the canal or the waters adjacent," was deliberately left out of the treaty which was ratified.

The present occupant of the chair has endeavored to read all of the correspondence which has been published in any form upon this subject, and has no hesitation in saying that in his opinion it was the design in the treaty to leave to the Government of the United States the right to determine how it should police the canal, and what regulations it should make.

Following the ratification of the Hay-Pauncefote treaty, which was ratified in November, 1901, came an act of Congress based upon the Hepburn bill, which had passed the House and for which a substitute was made in the Senate. That act, commonly known as the Spooner Act, is the act of June 28, 1902. It provided:

That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, and extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon, a canal of such depth and capacity, etc.

Another provision of that act is section 5, reading:

That the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act.

The route finally determined upon was the Panama Canal route, and it is said that the convention or treaty entered into between the United States and Panama would not permit the United States to fortify the canal.

Article XVIII of the treaty between the United States and Panama provides:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened under the terms provided for in section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by Great Britain and the Government of the United States October 18, 1901.

But the neutralization under the treaty (the Hay-Pauncefote treaty) is to be maintained by the United States, not by the United States and Great Britain.

It is said that the limit of cost has been exceeded. The original limit of cost for the canal was based upon the estimate of the engineers, but when Congress adopted the lock-type of canal at the time it did, it was well known that the original limit of cost would be exceeded.

The chairman is not now certain what provision was made at that time in reference to the limit of cost, but in the Payne tariff bill it was provided, among other things, in reference to the issuance of bonds, that there might be issued the additional sum of $290,569,000 of bonds, which sum, together with the $84,631,900 already borrowed by the issuance of 2 per cent bonds under section 8 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission of the amount required to cover the entire cost of the canal from its inception to its completion; and if there be no other change of authorization it is quite certain that the adoption of this estimate by the authority to issue bonds to cover the estimate of cost would be, of itself, an adoption of the estimate.

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. [Applause.] The Chair therefore overrules the point of order. [Applause.]

Mr. SMITH of Iowa. I believe, Mr. Chairman, that the item of $2,000,000 for the construction of seacoast batteries has already been read. I wish to offer an amendment to the next paragraph, if I am right in my conclusion. I send the amendment to the Clerk's desk and ask that it be read.

The Clerk read the next paragraph in the bill, as follows:

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $1,000,000.

Mr. SMITH of Iowa. Now, Mr. Chairman, I offer the following substitute for those lines.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will read.

Mr. KEIFER. Mr. Chairman, we have not passed the first one, unless you couple them together.

The CHAIRMAN. Does the gentleman from Ohio desire to submit an amendment with reference to the first paragraph?

Mr. KEIFER. I have no objection to leaving the matter open until I am allowed to make the motion to strike out both paragraphs. But if I am to be kept off on that, I will make a motion as to the first one. If I can have the right to make the motion applicable to both paragraphs, I would prefer it.

The CHAIRMAN. The gentleman from Ohio desires to have the two paragraphs treated as one.

Mr. SHERLEY. Does that propose to consider both paragraphs as one?

The CHAIRMAN. It will be treated as one paragraph, unless there is objection. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Then I ask that the Chair consider a motion pending to strike out both paragraphs with that understanding.

The CHAIRMAN. The gentleman from Ohio will have opportunity at the proper time. The Clerk will read the amendment offered by the gentleman from Iowa [Mr. SMITH].

The Clerk read the amendment offered by Mr. SMITH of Iowa, as follows:

On page 229, strike out lines 15 to 18, inclusive, and insert in lieu thereof the following:

"For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipment, and machinery necessary for their manufacture at the arsenals, to cost ultimately not to exceed $1,966,000, $1,000,000; the same to be immediately available and to continue available until expended."

Mr. SMITH of Iowa. Mr. Chairman, this amendment does not increase the limit of cost.

Mr. KEIFER. I think that is subject to a point of order, Mr. Chairman. I make the point of order upon that amendment.

Mr. SMITH of Iowa. I think not.

The CHAIRMAN. The gentleman from Ohio makes the point of order on the amendment.

Mr. SMITH of Iowa. That is not subject to a point of order, Mr. Chairman, I think.

Mr. HULL of Iowa. Mr. Chairman, is not that legislation fixing the ultimate limit of cost?

Mr. SMITH of Iowa. It is fixing the amount as originally proposed, but within the limit of cost.

Mr. HULL of Iowa. It is fixing legislation limiting the cost.

Mr. SMITH of Iowa. If any gentleman wants to take the responsibility of raising a point of order on the fixing of the limit of cost, he can make it, so far as I am concerned.

Mr. KEIFER. Mr. Chairman, I will withdraw the point of order. [Applause.]

Mr. TAWNEY. Mr. Chairman, I would like to have the amendment again reported.

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

There was no objection.

The Clerk again reported the amendment.

Mr. SMITH of Iowa. Mr. Chairman, that simply fixes the same amount as in the bill, but limits the cost and the amount estimated to this particular purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SMITH].

Mr. HOBSON. Mr. Chairman, is the vote now to be taken on the amendment?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

Mr. CRUMPACKER. Mr. Chairman, I want to ask a question and make a suggestion. In the first place, if we enter upon the policy of fortifying the canal, we must fortify it most thoroughly, and I want to know upon what basis of cost and efficiency of fortification this limitation is predicated.

Mr. SMITH of Iowa. It seems to me, Mr. Chairman, that the committee may well allow this amendment to be adopted in order to perfect the section, but I will explain to the gentleman that the board went to Panama, and there made as careful an estimate as possible of the entire cost of this work. This $1,966,000 is an estimate for the heavy guns and carriages and

the like. Now, it is believed by the Chief of Ordnance that he has no right to enter upon a work that will cost more than the appropriation without the limit being fixed, and the purpose is simply to fix, at exactly the estimate for this work, the limit of cost.

Mr. CRUMPACKER. It seems to me that it is impossible for anybody, expert or otherwise, to determine the cost of the necessary fortifications for that canal when we undertake that work.

Mr. SMITH of Iowa. I do not see why it is not possible to do it just as well as to estimate the cost of anything else. A very competent board has been down there and made the best estimate they can. They may be mistaken in it, but as far as I am concerned, I propose to take the estimate of these men rather than to take my own.

Mr. CRUMPACKER. My motion is that we ought to do this work thoroughly if we enter upon it, and let that be the limitation.

Mr. SMITH of Iowa. This estimate is only to let him begin that part of the work which he estimates for.

Mr. CRUMPACKER. He must do it all within this limitation.

Mr. SMITH of Iowa. Oh, no; this is not to complete the work, but only for the work that he starts on.

Mr. CRUMPACKER. I supposed that covered the whole cost of the fortifications, and I thought we were getting off very cheap. [Laughter.]

Mr. KEIFER. Mr. Chairman, there was a statement made by the chairman of the committee, Mr. MANN, that I do not agree to. The chairman stated a little while ago that the Hay-Pauncefote treaty abrogated the Clayton-Bulwer treaty. I hardly ever heard that before until it was stated this evening. The first article of the Clayton-Bulwer treaty says nothing of the kind, but says the present treaty, that is the Hay-Pauncefote treaty, was to be taken in lieu of that which the Hay-Pauncefote treaty provided for in two places—that the neutralization of the Clayton-Bulwer treaty is to be retained and continued to perpetually neutralize the canal.

Another statement has just been made that a board of competent people was sent down to Panama to make a report about the cost of fortifying and blockading the canal, and that they had reported that it would cost so much. That board reported a rather comprehensive scheme for an army and navy establishment, but it did not report an estimate cost of its completion. It first reported something over $19,000,000 to start the military part of it, and after being requested to cut this preliminary estimate down, it reduced it to twelve million and something more to do a portion of the estimated initial cost. The board in its report says:

> The following table gives the estimate of cost for the defense contemplated by the board for the necessary accessories, for the construction of posts, for preparation of camp site, but does not include the cost of construction for naval purposes.

Down at the bottom of its report this language is used:

> The board records its opinion that the naval estimates, provided with such facilities as the Navy Department shall consider necessary, are an essential part of the defense of the canal and should be provided equally with the projected land force.

Now, what does the Navy want? What do they recommend? They recommend two harbors, one at either end of the canal, where there is no harbor at all and excavations can not be made, and protection for these harbors can not be made at a cost less than $100,000,000.

The board also provides in its report that there shall be two naval stations; that there shall be dry docks; that there shall be a multitude of things that would require more than $100,000,000 to complete. Let us not shut our eyes to the fact that we are simply being drawn into vast expenditures by a proposition to provide a little seacoast defense to start with. I agree with the distinguished gentleman from Indiana [Mr. CRUMPACKER] that if we are to fortify this canal against the world, that it should be done right. Let us go in with the understanding that we are to put in $100,000,000 now and provide more battleships and more Army to protect it or we will lose it in the end. Mr. TAWNEY has given a fair estimate of the cost of maintaining the proposed fortifications. I am in favor of doing this thing right, if at all, and not do a little chipmunk work down there and lose the canal. [Laughter.] That is the point I make, that it must be fortified or not fortified. Neutralization will protect and preserve the Panama Canal to the United States in perpetuity. At the risk of some repetition I submit, somewhat at length, a reply to things said here and elsewhere to justify the abandonment of the long existing policy of the United States to neutralize the canal across the Isthmus of Panama.

REPLY TO CERTAIN STATEMENTS.

The statements made in debate here and in the public prints to justify a violation of existing treaties by which the United States is bound with other nations to neutralize the Panama Canal must be excused, if at all, because their authors have not had time or opportunity to examine the treaties and have accepted what was stated by persons who supposed they possessed knowledge on the subject and were possessed of an overdesire to enlarge the Army and Navy in time of peace.

Some of the statements are made as though the neutralization of the Panama Canal by international treaty had some relation to the neutralization of forts and strongholds of nations established as a means of protecting them. They do not seem to understand that the canal is to be a public carrier of the commerce of the world, on which tolls are to be collected—the only possible source of revenue to its owner.

When the gentleman from Alabama [Mr. HOBSON] asks why Russia did not neutralize Port Arthur, or why the Japanese have not undertaken "to strengthen its defense through neutralization," and why the British "have not neutralized Gibraltar," we are bound to assume that he spoke without reflection. Nothing is more plainly absurd than to suppose any one nation can alone neutralize its own territory or property, unless, possibly, it is more absurd to suppose that fortified places purely for national defense, like Gibraltar, could be neutralized by international treaty or otherwise. War conditions and neutralization can not exist together. The one excludes the other. There is likewise no possible reason for one nation to neutralize a military or naval stronghold of another, if that were possible.

Mr. distinguished friend [Mr. HOBSON] also says: "The entrance to the Suez Canal is at Gibraltar." Gibraltar is about 2,400 miles from Port Said, the Mediterranean entrance to the Suez Canal, and Gibraltar is about 300 miles more distant from that entrance than the fortifications of New York Harbor are from Colon, the Atlantic entrance to the Panama Canal.

He and others say the Suez Canal is fortified. This statement is absolutely unwarranted. All around me are men who have been through it and can speak from personal knowledge. The Suez Canal treaty of 1888 guarantees its neutralization and nonfortification, and that treaty has never been, and never will be, violated. And so as to all such treaties. Whatever fortifications the British, French, Turkish, or other Governments have in or along the Mediterranean or the Red Sea or their connecting waters are for purposes other than to fortify the canal, and have no more relation to fortifying, blockading, or protecting the Suez Canal than has Gibraltar, or the fortifications at New York City, New Orleans, or San Francisco have to the Panama Canal.

There has not been one dollar spent by any of the signatory powers to the Suez Canal treaty to fortify or to protect it from harm. In all cases, as I have on a former occasion shown, where property, seas, navigable rivers, or straits have been neutralized, all military forts and war preparations, if any before existed, as on the Danube, Black Sea, and so forth, have been torn down and forbidden.

He says the British did not regard the neutralization of the Suez Canal in 1878. The treaty of neutralization bears date October 29, 1888, 10 years later.

Another Member, Mr. KOPP, of Wisconsin, has made a like mistake in his speech on the same subject. There is not time to point out and answer much else of like character.

Mr. HOBSON, somewhat defiantly, exclaimed here in speaking of the Suez Canal treaty, that—

> In that treaty the word used is that the contracting powers "agree" and not "guarantee." The British insisted on striking out the word "guarantee."

He should have read the treaty before announcing such an erroneous statement.

Its opening sentence reads:

> Guarantee of the free use of said canal by all the powers, and providing that it shall not be fortified or blockaded, and that it shall be open in time of war as in time of peace.

My distinguished friend, Mr. MILLER of Kansas, in a talk here had the misfortune, when referring to the treaty with Panama of November 18, 1903, to refer or quote only Article XXIII thereof, which article has no reference to the neutralization of the canal at all, but only, as he then said, to a right that existed without any stipulation, namely, to protect it "if it should become necessary," a right nobody and no treaty has ever denied, but all treaties provide for. He wholly, though requested, neglected to refer to Articles XVIII and XXV of the same treaty, which in explicit terms provide for its neutralization, as stipulated in the Hay-Pauncefote treaty, which adopts and applies to the Panama Canal the neutralization embodied

in both the Clayton-Bulwer and Suez Canal treaties. Articles XVIII and XXV will be quoted later.

He makes an ineffectual attempt to have it appear that President Hayes alone of the Presidents from Monroe to President Taft had opposed the neutralization of the canal. He quoted from a message of President Hayes of March 8, 1880, which had no reference to its neutralization, but only to its control by the United States, and he fails to quote President Hayes's later annual message of December 6, 1880, in which he, following his great Secretary of State, Mr. Evarts, recognized with approval that the United States, by its treaty obligations with Colombia, was bound to forever "guarantee the neutrality" of any canal or transit line of any character in the Isthmus of Panama, I have quoted his language in my January 19, 1911, speech delivered here.

He and others pretend to think that the great preparations for war in foreign countries through enlarged armies and navies are a sufficient reason for the United States to, in violation of treaty obligations, erect fortifications on the canal, enlarge our Army and Navy, and to prepare for war on and around it, rather than to have its safety guaranteed by the powers of the world.

The more danger from strong armed forces of other nations there may be the more reason there is for effectual neutralization.

There are some persons here and elsewhere who say existing law authorizes the fortification of the Panama Canal. It does not. But Congress can not set aside an international treaty or make legal its violation. This is hardly as rational an excuse for the United States to violate the guaranteed neutralization of the canal as the one so often used, based on the claim that the United States ought to promptly violate its treaty obligations and sacrifice its pledged national honor for fear some other nation will not observe its like obligations, honor, and good faith.

Still others say the United States alone is bound to neutralize the Panama Canal, and therefore it can do as it pleases about it—that is, the greater the obligations it has assumed in relation to the canal the less it is bound to fulfill them. How ridiculous!

Such attempts are never convincing. They only demonstrate the desperation advocates of war and war measures are driven to resort to.

And, surprisingly, men of distinction, when forced to admit that existing treaties neutralize the canal and prohibit its fortification and blockade, have put forth the theory that fortifications are, notwithstanding, justified to prevent a foreign country from blockading the canal, as though blockade could come from without. This is the weakest attempt to find an excuse for violating the treaties yet mentioned. It is analogous to a man who, fearing that burglars might break and enter his house to steal, proposes to protect his property by keeping a strong police at his front and back doors to keep them open so the burglars could safely enter without breaking.

MONROE DOCTRINE.

There are still persons who assert that neutralization violates the Monroe doctrine and is unpatriotic. The Monroe doctrine, proclaimed by Monroe in 1823, has reference only to European nations not interfering with American Republics, and not to matters of an international character relating to commerce.

The action of the United States Senate in 1835 and of the House of Representatives in 1839 in passing neutralization resolutions, and the Senate in ratifying neutralization treaties with European countries, and the advocacy by Presidents Monroe, John Quincy Adams, Andrew Jackson, Polk, Taylor, Fillmore, Buchanan, Lincoln, Grant, Hayes, Garfield, Harrison, Cleveland, McKinley, and Roosevelt; also by Webster, Clay, Clayton, Everett, Evarts, Blaine, Hay, and other great statesmen in advocation of treaties of neutralization with European powers, show they did not regard them in violation of the Monroe doctrine, or as unpatriotic.

NEUTRALIZATION—WHAT IT IS.

The Panama Canal is neutralized by the treaty of 1846 with New Granada, now Colombia, by the Hay-Pauncefote treaty of November 18, 1901, which includes the neutralization of the Clayton-Bulwer and Suez Canal treaties; by the treaty with the Republic of Panama of November, 1903, and by the requirements of the franchise granted by New Granada May 17, 1878, purchased by the United States of the New Panama Canal Co.—the French company—April 23, 1903.

These treaties are now in full force, and the United States in taking over said franchise, which now constitutes its only warrant to build the Panama Canal at all, became bound by its terms of neutralization. And the canal can be neutralized by a general international treaty.

Those who contend the United States should fortify the Panama Canal do so because they seem to believe neutralization by international treaty will not safeguard it from seizure or destruction by some nation; that strategically it should be closed when the United States is at war; that neutralization is not operative in a state of war in which the United States is engaged; that an international guaranty could or would not be enforced by the guarantors.

Some pretend to believe such treaties are not always observed, and that this constitutes a sufficient reason for the United States to violate its national honor by breaking them. Such belief is entertained without information or reflection. And recent rules and regulations of war adopted by 42 of the nations of the earth prohibits a belligerent from firing on or destroying undefended, nonfortified property of the enemy. These rules and regulations were adopted in 1907 at The Hague Conference, and the United States then signed them, and it has since ratified and proclaimed them as of binding force. So have other nations.

But, first, what is meant by neutralization?

Neutralization when applied to a property in public use like the Panama Canal has never accomplished and never could, and never was intended to accomplish any purpose unless its owner was at war or apprehended war. Then it exempts neutralized property from war, and the exigencies of war.

In times of peace or of war, when its owner is not a belligerent, it is wholly unnecessary, as such property is respected without it. The seizure or injury of the canal by a belligerent would itself be a declaration of war against the guarantors of its neutrality. No nation already at war would, or ever did, violate an international treaty guaranteeing the neutralization of property it was permitted to enjoy, whether at war with its owner or not.

Neutralization can have no application when and where it is not needed. It admits of no combined conditions of peace and war. It is a jealous mistress of peace. When the United States is not at war, the Panama Canal needs no neutralization. Then vessels of commerce and of war will, unmolested, pass in and out of it as they do in times of peace in all our harbors. Neutralization of the canal will except it at all times from war conditions. It accomplishes that object and no other. When long ago—1850—a canal across the Isthmus was talked about as a possibility, the United States and Great Britain agreed to guarantee its neutralization in perpetuity, though neither then owned or expected to own or have any interest in it or any sovereignty over the territory through which it might be built. Their guaranty then was and now is of absolute freedom from war and all war conditions in time of war, regardless of the belligerents engaged.

The United States can not alone neutralize its own property; that is impossible. The United States can not neutralize its own territory or any part thereof in time of peace; it then needs no neutralization.

Our predecessors and the great men of other times and lands understood exactly what neutralization meant, and at no time in history has it been supposed that a nation could neutralize its own territory or property. Who could complain of a withdrawal or a violation of such attempt at neutrality?

Neutralization means something. The first consequence of the neutralization of the Danube—1865-1818—was to raze all forts and to remove all guns and troops from its banks; and the neutralization—1817—of our great northern lakes resulted in no ship of war ever thereafter being placed thereon and no fort or gun being erected on its shores for the protection of the American coast and the cities thereon from a foreign foe.

So as to other neutralized property or water highways.

Neutralization is to exempt from war, or acts of war—to secure peace; it has no application to a state of peace, only to preserve it.

When at peace the canal enjoys neutralization naturally.

Other nations at war will always respect the canal, either as required under universally recognized international law or under the recently adopted rules and regulations of war. Neutralization, fortifications, or blockade are therefore wholly unnecessary and inapplicable, save to protect the canal when the United States is at war.

Obviously, in such case, if not bound by such law or rules and regulations, a belligerent would not invite war with the United States by wantonly attacking the canal. A nation at war with one nation does not provoke war with another. The neutralization provided for the canal in all the treaty and other obligations has reference only and strictly to a state of war in which the United States is a belligerent. The stipulations in the treaties granting free access and ingress of vessels of commerce and of

war of foreign nations relate to mere matters of comity and interest in securing on reasonable and equitable terms revenue to the United States, and are only incident to neutralization. The neutralization of the Panama Canal is not like the neutralization of a country, not to be used or enjoyed by the guarantors or other nations, but which is to be enjoyed alone by the people of the neutralized country.

The statement that the Clayton-Bulwer treaty was modified to secure the right of the United States to own land through which a canal could be built, and to "regain the power to fortify the canal, which it had parted with in 1850," has no support in fact.

The Clayton-Bulwer treaty of 1850 never took from the United States a right to fortify any canal. It neither then, theretofore, nor since enjoyed, nor did it then or ever seek to enjoy, such right.

The Clayton-Bulwer treaty was a mutual agreement between Great Britain and the United States that neither of them would—

ever obtain or maintain for itself any exclusive control over any ship canal, agreeing that neither would ever erect or maintain any fortifications commanding the same, or in the vicinity thereof.

The canal then in contemplation, as stated in the treaty, was "by the way of the river San Juan de Nicaragua," through one or both of Lakes Nicaragua or Managua, and wholly in Nicaragua territory. Neither Great Britain nor the United States then had any ownership or proprietary interest in or right of any kind to build or fortify any canal when built. The treaty was an advance pledge that neither of these countries would ever acquire or assume any such right; and coupled with this pledge was a guaranty that if the canal was built "by any parties having the authority of the local governments through whose territory the same may pass," it should be neutralized, never fortified or blockaded. At that time, and for more than 50 years thereafter, neither Great Britain nor the United States owned or permanently controlled any territory in Central America. Article VIII of the Clayton-Bulwer treaty stated that the neutrality and protection provided in it for the Nicaraguan route might be extended to any other practicable route by canal or railway across the Isthmus of Panama.

In both the 1900 and the 1901 Hay-Pauncefote treaties it is recited that both the United States and Great Britain—

being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the general principle of neutralization established in Article VIII of that convention.

President McKinley, in submitting for ratification the one dated February 5, 1900, and President Roosevelt on February 22, 1902, in proclaiming the ratification of the one dated November 18, 1901, used the same language in substance in declaring the purpose of the respective treaties. Not one word was said in either treaty or by either President or by anybody on the subject of securing to the United States the right to own land through which a canal could be built; and both treaties provided for the neutralization of any canal the United States might build as stipulated for in the Clayton-Bulwer treaty, also according to the rules governing the neutralization of the Suez Canal established by the convention of Constantinople of date of October 28, 1888. Both treaties in express terms neutralize the canal and prohibit blockade and fortifications, and require it to be—

free and open to the vessels of commerce and of war of all nations.

When the first Hay-Pauncefote treaty (1900) was signed, and later (Dec. 16, 1900) when it was ratified, the United States had not acquired or sought to acquire any right to any territory over which to build a canal across the Isthmus.

At the time the 1901 treaty was signed and ratified the United States had acquired a conditional right merely to build a canal through Nicaraguan territory, but without attempting to acquire any sovereignty over any territory proposed to be occupied. It did not acquire its present right to the Canal Zone until after November 18, 1903, nor was the President authorized to acquire any territory over which to build a canal until June 28, 1902. As showing conclusively that there was no purpose on the part of the United States to acquire the right to fortify the canal it might build, a clause in paragraph 7 of Article III of the 1900 treaty expressly prohibited fortification in these words:

No fortification shall be erected commanding the canal or the waters adjacent.

President McKinley and his great Secretary, John Hay, favored this clause and asked the Senate to ratify it, and the Senate, by a large majority on several yea and nay votes, refused to strike this prohibition out of the treaty or to modify it.

In the 1901 treaty it was thought best and safest to remove all doubt as to what the United States might do or not do toward protecting the canal, to specifically define what it was empowered to do. So, for paragraph 7 of Article III of the older treaty this language was used:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

This clause fully recognized that the neutralization provisions of the treaty prohibited all acts of or preparations for war, and hence there was used the language "The United States, however," meaning that, notwithstanding such provisions and prohibition, the United States might "be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder;" nothing more.

This limited its separate military and police power. Whatever right not thereby granted was, of course, excluded. Having defined the power reserved or granted to the United States, no other could be exercised under the treaty. And we shall soon see that the Senate of the United States, in ratifying each of the Hay-Pauncefote treaties, understood fully that each prohibited fortifications on the canal.

The provision was made a part of section 2, Article III, of this treaty as a substitute for the clause in section 7 of the 1900 Hay-Pauncefote treaty expressly to prevent the misunderstandings apprehended by the British authorities if they ratified the earlier Hay-Pauncefote treaty as amended by the Senate. The provision was not to weaken but to retain and strengthen the neutralization of the canal, so much desired, as stated in the correspondence, by both countries.

The whole section reads:

The canal shall never be blockaded, nor shall any act of war be exercised, nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It would not be excusable to again refer to the nature of the treaties and the settled rules for their construction if those who favor violating the plain provisions of neutralization in the several treaties did not attempt to justify themselves by insisting that under them the United States may do what is not in them expressly prohibited, even though other provisions of the treaties would be overthrown thereby. As for instance blockade of the canal is expressly prohibited, yet it is insisted the canal may be fortified, though to fortify it will absolutely blockade it.

The same rules of construction apply to treaties as to other compacts.

An express exception only saves a general provision from being exclusive.

The Supreme Court has spoken on this subject:

A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the intent and the honor of the governments which are parties to it. (118 U. S., 598.)

In its construction the same rules which govern other compacts properly apply. (9 How., 127.) There is no rule of interpretation applicable to treaties or to private contracts which would authorize either of the parties to make exceptions by construction, where the parties have not thought proper to make them. (8 Wheat., 464, 488, 489; 12 Pet., 722.)

As indicative of the accepted rule of interpretation of treaties, the language of Mr. Justice Field (133 U. S., 271) is significant:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the intention of the parties.

Manifestly the draftsmen of the Hay-Pauncefote treaty understood the meaning of language, used it properly, and were familiar with the rules of construction.

While the 1900 treaty was pending for ratification in the Senate on December 1, 1900, President McKinley, through Secretary Hay, negotiated a protocol with Nicaragua by which it agreed to settle a plan by which the United States might build a canal through Nicaraguan territory, the United States expressly agreeing therein that it should be neutralized as stipulated in the 1900 Hay-Pauncefote treaty then pending for ratification in the United States Senate. Such treaty, as stated, in terms prohibited fortifications.

When President Roosevelt sent to the Senate for ratification the 1901 Hay-Pauncefote treaty, he and Secretary Hay understood that the language defining the powers the United States might exercise to protect the canal excluded fortifications and blockade, and they made this clear to the Senate. The President in his letter of transmittal forcefully stated that the treaty was concluded with a view to preserve the—

General principle of neutralization embodied as the settled policy of the United States Government in the Clayton-Bulwer treaty more than 50 years before.

Neutralization and nonfortification were central and principal provisions of the Clayton-Bulwer treaty.

The Senators had the same understanding, and they accordingly voted down every effort to take out of the 1901 treaty such prohibition, and likewise voted down by large majorities every motion to amend it so as to secure to the United States the right to fortify the canal, even though built wholly at its expense. They understood neutralization, fortifications, and blockade could not go together.

All the treaties require neutralization and prohibit blockade or acts of war, and if they contained no other stipulations, fortifications could not be established under them, and the fortifications proposed by the Fortification Board mean only blockade, which is expressly prohibited in all the treaties.

Since the first Hay-Pauncefote treaty was negotiated in February, 1900, nothing was done by the United States to secure the right to fortify the canal when built, save by a few Senators whose efforts failed. Even the amendment to the first treaty which caused its rejection by Great Britain did not provide any right, at any time, to fortify the canal. It purposely left paragraph 7 of Article III unaffected which, we have just seen, prohibited fortifying the canal. President McKinley and Secretary Hay December 1, 1900, after the first treaty was signed and before its ratification was acted on, negotiated with Nicaragua for the mere right to build a canal through its territory.

So it clearly was not the purpose in making any Hay-Pauncefote treaty to acquire the right to secure land through which to construct a canal or to fortify it when built.

The statement that the correspondence between Lord Lansdowne and Mr. Hay, and Mr. Hay's statement to the Senate in transmitting the treaty finally ratified shows that it was recognized by both parties to the treaty that the neutrality of the canal was to be maintained alone by the United States; that nothing in the treaty would prevent the United States fortifying the canal, and that in case of war between the United States and England or other country, nothing in the treaty would prevent the United States from closing the canal to shippers of an enemy, and that the Senate insisted on these things, is unwarranted. No fact supports it. The Hay-Pauncefote treaties speak for themselves. Each party to them plainly bound itself jointly with the other to neutralize the canal. The only thing found in the correspondence directly bearing on what countries were bound by them was in Lord Lansdowne's communication on the subject of the amendment put on the earlier Hay-Pauncefote treaty, where he said:

> If the amendment were added the obligations to respect the canal in all circumstances would, so far as Great Britain is concerned, remain in full force.

His view was that the amendment might be construed, in some event, to release the United States and leave Great Britain still bound to keep its guaranty of neutralization. The later treaty was negotiated, excluding the amendment, and leaving both nations bound to guarantee neutralization; and to avoid doubt arising as to the rights of the United States, in peace or war, pertinent language was used, as I have pointed out, defining just when the United States could use a military police force, and exclusively for what purpose, viz—

> to protect it against lawlessness and disorder.

Thus both treaties prohibited fortifying the canal. Mere neutralization as stipulated for in each treaty prohibits fortifications as everywhere understood and enforced.

The second Hay-Pauncefote treaty is now in full force. The Senate, when engaged in ratifying each treaty, understood that each prohibited fortifying the canal, and it favored neutralization and nonfortification, as its proceedings in executive session conclusively show.

The principal amendment adopted by the Senate to the earlier Hay-Pauncefote treaty reads thus:

> It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

This was to add to paragraph 5, Article III of that treaty, and it left section 7 unaffected, which expressly prohibited fortification. The amendment did not grant any right to the United States to fortify the canal or to do anything with its own forces save when it became necessary to defend "the United States and the maintenance of public order."

It was adopted December 15, 1900, with the full understanding that it would not give such right. This is shown by the proceedings in the Senate.

Senator Elkins, December 20, 1900, moved to add to this amendment the following:

> But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory, and sovereignty over the same, upon which to build, manage, operate, defend, protect, and control said canal, or for any other purpose, as the United States may deem best in its own interests.

This amendment was intended to give the United States the right to acquire territory and "to build—defend, protect—said canal" as the United States might deem best in its own interest. It was voted down—yeas 25, nays 45.

On the same day Senator Teller moved to strike out sections 3 and 4, a clause in section 5, Article II of the treaty, and the clause in section 7, Article II, prohibiting fortifications, which was likewise voted down.

Then Senator Butler moved to strike out the nonfortification clause of paragraph 7, which was voted down—yeas 26, nays 44.

Later, same day, Senator Mason moved to insert in Article II, after section 7, the following:

> *Provided*, Nothing herein contained shall prevent the United States from protecting said canal in any way it may deem necessary, if the United States shall construct said canal at its own expense.

This was likewise voted down—yeas 25, nays 44.

Later still, same day, Senator Teller moved to strike out of Article II the words "in time of war as in time of peace," and the words "and of war," which was also voted down.

Then immediately Senator TILLMAN moved to strike out the amendment agreed to and to insert in lieu thereof this:

> It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of order.

This amendment was rejected—yeas 27, nays 43. Other motions to the same effect were voted down, and the treaty was, December 20, 1900, ratified—yeas 55, nays 18.

Nothing could be more conclusive of the Senate's understanding and desire that this treaty forbid fortifications, even though the canal should be built at the expense of the United States, and that it should forever, in time of peace or war, be open and free to the ships of the world.

The Senate never changed this understanding and desire.

This treaty not being satisfactory to Great Britain, because of the amendment, a new one—dated November 18, 1901—was negotiated to get rid of its objection.

As already shown, a clause was so placed in the later one as to define just what, and only what, the United States might do, namely—

> be at liberty to maintain such military force along the canal as may be necessary to protect it against lawlessness and disorder.

This clause recognized the universally accepted rule that neutralization itself prohibited fortifications or other war preparations, and it declared what, in a particular case, the United States might be at liberty to do to protect the canal "against lawlessness and disorder."

It was a very proper provision, and it left no room for a misunderstanding, and it excluded all other right; and it was so understood by the President, as stated in transmitting the treaty to the Senate, and by it when it ratified the treaty, as its proceedings amply show.

When this later treaty came up for ratification, Senator CULBERSON—December 16, 1901—moved to insert in it the principal amendment the Senate had added to the former treaty, but his motion was voted down—yeas 15, nays 65.

The clause which gave the United States the liberty to "maintain such military police along the canal" as it might find necessary to "protect it against lawlessness and disorder" was, by the Senate, regarded as all the separate right desired or that should be asked in view of the neutralization.

As a further test, Senator McLaurin—December 16, 1901—moved to strike out of Article III of the treaty the words:

> Substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal.

His motion was rejected and the treaty was then ratified without amendment—72 yeas, 6 nays—and it is still in full force.

The provisions of this Hay-Pauncefote treaty are so plain and explicit as not to admit of doubt as to its meaning.

It provides for neutralization. How, then, can the canal be taken possession of and fortified? It provides that the "canal shall be free and open to vessels of commerce and of war of all nations;" how, then, can it be closed to such vessels by military force? It provides that the "canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it;" how, then, can fortifications, which, as the report of the Fortification Board shows, are to blockade the canal, and an army be maintained on the line of the canal? It provides that while in "the canal, vessels of war of a belligerent shall not revictual nor take any stores" except when strictly necessary, nor "embark or disembark troops, munitions of war, or warlike materials, except in case of accidental hindrance of the transit, and shall not remain in the canal more than 24 hours," nor "depart within 24 hours from the departure of the vessels of war of the other belliger-

ent;" how are vessels to do this if no vessel of a belligerent is to be admitted at all?

The neutralization provided for in the treaty is to "apply to waters adjacent to the canal, within 3 marine miles of either end;" how can this be if the United States is at liberty to blockade or fortify the canal and thus prevent all neutralization?

It provides that "the plant, establishment, buildings, etc., of the canal shall be deemed a part thereof—and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents;" how is this right to be enjoyed if the United States assumes the right to close the canal whenever, in peace or war, it pleases to do so?

Nothing in this treaty gives the United States greater authority in time of war than in time of peace, whether it is a party to a war or not. Article IV provides that no change of territorial sovereignty will give any right to build a canal, save under the neutralization and obligations of the treaty. When this (1901) treaty was made the United States had no sovereignty of any kind over any territory on the Isthmus. It first acquired a limited authority over the Canal Zone from Panama under a treaty dated November 18, 1903. Clearly the United States by acquiring the Zone did not acquire any right to violate its treaty obligations.

The statement that the "treaty with Panama reaffirms the treaty with England of 1900 and expressly gives the power of fortifications" is worse than inaccurate.

The Panama treaty does not refer to the 1900 Hay-Pauncefote treaty at all, and both treaties provide for neutralization and prohibit fortifications, as I have pointed out.

And the Panama treaty—November 18, 1903—neutralizes the canal by adopting the existing Hay-Pauncefote treaty.

Article XVIII reads:

The canal, when constructed, and the entrance thereto, shall be neutral in perpetuity and shall be opened upon the terms provided for by section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

And Article XXV of the same treaty provides for "the efficient protection of the canal and the preservation of its neutrality."

It is true that Article XXIII of this treaty says the United States may "employ armed forces for the safety and protection of the canal or of the ships which make use of it" when, and only when "it should become necessary," and "grants the right to use its police and its land and naval forces to establish fortifications for these purposes," but for no others.

There is not one word in the treaty which by any reasonable construction authorizes the United States, or any country, to fortify or blockade the canal, or any part of it. Article XXIII gives no right that would not exist without it, and whatever authority it does give is consistent with the neutralization, nonfortification, nonblockade, and so forth, provided for in existing treaties and as expressly required by Articles XVIII and XXV of the Panama treaty.

It must always be remembered that guaranteed neutralization may require force to maintain it, and that there is no restriction on the guarantors as to the force they may use for that purpose.

Neutralization may be fought for as well as any other thing. Why not fight to maintain peace rather than for conquest, or for the love of war?

The theory that the treaty with England only binds the United States to "guarantee the neutrality of the canal" needs no further comment. Our country can not neutralize its own territory, and the treaty obligates both countries to guarantee neutralization for the canal.

SEE ITS PREAMBLE AND ARTICLE IV.

Have Presidents, statesmen, and Senators been engaged for almost a century making treaties to secure neutralization only to find they could only bind one party, and that one had the right, at will, to violate it, or could do as it pleased about it? There are also other treaties neutralizing the Panama Canal.

If the United States only is bound to neutralize the canal, has the time arrived for it to violate its obligation and put the Panama Canal on a war footing against all the world?

It will not be seriously claimed that the United States has to preserve the canal as a transit for belligerents in time of war when the United States is not engaged. This absurd claim assumes that the treaties in some way provide for a time of war when the United States is not involved. Not a word is found in any treaty giving the United States any rights when at war that it does not possess in time of peace or when other nations are at war. No nation not at war or seeking war with the United States would attack the canal, although at war with another nation, hence the provision of the 1901 treaty, paragraph 6, Article III, already referred to, granting "in time of war as in time of peace complete immunity from attack or injury by belligerents" can only refer to belligerents engaged in war with the United States. Such was the interpretation given the treaty by its draftsmen, by the President of the United States, and by the Senate.

COST OF FORTIFICATIONS AND THEIR MAINTENANCE.

The statement minimizing the cost of fortifying the Panama Canal is made on imperfect information.

The $12,475,328 estimate for the purpose of commencing fortifications is, as the fortification board states, only sufficient to start the work. Its earlier estimate was $19,545,843, and this did not, as the board states, include anything for "the cost of construction for naval purposes" nor for necessary "naval stations," "naval establishments," including harbors at both ends, dry docks and battleships for each end of the canal in peace or war, nor for an adequate army of occupation, permanent camps and barracks, sites therefor, and other expensive matters deemed necessary by the fortification board. A substantial increase of our Army and Navy, now regarded as too small, will necessarily be required. So as to our Navy.

Instead of the cost of maintaining the Army and Navy and their establishments on and at the ends of the canal not exceeding $500,000, it will run into millions. The sanitation alone necessary to be maintained will far exceed that sum. Its cost last year on the zone was above $1,800,000, and it may exceed this sum if the canal is to be kept constantly on a war footing by an Army of occupation and a Navy.

Fortifications and naval stations not provided at all times with an adequate Army, guns, and battleships would be the worst of folly should a war suddenly break out. They are absolutely useless except in case of war, hence if necessary at all they must always be ample for war. There would also have to be large depots for Army and Navy supplies of all kinds, quartermaster, commissary, ordnance, coal, and the like, as in time of war transportation would become impossible save under the convoy of a strong fleet of battleships.

There are no harbors at either terminus of the canal, and none can be made at any reasonable cost for battleships to ride in. Not even Panama City, on the Pacific side, or Colon or Cristobal, on the Atlantic side, has a harbor suitable for such ships or for a naval station. The so-called bays have now to be dredged for a considerable distance into the oceans for extensions of the canal channel to get the required 50 feet depth. On the Pacific end the dredging extends beyond the islands belonging to the zone and far out from the mainland. At Balboa, formerly called La Boca, there is now about completed a breakwater extending from the shore of the mainland to the island of Naos to protect the canal channel. On the Atlantic side, if warships could even be anchored within Limon Bay, which they can not, the frequency and hurricane character of storms would drive them out or destroy them. What it would cost to make suitable harbors to meet the recommendations of the fortification board will be hard to compute. The expenditure of $100,000,000 would not suffice for the purpose.

Just now we understand Congress is expected to authorize the United States to establish coaling and other supply stations solely for vessels arriving at the canal; also dry docks for repairing ships, and for whatever else may be required to aid and promote navigation and commerce. This will be right and proper under the treaties, but they could not be used in time of war to which the United States was a party unless neutralization obtains, or for our battleships at any time. Transports carrying supplies for such purposes, with colliers for coal, and so forth, would have, in time of such war, or even apprehended war, to be convoyed by a fleet of battleships to insure their safety. If the canal is fortified, on the same principle fleets of battleships should be provided to constantly convoy supply ships to and fro to prevent them from capture on a sudden outbreak of war. Neutralization will avoid all expense of fortifications and of such fleets and insure freedom from danger.

INTERNATIONAL TREATIES ARE NOT VIOLATED.

Treaties or engagements signed by many nations never have been violated and they never will be. Why did the United States enter into the treaties and subscribe to the rules and regulations adopted by the great Hague Peace Conference and then ratify and proclaim them to all the world of binding force if they were never intended to be observed?

Thus far I have barely referred to the treaty now in force between the United States and New Granada (now Colombia) dated December 12, 1846, by which the United States in express terms "guarantees positively and efficaciously the perfect neutrality—the free transit from one to the other sea—not to be interrupted or embarrassed in any future time." This treaty was brought about by negotiations first initiated by President John Quincy Adams and earnestly advocated by Daniel Webster

and Henry Clay and especially urged by President Andrew Jackson; also indorsed by a Senate resolution of March 3, 1835, and a like House resolution of 1839.

FRANCHISE UNDER WHICH CANAL IS BUILT.

And I should refer again to the Colombia franchise, under which the United States is now building the canal and for which we paid the New Panama Canal Co. (the French company) $40,000,000 for its rights under it, and we also paid $10,000,000 more to the Republic of Panama for confirming it, and further agreed to pay it $250,000 yearly forever, to commence November 18, 1912, and to transport through the canal and over its auxiliary railroad its vessels, troops, and munitions of war free at all times, and we also guaranteed its independence forever.

A provision of this franchise, dated May 17, 1878, is a guaranty of neutrality "for all time" of the canal to be built under it, in these words:

ART. V. The Government of the Republic declares neutral for all time the ports at both ends of the canal and the waters of the same from one ocean to the other; and, in consequence, in case of war between nations, the transit of the canal shall not be interrupted, and the merchant vessels and individuals of all the nations of the world can enter said ports and pass through the canal without being molested.

Articles VIII and XII of the Panama treaty authorized the New Panama Co. (the French company) to sell and transfer its rights under said franchise to the United States, and it bound itself in its purchase from that company to maintain the canal as provided in the franchise.

RULES OF WAR NEUTRALIZE CANAL.

It should also be again observed that the 1907 Hague Peace Conference adopted rules of war and regulations to govern the rights and duties of neutralized places, which severally prohibit bombardment of undefended ports, neutral territory and neutral waters, or the commission of other acts which would be a violation of neutralization or which would result in the destruction or seizure of any property of the enemy in time of war, save when imperatively necessary.

These rules and regulations were signed severally by 42 of the powers of the world, the United States heading the list, Russia, Japan, England, France, Germany, Austria, Spain, Argentina, Colombia, and Brazil, and all other great powers being among the number. The United States later, by and with the advice and consent of the Senate, ratified all these rules and regulations, and President Taft, February 28, 1910, proclaimed them of binding force—

to be observed and fulfilled with good faith by the United States and the citizens thereof.

It will be seen that, without treaty guaranties of neutralization, if the canal is undefended, all the powers of the world are solemnly bound not to fire upon or destroy it, even in time of war in which the United States is a party. The moral force as well as the binding character of these rules and regulations insure their observance.

POLICY OF NEUTRALIZATION.

The policy of the United States, at least since Monroe's administration, should also be respected. Presidents, Secretaries of State, statesmen and patriots, Senators and Representatives have, in unbroken line, favored complete neutralization of any isthmian canal. This is made manifest by messages, Executive papers, correspondence, Senate and House resolutions, treaties, and otherwise, which I have referred to and quoted liberally from in my recent speech of January 19, 1911.

The Presidents and great statesmen from Monroe to President Taft did not regard international neutralization treaties as infringing the Monroe doctrine.

No instance during that time will be found where the right to neutralize the canal when built was opposed, or the right of the United States to fortify it was advocated, unless, possibly, by a very small minority of Senators during the proceedings to ratify the Hay-Pauncefote treaties, and they hardly went so far as to favor such right.

STRATEGIC IMPORTANCE OF NEUTRALIZATION.

The strongest reason, however, even stronger, if possible, than the treaty obligations, is the strategic importance to the United States of neutralizing the Panama Canal in case it is engaged in war. In that event it would not have to defend the canal; its safety would be guaranteed beyond peradventure; its revenues and that of its auxiliary railroad would not be interrupted; our Army and Navy would be free to pass and repass through it and to operate when and where needed; the great expense for fortifications, harbors, naval stations, dry docks for our Navy, and the like, and for additions to the Army and Navy of the United States, including a substantial increase of officers and men, also battleships, and for other necessary offensive and defensive war preparations and for the cost of sanitation; for transports to continuously carry supplies, and for other expenses of maintenance and the keeping of the canal and its auxiliary railroad on a continuous war footing, would also be saved.

To close the canal, in time of war, to other nations or to the enemy would secure no advantage, nor would any strategic advantage be lost to the United States by keeping it open. If the enemy had a fleet in Atlantic waters, we would meet him there, and if in Pacific waters we would meet him there, and if he had a divided fleet, one in each ocean, we would concentrate our warships and beat him in detail.

If we fortify the canal, we must maintain an army of occupation of great strength at its ends and on its line, likewise fleets of ships to support the Army, and if the canal should not be held it would be lost to the United States. In time of war the United States will need its military and naval forces elsewhere.

But by no possibility would the canal be lost to the United States if neutralized, not even by defeat in war. A treaty of neutralization is never broken, and its guarantors would enforce it; and should it, by any possibility, be violated they would require ample indemnity.

PEACE.

Peace, general peace, would be promoted by neutralization, the most important of all considerations. The Panama Canal was designed to promote commerce, not war. In the century of discussion over the practicability and necessity of connecting the Atlantic and Pacific Oceans by a canal across the Isthmus of Panama not a suggestion has been made, until very recently, by anybody, either by a President or statesman or by either branch of Congress or any Member thereof, that such canal should be built as a necessary war measure. As commerce does not flourish in war times, neutralization has always been insisted on to preserve commerce in time of war as in time of peace. It has been a promise to the civilized world ever since a canal across the Isthmus of Panama was thought practicable that it should, in perpetuity, be neutralized—kept open and free to the ships and flags of all nations "in time of war as in time of peace."

The Republic of the United States, with all its boasted Christian civilization, should be the last to break this sacred promise and to violate the policy of neutralization so long proclaimed by our predecessors.

The duty of the United States to neutralize the canal is both of obligation and interest.

It should be neutralized for strategic as well as economic reasons and to promote peace on earth.

Mr. RICHARDSON. Mr. Chairman, I have listened with a great deal of interest to the learned opinion expressed by the Chair a few moments since. I do not hesitate to say that I differ with the Chair in the construction that is given to the different treaties referred to. It was my pleasure and my honor, Mr. Chairman, as the Chair well knows, to be associated with the Chair in the Interstate and Foreign Commerce Committee at the time that the Hepburn bills were being introduced. I say that I challenge anyone here to-night to say that the Clayton-Bulwer treaty of 1850 related to anything else except that Great Britain and the United States should neither one own any land that the Isthmian Canal was to pass over, or own any stock in any company or any private corporation that was organized to construct that Isthmian Canal, and it went one step further than that. It proposed to confer with the different nations of the world and invite them to join with them in guaranteeing that that canal should never be fortified.

I know just as well as any gentleman on this floor knows that this canal was not built under the Clayton-Bulwer treaty, but that treaty expresses the idea and an opinion that never can be removed or destroyed. It expresses the opinion that Great Britain had, that the canal should be constructed under those circumstances where neither the British Government nor the United States of America had any land interest or any stock in it, and should never be fortified. It expressed the opinion, in which our Government agreed, that all the nations of the world should be invited to join in that guaranty. I ask these intelligent gentlemen here to-night what was the next step that has power and influence in controlling the settlement of this question here to-night?

The Hay-Pauncefote treaty came along in the year 1900. What was the purpose of it? What object did it have in view? What did it propose to accomplish? It was nothing but to regain and secure the power that they had lost in the Clayton-Bulwer treaty. That is, to fortify the canal. Nobody questions but what that was the purpose of the Hay-Pauncefote treaty. The chairman of the committee in reading his opinion, which meant nothing else except that the canal could be fortified by authority of law—I ask him and I ask any well-informed

gentleman on this floor to-night what sentence, what paragraph of law has been referred to in these proceedings that tends to convince you or anyone else that there is authority of law to put fortifications there.

Why, Mr. Chairman, the Hay-Pauncefote treaty does not say so. It is absolutely silent on that subject. What treaty is there, then, that says so? I ask what treaty and where is the authority that it came from? None but the treaty that Mr. Roosevelt, as President of the United States, entered into with the little Panama Republic that we created in the wrong way. That is the treaty and the only treaty that justifies or allows anyone to say that there is any authority of law.

Mr. Chairman, I can not vote this amount of money or any amount of money for the fortification of the canal, when I remember, Mr. Chairman, that in all the wars that our country has engaged in in the past that we have always attacked the foreign power and that no foreign power has ever attacked us. If we follow the precedents of our past, what need will we have for fortifications? To decline to fortify, in my opinion, opens broad the way of peace and preserves friendly relations with all other powers. To fortify means that we are looking for war; and, looking for it, we will sooner or later find it. I am an advocate of the preparations for peace and not for war. We ought not, Mr. Chairman, at this time to forget the manner in which this Government acquired the canal strip in Panama. Mr. Chairman, a darkened spot lives in the career of Frederick II of Prussia, when in profound peace he swooped down with his army on Silesia, an undisputed part of the domain of the Empress of Austria, and possessed it for his own purposes. Our Government threw its marines into Panama on the pretext of suppressing a revolt engaged in by hardly a score of men, and prevented the soldiers of Colombia, with which we had an honorable treaty, from suppressing the pantomime revolt. We then proceeded to recognize Panama as a Republic, and formed with that Republic a treaty that gave us the only authority to fortify the canal. Our Government will yet be held to account for that wrong and injustice to the Republic of Colombia. I can not vote to build fortifications at Panama. It means that a standing army will be constantly on guard at Panama to man these fortifications. No man can surmise the expense that this Government will be subjected to for this policy of fortifications. It all means war instead of peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, The gentleman from Ohio [Mr. KEIFER] has referred to certain mistakes that he assumed the gentleman from Kentucky [Mr. SHERLEY] had made. I wish to refer to certain mistakes that the gentleman from Ohio has made. I refer first to the position of Admiral George Dewey. The gentleman from Ohio stated that Admiral Dewey had opposed the fortification of the Panama Canal. I have a letter from Admiral Dewey, dated February 1, which reads as follows:

> The remarks quoted as coming from me in Gen. KEIFER'S speech of January 19 last, that I was opposed to fortifying the Isthmian Canal, were made several years ago before we had any right under the then existing treaties to fortify it and, indeed, when there was doubt whether there ever would be a canal there.
>
> I am now in favor and am on record, as president of the general board and the joint board, as strongly indorsing and urging the fortification of the canal.
>
> GEORGE DEWEY.

[Applause.]

I wish to refer, in the second place, to another mistake of the gentleman in quoting the late President of the United States. I am reliably informed that not only is the late President himself strongly in favor of the fortification of the canal, but that he has stated that the British ambassador, in answer to a direct question of his at the time of the ratification of the Hay-Pauncefote treaty, had declared that Great Britain acknowledged and willingly accepted the right of the United States to fortify the canal under the terms of the treaty.

Now, Mr. Chairman, it seems to me that in some ways the bulk of this discussion has been wide of the field. It has seemed to hinge around technicalities or interpretations of treaties. I wish to ask, Has any nation yet registered any protest against the United States fortifying the canal? Not one. Since the adoption of the treaty with Panama granting us the right to fortify that canal, has any nation yet questioned that right? Again, has there been any nation or group of nations that has ever requested us to neutralize that canal? Not one. For years America's rights have been tacitly acknowledged by all the world. It is unnecessary and gratuitous to inject foreign nations into this American question. When a great question like this arises, the way to move for a nation as for a man is to get the simple, fundamental facts, to stand upon the elemental truth, the laws of nature, and find the straight and narrow path of duty, and, having found the path of duty, to follow it without hesitation. [Applause.] Where does duty lead us in this crisis? As much with the nation as with a man, the first law in nature, and therefore its first duty, is self-preservation. The law of self-preservation dictates that this Nation shall fortify the canal and control it when questions of national defense arise. I will illustrate. The question of passing through the canal would be vital to the success or the failure of war in which this Nation's destiny will be involved. Can there be any question among patriotic Americans whether they should leave the control of the canal and the success or the failure of the war in the hands of any other power or group of powers? To-day there are two existing conventions of nations to guarantee international rights and the vital interests of individual nations. One is in the case of Manchuria. The United States took the initiative and secured the cooperation of all the great powers of the world to guarantee the territorial integrity of China and the principle of the open door.

The CHAIRMAN. The time of the gentleman from Alabama has expired. [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. How much time does the gentleman want?

Mr. HOBSON. I would like to have five minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOBSON. I will say, gentlemen, I do not intend to abuse your patience; I know you are ready to vote, and I know you are going to vote like Americans and like patriots. Now, in the neutralization of Manchuria, America secured a solemn pledge from the very same nations that we would get a pledge from to-day if we neutralized the Panama Canal, but in the short time that has elapsed China has been the field of battle of two nations that made the neutralization guaranty of the integrity of China and the open-door policy, one of those nations declaring that the object of its going to war was to guarantee the integrity of Korea and the open-door policy of Manchuria. That nation itself has absorbed Korea and in large measure dominates Manchuria.

The other case of international neutralization is that of the treaty of Berlin, in which the integrity of the Balkan Provinces is guaranteed by the same nations and much the same treaty or kind of treaty by which the Panama Canal would be guaranteed. This is one of the most solemn treaties ever signed by civilized nations, all the great nations agreeing to jointly guarantee the integrity of the Balkan Provinces.

Only two years ago, with that treaty still in full effect, Austria, backed by Germany, two signatories of the Berlin treaty, proceeded to seize Herzegovina and Bosnia, the Adriatic Provinces, to violate the pledge of the treaty, and not a voice was raised in protest. What nations are these that were reduced to point of impotency where they were compelled to confide their vital interests to international neutralization? The Empire of China and the Kingdom of Turkey. My patriotic fellow Americans, are we in the category of China and Turkey? Must we depend for the security of our vital interests upon the fickle pledges of other nations?

There is no power above treaties to compel their observation. Only when international treaties have international armies and navies to guarantee their fulfillment can a nation be justified in giving over its vital interests to the keeping of such an international agreement.

The absolute exclusive control of the canal in war is a fundamental duty we owe to our country. The canal is an integral part of our vital coast line on which we have thirty-seven billions of our property and thirty millions of our citizens living within gunshot of the water. The digging of that canal places the whole Gulf and Atlantic seaboard, with our thirty-seven billions of property and inhabitants in proportion, within striking distance of the developing powers of Asia. It places our Pacific coast and all of our interests in that great ocean within striking distance of the great nations of Europe. We have doomed ourselves to a one-fleet Navy. Without the canal that fleet can not operate or give protection in the opposite ocean. Without the absolute and exclusive control of the Panama Canal we are doomed to see constantly one of our great coast lines absolutely defenseless. Shall we voluntarily, gratuitously, be guilty of the folly of committing ourselves to one fleet, as we have done, and then leave that fleet to protect both coasts, with the canal at the mercy of an enemy, imposing upon our fleet the impossible task of operating by the route around Cape Horn? It is idle to pretend that other powers would protect the canal against an

act that would be disavowed by the enemy's government after it had blocked the canal or after the enemy's fleet beyond the entrance destroyed our fleet as it emerged one vessel at a time.

We owe it to ourselves, our self-preservation, to our vital interests, to the first law of nature, to fortify and control that canal for our exclusive use in time of war. [Applause.] We further owe it as a duty to the nations in this hemisphere.

By digging this canal we have thrown the nations of Central and South America into new dangers of attack; nations on the Pacific coast to attack from Europe; nations on the Atlantic coast to attack from Asia. We must be able to neutralize this added danger.

For a hundred years America has given the outside world to understand that in this Western Hemisphere no foreign monarchy should further extend its political influence. When the French Panama Canal was being constructed, President Arthur notified Colombia that the interference of any European power in attempting to control that canal would be regarded as an unfriendly act by the United States. We proclaimed that even a foreign-built and foreign-owned canal would have to be controlled exclusively by America. Shall we now invite in European and Asiatic monarchies that have never acknowledged the Monroe doctrine and give over to them the control of an American-built canal? If we do, the Monroe doctrine, held sacred by our fathers, will perish by the act, the voice of monarchy and militarism will resound in our hemisphere, our own safety and tranquillity will end, our liberal institutions will perish in a colossal neglect of duty—our duty to ourselves, our duty to the Western Hemisphere, our duty to mankind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I ask for five minutes more. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, I said when this agreement was made that we would try and vote as near 9 o'clock as possible. The gentleman has already had 10 minutes. There are other gentlemen who desire to speak, and therefore I will have to object to any further extension.

Mr. KEIFER. Mr. Chairman, I think it is due to me to make a response to the gentleman of only five minutes. This is the appropriate time to make the answer. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Ohio wish to offer an amendment?

Mr. KEIFER. I desire to be heard in answer to the last speech. I move to strike out the last word. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

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

Mr. TAWNEY. Mr. Chairman, I now offer the following amendment to both paragraphs as a limitation.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 18, on page 229, the following:

"*Provided*, That no part of this sum shall be available for expenditure until the President shall have determined, after proper endeavor by and through the treaty-making power vested in him by the Constitution, that he is unable to negotiate and conclude a treaty with a majority of the leading maritime nations of the world joining the United States in guaranteeing the proper preservation, protection, and safety of the Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in time of war as in time of peace, and other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed or may be adapted, and guaranteeing at all times to the signatory powers thereto the full and free use of said canal upon such terms and under such rules, regulations, and government as may be prescribed by the United States.

If the President be unable to negotiate such a treaty, he shall so signify by a proclamation made in the usual form to the people of the United States, and then, and not until then, shall this appropriation be available for expenditure for the purposes named therein."

Mr. SHERLEY. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The gentleman from Kentucky makes a point of order. The Chair will hear the gentleman on the point of order.

Mr. SHERLEY. The point of order, Mr. Chairman, is that it changes existing law, and while it is in the form of a limitation, yet it prevents the use of appropriation until the doing of certain acts by the Executive which are directed and which he is not obligated by existing law to perform.

Mr. DOUGLAS. I suggest to the gentleman this, also, that those acts may not be accomplished within the year for which the appropriation is made.

Mr. TAWNEY. That is immaterial. The appropriation will continue available anyway.

The CHAIRMAN. The amendment provides that no part of this sum shall be available for expenditure until the President shall have done certain things. It seems to the Chair that it is a limitation, not a direction to the President to do anything.

Mr. SHERLEY. If the Chair will continue to read, he will find that the President is directed.

The CHAIRMAN. The point that the gentleman from Kentucky refers to, I think, is this:

If the President shall be unable to negotiate such a treaty, he shall so signify by a proclamation, made in the usual form, to the people of the United States, and then, and not until then, shall this appropriation be available for the purposes named therein.

Mr. SHERLEY. But, Mr. Chairman, while it professes to be a limitation, the whole trend of the amendment is to direct the President, and that is clearly shown by the amendment then stating how the President shall inform the country as to whether or not he has succeeded in doing the things that he has been directed to do. It is very plain, as it seems to me.

Mr. TAWNEY. If the last paragraph is deemed by the Chair to make the amendment not in order, it is immaterial, and it can be stricken off. I ask unanimous consent to have the last paragraph stricken out.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to strike out the last paragraph of his amendment. Is there objection?

Mr. SHERLEY. I object.

Mr. FITZGERALD. Mr. Chairman, I suggest that the Chair rule upon it first.

Mr. MACON. Yes; let the gentleman from Minnesota get a ruling from the Chair first.

Mr. RICHARDSON rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. RICHARDSON. I rise, Mr. Chairman, to ask the gentleman from Minnesota a question. I desire to know if the United States shall be required to communicate with all the other world powers before this money can be used?

Mr. TAWNEY. I was unable, Mr. Chairman, to hear the question of the gentleman from Alabama.

Mr. RICHARDSON. I could not hear the resolution over here distinctly, but I wanted to ask the gentleman from Minnesota if the purport of the gentleman's resolution was to the effect that before the money provided in this paragraph of the bill could be used the President of the United States should consult and negotiate with the other powers in reference to the guarantee of the neutrality of the canal?

Mr. TAWNEY. That is the effect of it. [Cries of "Rule!" "Rule!"]

Mr. SHERLEY. Mr. Chairman, a further reading of the amendment offered by the gentleman from Minnesota confirms me in my belief that it is subject to a point of order. But this is a matter going to the very vital aspect of the proposition now before the House. I, for one, am perfectly willing to leave the proposition embodied in the amendment offered by the gentleman from Minnesota to the wisdom of the House, and in order that the House may vote directly upon it, I withdraw my point of order on it.

The CHAIRMAN. The gentleman from Kentucky withdraws his point of order against the amendment offered by the gentleman from Minnesota. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, thus far this debate has been confined almost entirely to the question of our right to fortify the Panama Canal. The question of whether or not we should enter upon the policy of fortifying this great international waterway when completed, what that policy will mean to the American people in the future in the way of permanent and extensive financial burdens, and whether it will be effective as a means of protecting the neutrality of the canal has not been considered.

I will not take issue with gentlemen who contend for our right to fortify the canal. We may concede that right, and yet, in my judgment, to exercise it will not only impose unnecessary financial burdens upon the people, but will jeopardize both the neutrality and the safety of the canal.

Every Member of this House knows and realizes that our determination of this question here to-night means the adoption of a permanent policy. If we decide to fortify the canal, those fortifications must be not only constructed but also maintained for all time to come. From time to time they will have to be renewed. In addition to this, it will be necessary to maintain on the Canal Zone a standing army to protect the fortifications as long as they remain there. Therefore, independent of the

question of our right to fortify the canal, we must look to the effect of that policy upon future generations, as well as its effect upon the fulfillment of our solemn treaty obligations to insure the neutrality of the canal and our duty to protect the canal itself.

I was a Member of this House when the construction of the Panama Canal was authorized. If the proposition to enter upon the policy of fortifying the canal at the admitted cost of that policy had then been contemplated, or if it had been claimed that it would be necessary to fortify it, the construction of the canal would not have been authorized. Members who served in that Congress will recall that much of the opposition to our embarking upon that great project was based upon the enormous cost contemplated. They will recall that at that time it was represented and believed that the cost of constructing the canal would not exceed $150,000,000. I doubt, Mr. Chairman, had it been known or believed at that time that the construction of the canal would cost the American people practically $400,000,000, exclusive of the expense of constructing and maintaining fortifications, whether the friends of the proposition would ever have succeeded in securing votes enough to adopt it. [Applause.]

When the matter was under consideration in Congress at that time the proposition that it would ever be necessary to fortify the canal, or that it was our purpose and intention in authorizing its construction, to utilize it as a military asset was not even suggested. The proposition then was not to construct the canal for our own benefit alone, nor, as I have frequently heard my distinguished colleague from Iowa on the Committee on Appropriations say, for the purpose of utilizing it as a military asset, but for the benefit of the commerce of the entire world. By treaty obligations we have bound ourselves to give to the nations of the world the right to use the canal on terms of equality with ourselves in times of peace as in times of war. We have, therefore, thus conferred upon the nations of the world a property right in the canal, for we have given them the right to use, and the right to use is a property right. Now, after spending almost a half billion dollars for the benefit of the world and its commerce in the construction of the canal, it is proposed to fasten upon the American people, in addition to the great expense incident to the maintenance of the canal, the enormous expense necessary to the construction of fortifications and thereafter a perpetual annual charge of many millions of dollars for the protection of these fortifications.

Mr. Chairman, what will this cost mean to our people? Since the conclusion of the consideration of the sundry civil appropriation bill this evening I have roughly estimated that cost, including the cost of maintaining and operating the canal itself. First, we have authorized the issue of $375,000,000 of bonds, bearing 3 per cent interest, to meet the expense of constructing the canal for the benefit of the world. The annual interest charge on these bonds will be $11,255,000. The estimated annual cost of maintaining the canal, including depreciation, is about $7,000,000. The cost of fortifying the canal, according to the judgment of one of the best-informed engineers in the Army; one, too, who knows more than any other about the canal and the cost of fortifying it under the plan of the fortification board, will aggregate not less than $60,000,000. The annual interest charge on that sum at 3 per cent would be $1,800,000, and depreciation, estimated at 10 per cent, would be $6,000,000. The pay, subsistence, and transportation of the Army, which, it is claimed, will have to be maintained permanently on the Canal Zone, will amount to $8,400,000 annually. Lieut. Gen. Wood, when before the Committee on Appropriations, said that it will be necessary to have on the Canal Zone not less than 7,000 men, including Coast Artillery, Cavalry, and Infantry. According to his testimony, our experience shows that in the United States a thousand troops can not be maintained for less than $1,200,000. The cost of maintaining 7,000 men on the Canal Zone will, therefore, be $8,400,000.

It may be said that if these 7,000 men were not stationed permanently on the Canal Zone, they would have to be paid and subsisted in the States and that, therefore, the only additional cost would be the difference between the cost in the States and the cost on the Canal Zone. Mr. Chairman, does anyone here to-night believe that if these 7,000 men are taken from the Army now stationed at different points in the States, the Army will not be able to secure an increase in the standing Army sufficient to meet the loss occasioned by the withdrawal of troops for the protection of the fortifications of the canal? At this session of Congress we have already increased the number of officers in the Army by 250. It is also proposed to place the National Guard of the several States on the pay roll of the Federal Government, thereby increasing our cost for preparation for war about $8,000,000 annually. The same influences which have secured this increase in the number of officers, and which will place the National Guard on the pay roll of the Federal Government, can very easily secure the increase in the standing Army necessary to take the place of those troops which are withdrawn for service in the Canal Zone. We may therefore very properly charge to the fortification of the canal the pay, subsistence, and transportation of the Army which it is proposed to maintain there permanently as a means of protecting the fortifications and the canal.

But, Mr. Chairman, there is another item which will constitute a perpetual annual charge, the magnitude of which can be estimated only by the expenditure for the same purpose during the construction of the canal. The presence of the troops on the Canal Zone, as proposed, will necessitate continuing the system of sanitation which we have been obliged to maintain, and the cost of which will not be less than from one to one and a half million dollars a year. The annual cost of maintaining our system of sanitation during the construction of the Panama Canal has equaled almost $2,000,000. It may be said that we would have to provide for the sanitation of the Canal Zone in any event. In a sense that is true, because we will have a few people there employed in connection with the operation of the canal. But when the Committee on Appropriations visited the zone last November for the purpose of examining the estimates for canal expenditure, Col. Gorgas, who is in charge of the sanitary department, informed a member of the committee that the sanitation necessary on account of the operation of the canal will not cost the Government more than $15,000. The difference in cost is due to the number of men who would be distributed throughout the Canal Zone and who would have to be protected against those insects which infest that tropical country and which transmit malaria and fever germs.

The aggregate annual expense, therefore, of operating and maintaining the canal for the benefit of the world, and maintaining the troops on the zone for its protection and the protection of the fortifications, will amount in round numbers to $36,000,000.

Mr. Chairman, it is proposed to fasten on the American people this perpetual annual charge for the purpose, as the Commanding General of the Army, before the Committee on Appropriations, in effect said, of being prepared to prevent other nations from using the canal, or, in other words, prepared to violate our solemn treaty obligations, if in the judgment of the Government such violation is desirable.

The highest estimate thus far made of the receipts accruing to the Government in the operation of the canal is $4,000,000 annually. We have, therefore, a net annual loss to the American people in the event we fortify the canal, including the loss sustained in consequence of the operation and maintenance of the canal, of about $32,000,000.

Mr. Chairman, if it were desirable to invite the nations of the world to destroy the Panama Canal, no better method of extending that invitation could be adopted than to fortify it. We will thereby say to the world that we will insure and protect the neutrality of the canal so long as we deem it necessary or convenient to do so. But when we no longer deem the neutralization of the canal necessary to our interests we will be prepared to violate our solemn treaty obligations with other nations by terminating the neutrality of the canal. In proof of this statement, let me read from the testimony of Gen. Wood:

> The CHAIRMAN. Is it not a fact that in the last analysis the purpose of fortifying the canal is to insure to the United States its use as a military asset in case of war?
>
> Gen. WOOD. That is undoubtedly the most important of all the purposes of fortifying the canal.

Again:

> Mr. FITZGERALD. The purpose of the board (the fortification board) is to secure to the United States the exclusive control of the canal in time of hostilities?
>
> Gen. WOOD. That is the principal purpose of fortifying the canal.

Again Gen. Wood said:

> But, as I look at it, one thing is certain. We shall build the canal and maintain it for the use of all countries in time of peace and control it in time of war as our safety and interests demand.

This declaration of purpose, coming from Lieut. Gen. Wood, Chief of Staff, when read in the light of our solemn treaty obligations with Great Britain, contained in article 3 of that treaty, which says that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules"—that is, the rules governing the neutralization prescribed in the treaty—discloses a national purpose in respect to our relations

with the other nations of the world more in keeping with the diplomatic policies of nations during the Middle Ages than with the high standard of national honor which all nations now profess and endeavor to follow. [Applause.]

Mr. Chairman, in fortifying the canal we make it the legitimate object of prey when we have a war with another nation, or when two nations having the right to use the canal are at war with one another. I say, therefore, that instead of protecting the canal by fortifying it, we are jeopardizing our property, for we make it the legitimate object of war. To my mind this proposition is incomprehensible. To my mind it is equivalent to saying to the nations of the world: "Although we have given to you a property right, or the right to use the canal in time of peace as well as in time of war, we are not willing to rely upon your honor or your fidelity in the exercise of that right, and, therefore, we must be prepared to prevent you from exercising your right to use the canal whenever we believe that such use would jeopardize either the canal or the interests of the United States."

In my judgment and, I believe, in the judgment of the great majority of the American people who have not been hypnotized by the policy of militarism, it would be far better for us to rely upon the material interest which every nation in the world has in maintaining the integrity of the canal and protecting it than to construct fortifications for that purpose. If we can not rely for the protection of the canal and its neutrality upon the honor and good faith of the nations for whose benefit the American people, at a cost of $400,000,000, have constructed it, then we can not protect the canal and its neutrality with fortifications.

Therefore, Mr. Chairman, I have offered the amendment which has just been read, which, if agreed to, will enable the President of the United States within the next year to ascertain whether or not the principal maritime powers are willing to unite with us in a convention or treaty whereby they will be bound not only not to injure or destroy the canal themselves, but to aid us in protecting it against any nation which might declare its purpose to do so. If that can be done it ought to be done. The attempt should at least be made before embarking upon a policy which will necessitate a perpetual annual charge upon our people, one that will grow more burdensome as time goes by, and one that may make it necessary in the future to construct additional fortifications and to maintain permanently on the Canal Zone an army three times the size of the army now proposed, for no man can predict, once we have embarked upon the policy of fortifying the canal, the extent to which these fortifications may be enlarged and extended in the future.

I hope, therefore, that this amendment will be agreed to. If it is, the President will then have an opportunity to ascertain whether the nations of the world are willing, in consideration of the enormous expense the American people have incurred in the construction of the canal for their benefit, to give bond that they will not under any circumstances interfere with the right of the United States to prescribe rules and regulations for the use of the canal, and that they will not, intentionally or otherwise, injure or attempt to destroy it. [Applause.]

Mr. SHERLEY. Mr. Chairman, let no man mistake the purpose of this limitation. If adopted, it practically nullifies the appropriation carried in this bill; and that is its purpose, not even its veiled purpose. [Applause.] By the terms of this limitation it would be impossible for the President of the United States under a series of years to comply therewith, and in the meanwhile the Panama Canal will have been finished and opened to the traffic of the world. The proposition, therefore, involved in the amendment is the basic proposition of whether we will fortify or not. The gentleman from Minnesota [Mr. TAWNEY] presents a wonderful array of figures. I might recite figures half or a quarter as low and they would have just as much basis in fact as his, because they would represent my guess as against his guess without sufficient information in either instance to make that guess worth while. Not only is that true, but against the statement that 7,000 men will be needed to police the canal, I say to you that the highest authority that I know of in regard to the Panama Canal, the man who has done most to make it a reality and not a dream, does not share any such extreme ideas as to numbers or cost of the policing of the canal. The gentleman from Minnesota said fortifying it is an invitation to attack. I say to you that neutrality not only of a belligerent against us, but in the case of two other powers will be observed only when there is force to make the observance necessary. [Applause.] Do you suppose without any means of making good the neutrality of the canal, that if a strong nation had pressed a weak nation's fleet and that fleet takes shelter in the harbor at either end of the canal, the strong fleet realizing the opportunity by a decisive blow to settle the fate of the war, is going to stop to weigh the question of violation of neutrality? It will destroy its enemy and argue the question of the violation of neutrality afterwards.

Let the gentlemen who talk about neutrality being observed point to the instances where there has been any real punishment of a nation that has seen fit to violate neutrality. Has Japan been punished by any of the great nations for her violation of the treaty obligations in regard to Manchuria? Has Austria-Hungary been punished for the violation of the treaty agreements in regard to the Balkan States? Do you suppose that Belgium's neutrality would have been preserved during the Franco-Prussian War if it had not been for the show of force made by Belgium herself? Is Switzerland maintaining an army for nothing? Her neutrality has been guaranteed. It may be that in the far distant future the time will come when international agreements may be observed without any other force than the moral one that should sustain them, but there is nothing in the past history of the world that warrants the assumption that that time is now. Talk about cost! What folly it is, after having expended four hundred odd millions of dollars, to hesitate to spend a few more to protect what is practically a new coast line of America! [Applause.] Let nobody be deceived by the comparison of the Panama with the Suez Canal. If England did not depend for her position upon having a navy equal to that of any other two nations, she would not be so secure or content in regard to the neutralization of the Suez. Bear in mind, also, that the Suez Canal in its geographical relation is not of prime importance to England.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Bear in mind also that she is protecting the entrances there, but remember that Panama is right at our door. What means neutrality as gentlemen construe it? It means one of two things, as I said earlier in the debate. Either that in case of war between America and another country the canal shall be closed to both countries or open to both. Have we spent this money in vain? Have we made possible the passage of our fleet from one ocean to the other and then when the need for that passage comes we will agree that it shall not take place except with the long, impossible trip around the Horn? Or take the other proposition that the canal shall be kept open to both belligerents. Shall we throw away all of our advantage; shall we give to the attacking enemy the right to come through that canal; and if it had the right to come through it, do you believe it would hesitate to seize it? What would matter the violation of neutrality compared with the possession of one of the greatest assets of the Nation?

Mr. TAWNEY. A fleet would have to go there before it could enter there and 3½ miles off the shore belongs to the world.

Mr. SHERLEY. What does that mean, that it has to go there? It means that practically you have got to have a fleet in both oceans. But suppose you have a fleet in the Pacific Ocean and the war is with an enemy in the Pacific and it defeats your fleet. If we had the canal fortified what was left of the fleet could go into that canal, could join the Atlantic Fleet or the Atlantic Fleet could come through as a reenforcement. But what would you have as a result of the neutrality? The destruction of your fleet would mean instant seizure of the canal, and bear in mind this, in regard to paying the penalty for violation of neutralization, what will it weigh according to the advantge that would come to the enemy by the seizure of such property as the Panama Canal? The seizure and successful holding of that canal would be sufficient to force this country into terms of peace, and, bigger than any danger that it might suffer hereafter in the way of punishment, would be the advantage it gained by its possession. Gentlemen, it is resting upon an idle dream to hope that when the stress of war comes that nations will be so restrained as not to take advantage of the tremendous temptation that would be held out to them by the nonfortification of this canal. Better abandon the fortification of your seacoast and ask of the world that it enter into agreement to make neutral in time of war your coasts, because practically you have created now a most important coast line of America. [Loud applause.]

Mr. HOBSON and Mr. WANGER rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] is recognized.

Mr. WANGER. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute a colon in lieu of the period at the end of the last paragraph and insert the following:

"*Provided*, That no part of the sums appropriated in this and the preceding paragraph shall be expended until the President, after reasonable effort, shall fail to secure from each of the other nations than Great Britain and Panama the assurance that they will observe the rules specified and cited in the canal treaty made between the United States and Great Britain in 1901."

Mr. WANGER. Mr. Chairman——

Mr. TAWNEY. Will the gentleman yield to me while I ask that five minutes' time be given to the gentleman from Pennsylvania [Mr. WANGER], and five minutes to the gentleman from New York [Mr. FITZGERALD], and five minutes to the gentleman from Iowa [Mr. SMITH],

Mr. HOBSON. Mr. Chairman, I desire to be heard for five minutes on this question.

Mr. TAWNEY. Mr. Chairman, I move that debate on this paragraph and amendments thereto be closed in 15 minutes.

Mr. HOBSON. Mr. Chairman, I desire to be heard on the motion.

The CHAIRMAN. The motion is not debatable. The gentleman from Minnesota moves that all debate on this paragraph and amendments thereto be closed in 15 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] is recognized.

Mr. WANGER. The amendment offered by the gentleman from Minnesota, it seems to me, is objectionable, in that it calls for a treaty with the other nations, who assume with the United States the functions of preserving order on the Canal Zone. In other words, it invites a large number of those entangling alliances and bargains against which we were warned so solemnly by the Father of Our Country.

Now, the way to maintain the neutrality of the canal and the way to preserve American supremacy therein is to make it for the interest of all the nations of the world that the American flag shall be dominant there. The reason why treaties have been violated in the past has been the fact that there was not a strong interest on the part of the great signatory powers to maintain them. But when the United States builds this great work and gives to all other nations the right of using the canal upon equal terms, every other nation than our particular enemy will be interested in our supremacy and in our peaceful possession of that canal and in the continuance of its opportunity without unreasonable cost to those other nations.

Why should any nation interfere with what was done in the Balkans, unless it was the interest of that nation in preserving some ancient treaty? Why has Russia never been able to get her ships of war freely out of the Black Sea? It is because other nations would rise up and declare that the old treaties must stand. They do it because their own interests prompt them to do it. And so, in the event of war between the United States and some other nation, all the other nations than the belligerents would want the Panama Canal kept open and free from bombardment and injury, and therefore they would do that for us which would cost us thousands of millions to do, not a hundred million merely, but more millions than have been and will be required for the complete construction of this great ocean way by the United States. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman——

The CHAIRMAN. Is the gentleman from Iowa for or against the amendment?

Mr. SMITH of Iowa. I am against the amendment and defending the text of the bill. Mr. Chairman, during the years of our service together it is seldom that I have differed from the distinguished chairman of the Committee on Appropriations. But I feel constrained to-night to suggest what seemed to me to be defects in his figures. He tells us that the annual cost of the bond issue for building of the canal will be $11,256,000, evidently having estimated the entire interest at 3 per cent, when eighty-four millions have been sold at 2 per cent. He tells us that the annual maintenance for the canal will be $7,000,000, when the report was that it would be two and one-half million dollars. I understand he has included 10 per cent depreciation. The annual interest on the fortification bonds he puts at $1,800,000, whereas it will be $360,000 upon all the money spent for fortifications proper. Whether we in the future shall embark in the policy of a great naval station and dry-docks there and running up the expense to $60,000,000 I do not know, and that is not before the House now. To build seacoast fortifications, to build batteries for the canal, to build quarters for the soldiers, will only cost about $12,000,000, and the mistake in charging interest upon sixty millions in place of twelve millions has caused this error.

I simply mention these facts to show that I think the chairman exaggerates the expense of the maintenance of this defense. But I do not care whether he is right or wrong in his estimate, for I am for the fortifications anyway. [Applause.] I do not believe we built this canal purely as a commercial enterprise. It is a great commercial enterprise, it is true, but when the *Oregon* sailed around the Horn it fixed the building of this canal that the American Navy might more readily cross from sea to sea. [Applause.] That is what we are building this canal for, and if we are not to preserve it for that then we had better blow up the canal and quit work to-night on that great project. Better far stop the building of the canal and strike out all these appropriations for building it than to build it to be seized and utilized by our enemies in time of war. I care nothing, so far as I am concerned, whether the chairman's figures are correct or not. This is a proposition to repudiate the solemn action of this Government in saying, when the Hay-Pauncefote treaty was up, that we would have no one else aid us in defending the canal, that we would defend it by our own strength and our own power. This proposition of the chairman is to recede from that courageous stand and depend upon other people to defend the canal. It is an old saying to "Trust in God, but keep your powder dry." I am willing to trust in the fidelity of the nations of the earth, but I am going to put guns down there to see that they keep the faith with us. [Applause.]

Mr. FITZGERALD. Mr. Chairman, a much broader question than one merely of dollars and cents is involved in the action to be taken to-night. Upon the determination of the House will depend the contribution to be made by the American people to the progress and advance of Christian civilization. The gentleman from Iowa [Mr. SMITH] bases his support of the proposition to fortify the canal upon the action of the American Government in negotiating the latest Hay-Pauncefote treaty. The Clayton-Bulwer treaty provided that an Isthmian Canal should be constructed by Great Britain and the United States, and that neither party should in any way fortify or colonize the surrounding country. When the United States undertook to cancel that treaty and to provide that it should have the exclusive right to construct the canal, it determined that that right should not be impaired in any way by the concurrent right of some other power to participate in any manner whatever in its defense or neutralization. Such a position was essential as a matter of national pride and dignity, and our Government properly declined to enter into a treaty which would give it the right to construct the canal and at the same time give to some other nation the right to participate in its defense or neutralization.

But, Mr. Chairman, we have passed that point. The American people have established their right to construct the canal and to act regarding it as they please. The opportunity is now, and for the first time, presented to the Congress to determine whether it will take a step which will tend to perpetuate the present tremendous armaments of the world, or whether it will initiate a movement which will tend to reduce the great armaments of the world and promote some other method than war for the settlement of disputes between nations.

Our action to-night will mark an epoch in our history. With our unchallenged supremacy among the nations, with our unrivaled resources, and with our marvelous opportunity to promote peace on earth, and good will among men, the time is at hand when it must be determined whether our influence shall be cast into the balance in favor of incalculable war preparations and expenditures or exerted to lift from the already overburdened peoples of the earth the weight of militarism and the blight upon industrial effort and progress resulting from vainglorious and peace-menacing policies. To-night a message may be sounded throughout the civilized world that this liberty-loving and peace-abiding people, at enmity with none other, will by its example promote the notion of friendly concord with other nations, or the message will be one of universal distrust and anticipated discord.

If this appropriation be made in the way proposed, we are forever committed to the policy of largely augmenting the naval and military forces of the United States, not such from necessity to protect ourselves, but because of our lack of faith in all of the peoples of the earth. Could I bring myself to believe, as some gentlemen here seem to believe, that the nations of the earth had descended to such depths of depravity as have been depicted, I should be unwilling to trust them in the

slightest in dealings upon any question, however insignificant; but to assert in advance that the great nations of the earth would willingly enter into solemn obligations to keep the canal neutral, to protect it for the benefit of all the people of the world, with the express intention of violating such an agreement, is a slander upon the nations of the world that I am unwilling to utter or to join with others who do.

Mr. Chairman, no one can estimate the cost in money to the United States from the policy proposed. Uncertain and unreliable are the estimates of our military experts as to the ultimate cost involved. On the 10th of August, 1910, the estimates submitted by the board for the fortification of the canal were $19,900,000. On the 4th of January, 1911, because of some opposition to the whispered reports as to the ultimate expenditure involved, a revised estimate was submitted which contends that the fortifications will cost not to exceed $12,000,000. When military experts can not make their estimates any more accurately, or can not remain fixed within 33 per cent of their estimates more than six months, it requires careful consideration by this Congress before the initiation of any project based upon such estimates.

The people of the United States have built this canal for the benefit of mankind; they have opened their inexhaustible treasury to the enterprise; they have spared neither men nor treasure in the work. Four hundred millions will be ungrudgingly expended upon this enterprise, the accomplishment of which has been the dream of civilized men for more than four centuries. This marvelous monument to the ingenuity, capacity, enterprise, and resourcefulness of our people is to be dedicated to mankind, to promote commerce and the peaceful pursuits of civilization. To initiate now an expenditure which may require fifty millions more of money to protect the canal from the assaults of those for whose benefit it will be completed will be the greatest crime of all time against civilization and progress.

The pending amendment will serve a beneficial purpose. It will place our Government in the attitude of extending the olive branch to the nations of the earth; it will set an example which may awaken a reaction against the present unbridled tendency to indefensible military enterprises; it will enable all people to begin a lasting movement to eliminate force and substitute reason as the controlling element in determining differences between nations. Let this opportunity pass, and it will never return, but we shall be committed to a policy which will plague us forever and will tend more and more to divert us from those useful pursuits that tend to elevate and promote the happiness of mankind, while our thoughts and energies are exerted to repel enemies more imaginary than real. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by way of substitute by the gentleman from Pennsylvania to the amendment offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 63, noes 130.

So the amendment was rejected.

Mr. KEIFER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. KEIFER) there were—ayes 51, noes 135.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, when the bill was under consideration a point of order was made against the proviso beginning on page 4 in line 1. The point of order was made by the gentleman from Illinois [Mr. MADDEN], whom I do not see here at present.

The CHAIRMAN. The gentleman from Illinois informed the Chair that he withdrew the point of order.

Mr. TAWNEY. Then I ask unanimous consent to return to that proviso, for the purpose of offering it as an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I move to restore the paragraph which was stricken out of the bill on a point of order.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 1, after the word "eleven," insert: "*Provided*, That the salaries of the members of said commission on the part of the United States shall be fixed by the President, and the amount appropriated for the payment of salaries and other expenses hereunder shall be disbursed under the direction of the Secretary of State; that said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the circuit court of the United States for the circuit within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose."

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

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

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to

Accordingly the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 32909, and had instructed him to report the bill back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the amendments and the bill to final passage, and on that motion I ask the previous question.

The SPEAKER pro tempore. The gentleman from Minnesota moves the adoption of the amendments and demands the previous question upon them and upon the bill to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is upon the adoption of the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time——

Mr. FITZGERALD. Mr. Speaker, I move to recommit the bill with the following instructions.

The SPEAKER pro tempore. The gentleman from New York moves that the bill be recommitted with the following instructions, which the Clerk will report.

The Clerk read as follows:

Recommit with instruction to report forthwith, amended by adding, after "dollars," line 18, page 229, the following:

"*Provided*, That no part of this sum shall be available for expenditure until the President shall have determined, after proper endeavor by and through the treaty-making power vested in him by the Constitution, that he is unable to negotiate and conclude a treaty with a majority of the leading maritime nations of the world joining the United States in guaranteeing the proper preservation, protection, and safety of the Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in time of war as in time of peace, and other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed or may be adapted, and guaranteeing at all times to the signatory powers thereto the full and free use of said canal upon such terms and under such rules, regulations, and government as may be prescribed by the United States.

"If the President be unable to negotiate such a treaty he shall so signify by proclamation, made in the usual form, to the people of the United States, and then, and not until then, shall this appropriation be available for expenditure for the purposes named therein."

Mr. FITZGERALD. Mr. Speaker, I demand the previous question on the motion.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from New York, and upon that he demands the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is upon the motion offered by the gentleman from New York, to recommit with instructions.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 123, answered "present" 10, not voting 170, as follows:

YEAS—81.

Adair	Butler	Cullop	Flood, Va.
Alexander, Mo.	Carlin	Denver	Floyd, Ark.
Anderson	Clark, Mo.	Dickinson	Foster, Vt.
Barnhart	Clayton	Dickson, Miss.	Garner, Tex.
Bartlett, Ga.	Cline	Dixon, Ind.	Hamlin
Bell, Ga.	Conry	Edwards, Ga.	Hanna
Booher	Cox, Ind.	Ferris	Haugen
Borland	Crumpacker	Fitzgerald	Hollingsworth

Hubbard, Iowa	Lamb	Nicholls	Sherwood
Hubbard, W. Va.	Latta	Norris	Sims
Hughes, N. J.	Lawrence	Nye	Sisson
Hull, Tenn.	Lindbergh	Oldfield	Stephens, Tex.
Humphreys, Miss.	Lloyd	Page	Tawney
Jamieson	McCreary	Palmer, A. M.	Tou Velle
Johnson, S. C.	Macon	Peters	Turnbull
Jones	Maguire, Nebr.	Rainey	Wanger
Keifer	Mays	Rauch	Watkins
Kelliher	Mitchell	Roddenbery	Wilson, Pa.
Kitchin	Moore, Pa.	Rucker, Colo.	
Korbly	Morse	Saunders	
Küstermann	Moss	Sheppard	

NAYS—123.

Adamson	Ellerbe	Kennedy, Iowa	Reeder
Aiken	Esch	Kennedy, Ohio	Rodenberg
Alexander, N. Y.	Fairchild	Kinkaid, Nebr.	Rucker, Mo.
Austin	Finley	Knapp	Shackleford
Barchfeld	Focht	Kopp	Sheffield
Bartlett, Nev.	Foss	Kronmiller	Sherley
Beall, Tex.	Garrett	Langham	Simmons
Bennett, Ky.	Godwin	Lee	Slemp
Bradley	Good	Lever	Smith, Iowa
Brantley	Graff	Lively	Smith, Tex.
Burgess	Graham, Ill.	McKinney	Snapp
Burke, S. Dak.	Graham, Pa.	McLaughlin, Mich.	Southwick
Byrns	Grant	Madden	Sparkman
Calderhead	Greene	Madison	Steenerson
Cantrill	Hamer	Malby	Sterling
Chapman	Hamilton	Mann	Stevens, Minn.
Cooper, Pa.	Hardwick	Martin, Colo.	Sturgiss
Cowles	Hawley	Massey	Sulloway
Craig	Heflin	Miller, Kans.	Sulzer
Currier	Henry, Tex.	Moon, Pa.	Taylor, Colo.
Dalzell	Higgins	Olcott	Thistlewood
Davidson	Hill	Olmsted	Thomas, Ky.
Denby	Hinshaw	Parker	Thomas, N. C.
Dent	Hobson	Parsons	Thomas, Ohio
Diekema	Houston	Payne	Tilson
Dodds	Howell, Utah	Pearre	Washburn
Douglas	Howland	Pickett	Wickliffe
Draper	Hughes, Ga.	Pray	Wilson, Ill.
Driscoll, M. E.	Hull, Iowa	Prince	Young, Mich.
Durey	Johnson, Ky.	Randell, Tex.	Young, N. Y.
Dwight	Kendall	Ransdell, La.	

ANSWERED "PRESENT"—10.

Burnett	Foster, Ill.	McCall	Richardson
Collier	Helm	McMorran	
Fornes	Lenroot	Nelson	

NOT VOTING—170.

Ames	Elvins	Johnson, Ohio	Plumley
Andrus	Englebright	Joyce	Poindexter
Ansberry	Estopinal	Kahn	Pou
Anthony	Fassett	Kinkead, N. J.	Pratt
Ashbrook	Fish	Knowland	Pujo
Barclay	Foelker	Lafean	Reid
Barnard	Fordney	Langley	Rhinock
Bartholdt	Fowler	Law	Riordan
Bates	Fuller	Legare	Roberts
Bennet, N. Y.	Gaines	Lindsay	Robinson
Bingham	Gallagher	Livingston	Rothermel
Boehne	Gardner, Mass.	Longworth	Sabath
Boutell	Gardner, Mich.	Loud	Scott
Bowers	Gardner, N. J.	Loudenslager	Sharp
Broussard	Garner, Pa.	Lowden	Slayden
Burke, Pa.	Gill, Md.	Lundin	Small
Burleigh	Gill, Mo.	McCredie	Smith, Cal.
Burleson	Gillespie	McDermott	Smith, Mich.
Byrd	Gillett	McGuire, Okla.	Sperry
Calder	Glass	McHenry	Spight
Campbell	Goebel	McKinlay, Cal.	Stafford
Candler	Goldfogle	McKinley, Ill.	Stanley
Capron	Gordon	McLachlan, Cal.	Swasey
Carter	Goulden	Martin, S. Dak.	Talbott
Cary	Gregg	Maynard	Taylor, Ala.
Cassidy	Griest	Miller, Minn.	Taylor, Ohio
Clark, Fla.	Guernsey	Millington	Townsend
Cocks, N. Y.	Hamill	Mondell	Underwood
Cole	Hammond	Moon, Tenn.	Volstead
Cooper, Wis.	Hardy	Moore, Tex.	Vreeland
Coudrey	Harrison	Morehead	Wallace
Covington	Havens	Morgan, Mo.	Webb
Cox, Ohio	Hay	Morgan, Okla.	Weeks
Cravens	Hayes	Morrison	Weisse
Creager	Heald	Moxley	Wheeler
Crow	Henry, Conn.	Mudd	Wiley
Davis	Hitchcock	Murdock	Willett
Dawson	Howard	Murphy	Wood, N. J.
Dies	Howell, N. J.	Needham	Woods, Iowa
Driscoll, D. A.	Huff	O'Connell	Woodyard
Dupre	Hughes, W. Va.	Padgett	
Edwards, Ky.	Humphrey, Wash.	Palmer, H. W.	
Ellis	James	Patterson	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. McMorran with Mr. Pujo.

Until further notice:

Mr. Taylor of Ohio with Mr. Talbott.

Mr. Anthony with Mr. Ansberry.

Mr. Barclay with Mr. Boehne.

Mr. Barnard with Mr. Broussard.

Mr. Bingham with Mr. Candler.

Mr. Burke of Pennsylvania with Mr. Covington.

Mr. Capron with Mr. Cox of Ohio.

Mr. Cassidy with Mr. Howard.

Mr. Cole with Mr. Gallagher.

Mr. Heald with Mr. Kinkead of New Jersey.

Mr. Dawson with Mr. Estopinal.

Mr. Davis with Mr. Goldfogle.

Mr. Ellis with Mr. Gordon.

Mr. Fassett with Mr. Goulden.

Mr. Morgan of Oklahoma with Mr. Hammond.

Mr. Fordney with Mr. Hardy.

Mr. Gillett with Mr. Harrison.

Mr. Johnson of Ohio with Mr. Hitchcock.

Mr. Knowland with Mr. Willett.

Mr. Longworth with Mr. Moon of Tennessee.

Mr. Loud with Mr. O'Connell.

Mr. McKinley of Illinois with Mr. Sharp.

Mr. Mondell with Mr. Spight.

Mr. Moxley with Mr. Stanley.

Mr. Henry W. Palmer with Mr. Taylor of Alabama.

Mr. Plumley with Mr. Underwood.

Mr. Roberts with Mr. Webb.

Mr. Vreeland with Mr. Hay.

Mr. Weeks with Mr. Robinson.

Mr. Wiley with Mr. Moore of Texas.

For balance of day:

Mr. Lowden with Mr. Foster of Illinois.

Mr. Henry of Connecticut with Mr. Glass.

Mr. Hayes with Mr. Padgett.

Mr. Cary with Mr. Carter.

Mr. Scott with Mr. Burleson.

On the proposition to fortify the Panama Canal:

Mr. Bartholdt with Mr. Helm.

Mr. Boutell (in favor) with Mr. Slayden (against).

Mr. Bennet of New York (in favor) with Mr. Richardson (against).

Mr. Martin of South Dakota (in favor) with Mr. Nelson (against).

Mr. Guernsey (in favor) with Mr. Gillespie (against).

Mr. Dupre (in favor) with Mr. Campbell (against).

Balance of day on fortification:

Mr. Fornes (in favor) with Mr. Livingston (against).

Mr. Needham (in favor) with Mr. Dies (against).

Mr. Cooper of Wisconsin (in favor) with Mr. Lenroot (against).

From 2.30 p. m. until Monday morning:

Mr. Humphrey of Washington with Mr. Morrison.

Thursday morning until March 1:

Mr. Sperry with Mr. McDermott.

From 5 p. m. until midnight:

Mr. Griest with Mr. McHenry.

From 12 m. until Monday morning:

Mr. Calder with Mr. Hamill.

Mr. McCALL. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Kentucky [Mr. James]. Therefore I would like to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the final passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. Tawney, a motion to reconsider the vote by which the bill as amended was passed was laid upon the table.

VETO MESSAGE—MARGARET PADGETT.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, House bill 25569, authorizing a patent to be issued to Margaret Padgett to certain public lands therein described. The reasons for my action are stated in the accompanying letter from the Secretary of the Interior.

Wm. H. Taft.

The White House, *February 25, 1911.*

Mr. PAYNE. Mr. Speaker, I move that the message and accompanying papers be referred to the Committee on the Public Lands.

The motion was agreed to.

REPRINT OF A REPORT.

Mr. HAMER. Mr. Speaker, I ask unanimous consent for a reprint, with corrections, of Report No. 2227, accompanying Senate bill No. 10791.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Also that the Senate further insisted on its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives and agreed to the conference asked for by the House, and had appointed as conferees on the part of the Senate Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN.

The message further announced that the Senate agreed to the report of the committee of conference on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had passed the bill (S. 1342) placing H. M. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, in which the concurrence of the House of Representatives was requested.

MESSAGE FROM THE PRESIDENT.

A message from the President was communicated to the House by Mr. Latta, one of his secretaries, who also announced that the President had, on February 24, 1911, approved the following bills and joint resolution:

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 21613. An act for the relief of Francis E. Rosier;

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said city; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes.

ENROLLED BILLS SIGNED.

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

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10318. An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the counties of Benton, Yakima, and Klickitat;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 608. For the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply;

S. 7804. An act for the relief of David Jay Jennings;

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10849. An act to authorize the city of Shreveport to construct a bridge across the Red River.

Mr. WILSON, from the Committee on Enrolled Bills, announced that that committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River, near Nininger, Minn.;

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

BILLS SENT TO THE PRESIDENT.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 26018. An act for the relief of James Donovan;

H. R. 19756. An act for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased;

H. R. 9221. An act for the relief of James Jones;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River, near Nininger, Minn.; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned until Sunday, February 26, 1911, at 12 o'clock m.

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. STAFFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32842) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the District of Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association, reported the same with amendment, accompanied by a report (No. 2255); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32908) to authorize Ouachita County, Ark., to construct a bridge across the Ouachita River, reported the same with amendment, accompanied by a report (No. 2256), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 32945) providing for acquiring a site for a public building at Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. HIGGINS: A bill (H. R. 32946) to provide for the purchase of a site and the erection of a public building thereon at Mystic, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. FORNES: A bill (H. R. 32947) to amend section 657 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. PRAY: A bill (H. R. 32948) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. CARY: Joint resolution (H. J. Res. 293) directing the Civil Service Commission to strike certain names from the eligible list; to the Committee on Reform in the Civil Service.

By Mr. HOUSTON: Memorial of the Legislature of Tennessee urging Congress to enact the recommendations of the Immigration Commission as to illiteracy test; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32949) granting an increase of pension to William Updegraff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32950) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32951) granting an increase of pension to George E. Gleason; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 32952) granting a pension to Mary C. Fowler; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 32953) granting a pension to James Campbell; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 32954) granting an increase of pension to Daniel Remington; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 32955) granting an honorable discharge to William T. King; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of Rosa Davis and others against Senate bill 404 and House joint resolution 17, Sunday legislation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of "Coterie," of Fremont, Ohio, for repeal of the 10-cent tax on whisky; to the Committee on Agriculture.

Also, petition of National Piano Manufacturers' Association of America, for reciprocity with Canada; to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Philadelphia Peace Association, for neutralization of the Panama Canal; to the Committee on Military Affairs.

Also, petition of Sedan Grange, Williams County, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Perry Grange, Tunnel Hill, Ohio, against the increase of mail rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia Peace Association, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. BELL of Georgia: Petition of J. C. Moore, for more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Washington Camp No. 275, Patriotic Order Sons of America, Chester Springs, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of Thomas A. Burke, of Westerly, R. I., for a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of representatives in the General Assembly of Rhode Island of fishing interests in and around Newport, R. I., against Canadian reciprocity; to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Laura C. Hyer, Thomas Lyghton, and Anna Angell; to the Committee on Invalid Pensions.

Also, petition of Rhode Island quarterly meeting of Society of Friends and Smithfield quarterly meeting, Society of Friends, of Rhode Island and Massachusetts, against the expenditure of public funds to fortify the canal and in warlike preparations; to the Committee on Military Affairs.

Also, petition of Rhode Island Antituberculosis Association, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of town councils of Warren and Tiverton, R. I., for Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Federated Trades Council of Milwaukee, Wis., urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAVIS: Petition of State Senate of Minnesota, favoring suspension of action on reciprocity treaty with Canada until December, 1911; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Philadelphia Peace Association of Friends, against fortifying the canal; to the Committee on Military Affairs.

Also, petition of citizens of Greenwich, N. Y., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Whitehall and Cambridge, N. Y., for Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS: Petition of Commercial Club of Hermiston, Oreg., against the indefinite suspension of land entries; to the Committee on the Public Lands.

By Mr. FOCHT: Paper to accompany bill for relief of Arthur V. B. Souders; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Ed. Zachn, secretary of Cigar Makers' Union, Peru, Ill., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Wilson Grocery Co., of Peoria, Ill., for the Esch phosphorus bill (H. R. 30022); to the Committee on Ways and Means.

Also, petition of Philadelphia Peace Association of Friends, against the expenditure of public funds to fortify the canal and in warlike preparations; to the Committee on Military Affairs.

By Mr. GLASS: Petition of citizens of Lynchburg and East Radford, Va., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of sixth Virginia congressional district, against Senate bill 404, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of National Piano Manufacturers' Association of America, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Washington Camp No. 700, Patriotic Order Sons of America, Lancaster, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. HAMILL: Petition of Edgar L. Young, pastor of Methodist Church, Portalis, N. Mex., against the proposed constitution and asking for an investigation by the President and Congress of the facts and charges and of the alleged election for ratification of said constitution of New Mexico; to the Committee on the Territories.

By Mr. HANNA: Petition of citizens of North Dakota, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wimbledon, N. Dak., against Senate bill 404 and House joint resolution 17, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens on rural delivery routes in North Dakota, for increase of salaries of rural deliverers; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Tunxis Grange, No. 30, Patrons of Husbandry, Bloomfield, Conn., against Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of H. B. Crowell and William H. Jones; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of George T. Odell, Moses C. Davis, and other citizens of Utah, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of W. M. Piggott, of Ogden, Utah, for more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KRONMILLER: Petition of Friendship Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McLACHLAN of California: Petition of soldier citizens of the Civil War of the seventh congressional district of California, against an officers' retired list; to the Committee on Military Affairs.

Also, petition of citizens of California, against Senate bill 404 relative to Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MONDELL: Petition of residents of Wyoming, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, senate joint memorial No. 1, Wyoming Legislature, for legislation granting to the State of Wyoming 2,000,000 acres of the public land within the boundary of said State for creation of a fund for public highways within the State; to the Committee on the Public Lands.

By Mr. McMORRAN: Petitions of T. W. Wiley and others, of Marlette; August Gombert, of Armada; Mathew Smiley and Henry Stork, of Metamora; and R. Potter and others, of Attica, all of the State of Michigan, protesting against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Lumbermen's Insurance Co., Philadelphia, for the Esch bill, relative to white-phosphorus matches; to the Committee on Interstate and Foreign Commerce.

Also, petitions of John F. Hartranft Council, No. 381; Tube City Council, No. 378; Shamokin Council, No. 630; William Penn Council, No. 64; Manayunk Council, No. 768; Jas. E. Hyatt Council, No. 923; Starlight Council, No. 147; Science Council, No. 127; Concord Council, No. 545; Allegheny Council, No. 112; Coventryville Council, No. 863; Goshen Council, No. 607; Clearfield Council, No. 394; Camac Council, No. 315; Centralia Council, No. 1006; Freeland Council, No. 348; Francisville Council, No. 837; Ontelanee Council, No. 985; Mount Pleasant Council, No. 37; Landisville Council, No. 1007; Freedom Council, No. 194; Scranton Council, No. 33; and Olney Council, No. 7, Junior Order United American Mechanics, urging enactment of illiteracy test relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. MORGAN of Missouri: Petition of citizens of the fifteenth congressional district of Missouri, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of citizens of Massachusetts, adopted at Faneuil Hall February 17, 1911, for annexation of the island of Crete with Greece; to the Committtee on Foreign Affairs.

By Mr. A. MITCHELL PALMER: Petition of Washington Camp No. 742, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SHEFFIELD: Petition of Washington Camp, Patriotic Order Sons of America, of Providence, R. I., urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Philadelphia Peace Association, of Philadelphia, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. TILSON: Petition of the Durham Grange, West Hartford Grange, Meriden Grange, and Weathersfield Grange, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Titusville (N. J.) Grange, No. 163, Patrons of Husbandry, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of New Jersey Congress of Mothers, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Kingward Grange, No. 106, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 26, 1911.*

The House was called to order at 12 o'clock noon by the Clerk, Hon. Alexander McDowell, who read the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 26, 1911.

I hereby designate Hon. J. A. T. HULL as Speaker pro tempore for this day.

J. G. CANNON, *Speaker.*

Mr. HULL of Iowa assumed the chair as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely wise and good, just and merciful, pure and holy, our God and our Father, we thank Thee that no night of sorrow can obscure the light of Thy countenance from those who put their trust in Thee. No disappointment so deep, so poignant, that Thou canst not turn to hope. Hence we pray most fervently for those who were bound by the ties of love and friendship to the departed statesmen, who strove earnestly to reflect in their lives and deeds the image of their Maker. Grant that the history recorded this day may be an inspiration to those who read, to pure motives, clean living, and noble endeavor, that, though dead, their works may live and bear the fruits of the spirit thus reflected in their lives. Help us, we beseech Thee, so to live that when we pass to the great beyond we shall be missed and cherished by those who knew and loved us, and song of praises we will ever give to Thee in the name of Him who taught us to live well, and when the summons comes to pass serenely on with perfect faith and confidence in Thee, O God, our Father. Amen.

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

THE LATE SENATOR DOLLIVER.

Mr. HUBBARD of Iowa. Mr. Speaker, I offer the following resolutions (H. Res. 997).

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JONATHAN P. DOLLIVER, late a Member of the United States Senate from the State of Iowa, which occurred at his home, in the city of Fort Dodge, October 15, 1910.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. HUBBARD of Iowa. Mr. Speaker, I ask unanimous consent that general leave for five days be granted to Members to print remarks on the life and character of the late Senator DOLLIVER.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that leave be given for five days for Members to print remarks on the life and character of Senator DOLLIVER. Is there objection?

There was no objection.

Mr. HUBBARD of Iowa. Mr. Speaker, the first I knew of JONATHAN P. DOLLIVER, or J. P., as he was familiarly called, was about 1882. In my memory he was then a tall, almost slender, yet powerful youth, with a great voice not yet touched in its melody with that certain roughness which later became habitual. He was full of a boyish fun and already looked out upon life with that quaintly cynical humor, which saw the absurd in every sham, the queer and almost comical self-deception in every wrong, and half overlooked the sham, and half forgave the wrong for the delight he found in their very absurdity.

I met him through that most lovable of men, Maurice D. O'Connell, his lifelong mentor and friend, and even now remember the prankish play of wit and fun with which the young fellow tickled and teased the older man. At home he was the life of every crowd, the joy of the town, welcome alike to the philosophers of the drygoods box, as they reasoned sagely of "fate, free-will, fore-knowledge absolute," and to the boys out for a good time.

The first notes of his eloquence were sounding. With all their apparent ease, they were the results of arduous training. I have been told that in those days it was his wont, whenever in reading or in his own meditations or in talk, he encountered a striking thought, a witty turn, a suggestive parallel, to note it upon a slip of paper, pin this conspicuously on his bedroom wall, and rehearse it over and over until it became a part of his mental furniture. He called these his "repertoire," and would recite them oratorically to his intimates with all conceivable variations, as might some violinist strive for perfect expression upon the trembling strings. His earlier speeches quivered with epigram, each sentence rounded, complete; an argument in a witty phrase; an heroic picture in a gleaming word. Such was the speech at the Republican State convention in 1884 which first introduced him to the State and sent him to Congress in 1890. So light and joyous were these children of his brain that men in their laughter and applause forgot the earnest purpose behind the wit and satire. Stupid commonplace exacted the usual bitter penalty from him who had the wisdom to make men laugh. He was an earnest man, although he did not clothe his earnestness in pompous phrase. He laughed in the face of poverty, yet took prudent and anxious care for those of his own household.

To his revered father he was a son indeed; to his brothers and sisters he was a brother indeed. Who that has been privileged to see it can ever forget the reverent care which surrounded the aged and crippled father? His was the seat of honor, the voice of authority. To the day of his death he ruled