of cost with the tonnage of other nations; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, believing that the Panama Canal when completed should be open to all tonnage, irrespective of ownership, protests against any legislation which departs in any degree from that broad and equitable policy; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of M. F. Weyerts and others, of Amherst; of Dick Rohwer and others, of Dover; of W. H. Perry and others, of Haxton; and of J. W. Tunnicliff, of Castle Rock, Colo., favoring the Haugen bill (H. R. 21225) and opposing House bill 18493; to the Committee on Agriculture.

By Mr. SISSON: Petition of citizens of Belzoni, Miss., for changing the place of holding Federal court for the northern district of Mississippi from Oxford to Grenada; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of Chaffee (N. Y.) Grange, No. 987, against passage of any bill favorable to the sale of oleomargarine in competition with butter; to the Committee on Agriculture.

Also, petition of Buffalo Lodge, No. 1, Shipmasters' Association, protesting against increasing the flow of water from Lake Michigan down through the Chicago River; to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of residents of the State of Washington, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Committee on Industrial Relations, for appointment of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Postal Record, of Washington, D. C., indorsing section 5 of the Post Office appropriation bill, to limit the hours of labor of letter carriers and post-office clerks to eight hours each day; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland: Petition of citizens of Carroll County, Md., asking that the memorial to President Lincoln be a highway between Washington, D. C., and Gettysburg, Pa.; to the Committee on the Library.

By Mr. TILSON: Memorial of Emerson W. Liscum Camp, No. 12, Department of Connecticut, United Spanish War Veterans, favoring passage of House bill 17470, providing for the widows and orphans of veterans of the Spanish War; to the Committee on Pensions.

By Mr. UNDERHILL: Petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton to be delivered on contract on the cotton exchanges; to the Committee on Agriculture.

Also, petition of citizens of Canister, and of the Canister Prohibition League of Canister, and of the Steuben County Prohibition Committee, of Canister, State of New York, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of citizens of Addison, Mich., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of members of Tandy Ridge Grange, Zanesville, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *April 16, 1912.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who art the confidence of all the ends of the earth and of them that are afar off upon the sea, our hearts are overwhelmed within us because of the sore distress of our people and the sad fate that has overtaken our brethren in the great deep. In all their afflictions we are afflicted. And to whom may we turn, O Lord, but to Thee, who art our refuge and our strength and a very present help in trouble? Thou art the eternal God and Thou art our refuge. Thou hast been our dwelling place in all generations. The sea is Thine and Thou hast made it. Though Thou slay us, yet will we trust in Thee. Comfort our hearts, O God, and graciously grant that neither height nor depth may separate us from the love of God which is in Christ Jesus our Lord. For Thy name's sake hear our cry and answer our prayer. Amen.

The Journal of yesterday's proceedings was read and approved.

MEAT-INSPECTION SERVICE (S. DOC. NO. 569).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting a supplemental estimate of $1,000,000 to the permanent appropriation for the meat-inspection service of the Department of Agriculture, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years;

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912;

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador; and

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 244. An act extending the operation of the act of June 10, 1910, to coal lands in Alabama; and

S. 5059. An act granting school lands to the State of Louisiana.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULZER, Mr. FLOOD of Virginia, and Mr. MCKINLEY managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 15361. An act for the patenting of certain land to Thomas Wall, of the State of Mississippi;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes;

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes, and the regulations thereunder;

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics of cotton;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 20688. An act transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and Labor;

H. R. 21478. 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 of such soldiers and sailors;

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal in front of the town of Port Arthur;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

and to widows and dependent relatives of such soldiers and sailors;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes;

H. R. 22343. An act to require supervising inspectors, Steamboat Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston;* and

H. R. 22867. 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 of such soldiers and sailors.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. EDMUND H. MADISON, late a Representative from the State of Kansas.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of Arizona, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the Federal Constitution guarantees to every State in the Union a republican form of government; and

Whereas the Declaration of Independence states, among other things, that it is a right of the people to institute a government by laying its foundation upon such principles, and organizing its powers in such form as to them shall seem more likely to effect its safety and happiness; and

Whereas Arizona did institute a government by laying its foundations upon such principles and organizing its powers in such truly republican form as to them seemed most likely to insure their safety and happiness; and

Whereas it has been decided by the Supreme Court of the United States, in the Oregon case, that no attempt will be made to deny Arizona its right to do this; and

Whereas an inspiring majority of able and conscientious United States Senators and Representatives firmly maintained the principles of the Declaration of Independence, and by their very able, conscientious, and just efforts prevented the defeat of statehood for Arizona: Therefore be it

Resolved, That the Legislature of Arizona, by this concurrent resolution, extend to the able, conscientious, and just United States Senators and Representatives who aided us in our struggle for self-government our heartfelt thanks for their untiring, unswerving, and ever-faithful adherence and allegiance to the principles of the Declaration of Independence which resulted in statehood for Arizona; and be it further

Resolved, That a copy of this concurrent resolution, signed by the president of the senate and speaker of the house of representatives, be, by the secretary of the senate, mailed to the President of the United States Senate, the Speaker of the House of Representatives, and to Senator ROBERT L. OWEN and Representative HENRY D. FLOOD for presentation to the friends of American principles of government.

M. G. CUNNIFF,
President State Senate.
SAM B. BRADNER,
Speaker of the House of Representatives.

MARCH 29, 1912.

The VICE PRESIDENT presented a petition of Local Grange, Patrons of Husbandry, of Bellevue, Wash., praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Brotherhood of Carpenters and Joiners, of Arecibo, P. R., praying for the enactment of legislation creating in that Territory a department of agriculture and labor, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Woman's Christian Temperance Union of Springer, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of members of the Builders' Exchange of Duluth, Minn., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry veterans of the Spanish-American War, residents of Red Wing, Minn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WORKS presented petitions of the congregations of the Fifteenth Street Christian Church, the Grace Reformed Church, the Gurley Memorial Presbyterian Church, the Trinity Methodist Episcopal Church, the East Washington Heights Baptist Church, and the Petworth Methodist Episcopal Church, and of sundry citizens, all in the District of Columbia, praying for the enactment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens and business firms of Los Angeles and Huntington Beach, in the State of California, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. GRONNA presented a petition of sundry citizens of Valley City, N. Dak., praying for the enactment of legislation providing for the protection of migratory birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STONE presented memorials of sundry citizens of Herman, Rosebud, Blodgett, and Vandalia, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial signed by sundry students of the University of Missouri, Columbia, Mo., remonstrating against the adoption of certain amendments to the Army appropriation bill relative to the reorganization of the Army, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Marshfield, Granger, and Piedmont, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of Local Granges No. 188, of Rumney; No. 95, of New London; No. 13, of Nashua; No. 139, of Winchester; No. 284, of Georges Mills; and No. 116, of Whitefield, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of North Weare, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Table Rock Lodge, No. 704, Brotherhood of Railway Trainmen, of Bellows Falls, Vt., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. JOHNSON of Maine (for Mr. GARDNER) presented a petition of sundry citizens of Orff's Corner, Waldoboro, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also (for Mr. GARDNER) presented a petition of Local Division No. 440, International Brotherhood of Locomotive Engineers, of Brownville Junction, Me., and a petition of Local Division No. 607, International Brotherhood of Locomotive Engineers, of Calais, Me., praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also (for Mr. GARDNER) presented petitions of sundry citizens of North Parsonsfield, Littleton, Danforth, Intervale, Thorndike, Columbia Falls, Plymouth, Portland, Burnham, Westfield, Cornish, Oldtown, Gardiner, Brunswick, Augusta, Sanford, and Lewiston, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Sherman, Sherman Mills, Monticello, and Houlton, all in the State of Maine, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented resolutions adopted by members of the Bar Association of Johnstown, N. Y., favoring the division of the northern district of New York into two judicial districts, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Newport County Pomona Grange, No. 4, Patrons of Husbandry, of Tiverton, R. I., praying for the establishment of a parcel-post system and remonstrating against any change in the oleomargarine law, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a memorial of the City Council of Pittsburgh, Pa., remonstrating against the enactment of legislation providing for the extension of the permit granted to the Liberty Bridge Co. for the construction of a highway bridge

across the Monongahela River at that city, which was referred to the Committee on Commerce.

He also presented petitions of Washington Camps No. 85, of Weishample; No. 730, of Bolivar; No. 90, of Hazleton; No. 267, of Ironbridge; No. 630, of Railroad; No. 483, of Mountain Home; No. 677, of Kutztown; No. 296, of Alden; No. 41, of Helfenstein; No. 742, of Latrobe; No. 441, of Barry; No. 533, of Philadelphia; No. 212, of Reading; No. 559, of Rothsville; No. 359, of Philadelphia; No. 781, of Beallsville; No. 541, of Lehighton; No. 198, of Meadville; No. 424, of Dauphin; No. 471, of Lewisburg; No. 528, of Bald Mount; No. 275, of Chester Springs; No. 95, of Chalfont; No. 234, of Kingston; No. 321, of Huntingdon; No. 603 of New Columbia; No. 621, of Porter; No. 12, of Philadelphia; No. 613, of Lincoln; No. 20, of Somerton; No. 316, of Klingerstown; No. 28, of Adamstown; No. 669, of Millersville; No. 37, of Lattimer Mines; No. 99, of Wernersville; No. 757, of Washington; No. 556, of Elizabethtown; No. 412, of Everett; No. 443, of Davidsburg; No. 675, of Verona; No. 555, of Philadelphia; No. 711, of Mount Nebo; No. 507, of Summit Station; No. 508, of Allenwood; No. 767, of Kane; No. 129, of Philadelphia; No. 677, of Kutztown; No. 271, of Nanticoke; No. 574, of Williamsport; No. 729, of Kratzerville; No. 200, of Carbondale; No. 718, of Garmans Mills; No. 102, of Steelton; No. 482, of Sellersville; No. 788, of Upland; No. 269, of Dubois; No. 372, of Woodland; No. 259, of Drifton; No. 668, of York; No. 94, of Frankfort; No. 688, of Philadelphia; No. 7, of Philadelphia; No. 31, of Altoona; No. 361, of Philadelphia; No. 767, of Waynesburg; No. 687, of Washington; No. 456, of Sykesville; No. 321, of Huntingdon; No. 33, of West Point; No. 146, of Askam; No. 488, of Philadelphia; No. 373, of Liverpool; No. 377, of Honey Brook; No. 778, of Newberrytown; No. 743, of Harrisburg; No. 661, of Waynesboro; No. 116, of Mount Carmel; No. 606, of Beaverdale; No. 370, of Bendersville; No. 274, of Fern Hill; No. 689, of Reading; No. 407, of Easton; No. 98, of Beavertown; No. 576, of Halifax; No. 535, of Grover; No. 199, of Bridesburg; No. 380, of Wilmore; No. 268, of Reynoldsville; No. 112, of Shenandoah; No. 364, of Danville; No. 433, of La Bott; No. 374, of Orbisonia; No. 285, of Montgomery; No. 331, of Edge Hill; No. 790, of Olyphant; No. 60, of Altoona; No. 328, of Hanover; No. 602, of Rathmel; No. 397, of Lime Ridge; No. 348, of Philadelphia; No. 281, of Chester; No. 234, of Kingston; No. 82, of Lenni; No. 443, of Thomasville; No. 57, of Tamaqua; No. 753, of Turtle Creek; No. 790, of Olyphant; No. 638, of Canton; No. 111, of Manayunk; No. 280, of Elmhurst; No. 613, of Lincoln; No. 187, of Philadelphia; No. 495, of Shamokin Dam; No. 223, of Suedburg; No. 53, of Cold Point; No. 317, of Philadelphia; No. 337, of Mill Hall; No. 389, of Philadelphia; No. 717, of McAlisterville; No. 597, of Rehrersburg; No. 32, of Avon; No. 181, of Bangor; No. 555, of Philadelphia; No. 487, of Elliottsburg; No. 436, of Philadelphia; No. 73, of Cressona; No. 662, of Latta Grove; No. 451, of Weaversville; No. 693, of Van Dyke; No. 49, of Pine Grove; No. 646, of Stoverstown; No. 603, of New Columbia; No. 728, of Philadelphia; No. 12, of Philadelphia; No. 783, of Stewartstown; No. 469, of Rockton; No. 664, of Strausstown; No. 145, of Hegins; No. 177, of Pittsburgh; No. 613, of Lincoln; No. 402, of York; No. 656, of Phoenixville; No. 111, of Manayunk; No. 721, of Johnstown; No. 232, of Hebe; No. 707, of Hebron; No. 752, of Hooversville; No. 423, of Loysburg; No. 261, of Audenreid; No. 493, of Bonnair; No. 529, of Woolrich; No. 769, of Marklesburg; No. 50, of Roxborough; No. 358, of Philadelphia; No. 764, of Philadelphia; No. 504, of Berwyn; No. 171, of Carlisle; No. 755, of Washington; No. 622, of Northumberland; No. 333, of Scranton; No. 150, of Valley Forge; No. 69, of Mount Aetna; No. 159, of East Berlin; No. 478, of Philadelphia; No. 791, of McDonald; No. 498, of Pen Argyl; No. 160, of Richland; No. 290, of Philadelphia; No. 77, of Philadelphia; No. 404, of Philadelphia; No. 587, of Mount Holly Springs; of General Lawton Commandery, No. 9; Lincoln Commandery, No. 42; and Benjamin Franklin Commandery, No. 26, of Philadelphia; and of Wikoff Commandery, No. 39, of Easton, all of the Patriotic Order Sons of America; of Local Councils No. 1014, of Alburtis; No. 896, of Slocum; No. 732, of Philipsburg; No. 18, of Lansdale; No. 209, of Philadelphia; No. 369, of Roscoe; No. 860, of Coalmont; No. 859, of Pitcairn; No. 803, of Rockdale; No. 642, of Johnstown; No. 374, of Mine; No. 68, of Slatingson; No. 23, of Scott Haven; No. 201, of Washington; No. 38 and No. 134, of Pittsburgh; No. 913, of Warfordsburg; No. 591, of Saxton; No. 1004, of Kutztown; No. 707, of Landisburg; No. 421, of Coatesville; No. 304, of East Prospect; No. 542, of Tidal; No. 406, of Morrisdale; and No. 907, of Nicolay, all of the Junior Order United American Mechanics; of the Central Labor Union of Pottsville; the United Labor League of Sharon; the Trades Union Assembly of Williamsport; of Local Unions No. 615, of Brownsville; No. 1186 and No. 890, of Pittsburgh; No. 287, of Harrisburg; and No. 897, of Morristown, all of the Brotherhood of Carpenters and Joiners; of Local Union No. 2034, United Mine Workers of America, of Osceola Mills; and of sundry citizens of Philadelphia and Kittanning, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. POINDEXTER presented telegrams in the nature of memorials of Mrs. M. A. Hutton; L. W. Hutton; C. C. Dill, deputy prosecuting attorney; O. J. Sauville, deputy prosecuting attorney, of Spokane; of Mrs. Michael Earles, of Seattle; Arthur Gephart; Harve H. Phipps; H. L. Kennan, judge of the superior court; Rala C. Harbord, Otto W. Blenner, John W. Greb, E. E. Burton, George T. Crane, of Spokane; of Sylvester Bros., wholesale grocers; S. S. Morgan, manager Fairbanks Morse & Co., of Seattle; Paris F. Renshaw, O. C. Moore, R. E. Pinney, of Spokane; and of Charles A. Brower, vice president of the Puget Sound Savings Bank, of Tacoma, all in the State of Washington, remonstrating against the passage of the so-called Owen bill providing for establishment of a national department of public health, which were ordered to lie on the table.

He also presented petitions of Local Grange, Patrons of Husbandry, of Palouse; of Local Grange, Patrons of Husbandry, of Pullman; and of sundry citizens of Palouse and Pullman, all in the State of Washington, praying for the enactment of legislation providing for the condemnation and purchase of express companies by the Government, etc., which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON. I present petitions in the form of telegrams from sundry railroad employees in the State of Minnesota, relative to the workmen's compensation bill. I ask that the telegrams be read and lie on the table.

There being no objection, the telegrams were read and ordered to lie on the table, as follows:

[Telegram.]

DULUTH, MINN., *April 8, 1912.*

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

Brotherhood of Railroad Trainmen of Duluth Lodge, No. 831, in regular session, unanimously indorsed Senate bill 5382 on workingmen's compensation, and would respectfully request you to give it your support. While the compensation provided for in some instances seems low, we indorsed the bill because we recognize that it writes into law the correct principle. Whatever defects it may possess can be corrected by experience. In any event the bill will be a vast improvement over the present obsolete and iniquitous employers' liability. Every railroad man in Minnesota wants a change, and we believe this is the best that can be had now.

A. J. LYONS,
Secretary, 222½ West First Street.

[Telegram.]

DULUTH, MINN., *April 8, 1912.*

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

At yesterday's meeting of Lodge No. 569, Brotherhood of Railroad Trainmen, of Duluth, we adopted by unanimous vote a resolution indorsing Senate bill 5382 on workingmen's compensation, and we would request you to give the measure your support. In passing upon this bill we recognize that it is not a perfect measure, but anything is better than the present cruel system of employers' liability. We are interested permanently in establishing the right principle for automatic compensation for injuries to employees. Defects can only be remedied in the light of experience. Will you help us?

FRED AMO, *Secretary.*

[Telegram.]

DULUTH, MINN., *April 8, 1912.*

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

Representing 3,000 railroad employees of this State, I am instructed to request your favorable assistance toward the passage of Senate bill No. 5382. The workmen's compensation act is an important measure, and we urge your cooperation in our behalf.

C. S. BOOTON,
Secretary State Legislative Board.

Mr. CULBERSON. I present a telegram which I have received on the same subject, and ask to have it read.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

SAN ANTONIO, TEX., *April 14, 1912.*

Senator C. A. CULBERSON,
Washington, D. C.:

Heartily in accord with your minority report on the Sutherland compensation act. The Locomotive Firemen State Legislative Board, just adjourned, instructed me to proceed to Washington in opposition to the bill. Kindly wire at my expense calendar position of bill in both Houses. Start from here about 17th.

O. L. KINSLEY.

Mr. WARREN. Mr. President, I desire to say that I have received a great many telegrams and letters, and so far they have all been in favor of the bill to which the telegrams to the Senator from Minnesota were directed. I have not presented

them because I assume that other Senators are also receiving a great many similar ones, and I have therefore presumed that it was unnecessary to encumber the RECORD with any large number of them. Of course, I have no objection to those that have been offered, but I think that we shall hardly be able to admit to the RECORD all the letters and telegrams that have been received and will be received on this subject.

Mr. BACON. Mr. President, before passing from this subject, I hope I may be indulged to say that I also have received a number of telegrams and communications by letter in regard to this bill from railroad organizations in my State. With one exception they have all been opposed to the bill, and they desire that it be defeated. There has been one railroad organization in the State that has communicated with me to the effect that they desire its passage, but with that exception all the others have been adverse to the passage of the bill.

Mr. SWANSON. As the Senate is now considering the employers' liability bill, I should like to have——

The VICE PRESIDENT. The Senate is not now considering it, but several petitions have been introduced, without objection, out of order, upon the subject.

Mr. SWANSON. I should like to have a communication and three telegrams from labor organizations in my State read.

There being no objection, the communication and telegrams were read and ordered to lie on the table, as follows:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
JOS. H. SANDS DIVISION, NO. 401,
Roanoke, Va., April 8, 1912.

Hon. THOMAS H. MARTIN,
Hon. CLAUDE A. SWANSON,
United States Senate, Washington, D. C.

GENTLEMEN: Division No. 401, Brotherhood of Locomotive Engineers, located in the city of Roanoke, Va., have a membership of 150 engineers who desire to see the Federal accident-compensation bill become a law. As secretary-treasurer of this division, I am instructed to write and ask your support to secure the passage of this Senate bill, No. 5382. Thanking you in advance for your influence and support,

I am, yours, very truly,

R. D. CARLISLE,
Secretary-Treasurer,
Division 401, Brotherhood of Locomotive Engineers.

—

[Telegram.]

RICHMOND, VA., *April 8, 1912.*

Hon. CLAUDE A. SWANSON,
Senate Chamber, Washington, D. C.:

This is to advise you that members of Mother State Lodge, No. 634, Brotherhood of Railroad Trainmen, comprising trainmen of Southern and Atlantic Coast Line Railroads, at last regular meeting unanimously indorsed the workingman-compensation bill, known as Senate bill 5382, and earnestly request that you use your vote and influence to get same passed.

L. J. LAWS, *President.*
L. O. IRONS, *Secretary.*

—

[Telegram.]

RICHMOND, VA., *April 8, 1912.*

Hon. CLAUDE A. SWANSON,
Senate Chamber, Washington, D. C.:

Division 532, Brotherhood of Locomotive Engineers, instructs me, A. C. Atkins, their legislative representative, to urge you to give your vote and influence for the passage of the Federal accident-compensation bill, No. 5382. Division 532 has 54 members.

A. C. ATKINS.

—

[Telegram.]

RICHMOND, VA., *April 8, 1912.*

Hon. CLAUDE A. SWANSON,
United States Senate:

Please give us your support on S. Bill 5382.

R. D. CLOPTON,
Representative Lodge 389,
Brotherhood of Railway Trainmen, Richmond, Va.

Mr. SANDERS. I have a communication from the legislative board, Brotherhood of Locomotive Engineers, of Tennessee, and a telegram, in the nature of a petition, from Lodge No. 648, Brotherhood of Railroad Trainmen, Nashville, Tenn., relative to the workmen's compensation bill. I ask that the communications lie on the table and be printed in the RECORD.

There being no objection, the communications were ordered to lie on the table and to be printed in the RECORD, as follows:

LEGISLATIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
STATE OF TENNESSEE,
Knoxville, Tenn., April 9, 1912.

Hon. NEWELL SANDERS,
United States Senate, Washington, D. C.

DEAR SIR: As one of the honored Senators of Tennessee, I desire to call your attention to Senate bill No. 5382, known as the workman's compensation act. As you are doubtless aware, the entire subject of employers' liability has been studied by an able commission, and the bill is the result of their labors.

When you study the bill I think you will find it a very desirable piece of legislation, beneficial alike to the employer and the employee. It will rightfully place the cost of personal injuries as a part of the cost of production, pass it on to the final consumer, and result in the cases being settled out of court. It will cost the railroad companies only a little more than the present system and will give the employees more than twice as much. This will result from the saving in the cost of litigation.

Of course, the amount of recovery is limited, fixed, instead of leaving it to the caprice of the jury, but it gives the compensation without a lawsuit and when it is most needed. The right to sue is not much benefit to a widow and her children. But the great number of personal-injury lawsuits are a severe annoyance to the employer.

Mr. Herman E. Wills represents us at Washington, and I hope you can discuss it with him.

Very truly, yours,

T. J. HOSKINS, *Chairman.*

—

[Telegram.]

NASHVILLE, TENN., *April 10, 1912.*

Hon. NEWELL SANDERS,
Washington, D. C.,

We desire to call your attention to Senate bill 5382 (workmen's compensation bill). We will appreciate your vote and influence in its passage. This is respectfully asked of you by Lodge No. 648, Brotherhood of Railroad Trainmen.

A. P. DAVIS, *Treasurer.*

Mr. CULLOM. I present sundry telegrams from members of the Brotherhood of Railroad Trainmen and Brotherhood of Locomotive Engineers in Illinois, relative to the so-called workmen's compensation bill. I ask that the telegrams lie on the table and be printed in the RECORD.

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

BLOOMINGTON, ILL., *April 8, 1912.*

Hon. SHELBY M. CULLOM,
Washington, D. C.,

Resolved that we the members of P. H. Morrissey Lodge, No. 62, Brotherhood of Railroad Trainmen, in meeting assembled, most heartily indorse Senate bill No. 5382 and House bill No. 20487, and do hereby instruct the president of this organization to telegraph the United States Senators from the State of Illinois and the Congressman from this district to vote for and use every honorable effort for the passage of this important legislation to railroad men.

C. A. PETTUS, *President.*

—

DECATUR, ILL., *April 8, 1912.*

Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

I am instructed by the members of Division No. 155, Brotherhood of Locomotive Engineers, of Decatur, Ill., to request of you to vote for and use your influence for the passage of Senate bill No. 5382 and House bill No. 20487.

J. W. KNOWLTON.

—

DAVENPORT, IOWA, *April 9, 1912.*

Hon. S. M. CULLOM,
United States Senate, Washington, D. C.:

Tri-City Lodge, No. 617, Brotherhood of Railroad Trainmen, at its regular meeting, April 7, by unanimous vote instructed us to urgently request your support of Senate bill No. 5382. We believe the Federal workmen's compensation bill to be of the most vital importance to us, and assure you we will appreciate your efforts in our behalf.

G. C. JENKS, *President.*
E. C. EVANS, JR., *Secretary.*

—

FREEPORT, ILL., *April 9, 1912.*

Hon. SHELBY M. CULLOM,
Washington, D. C.:

The railroad men of this city are deeply interested in the passage of Senate bill No. 5382, and we, the undersigned members of the four railroad brotherhoods, hereby request that you give this bill your favorable support.

O. J. PHILLIPS,
Brotherhood of Railroad Trainmen.
J. H. GREENE,
Order Railway Conductors.
J. J. SHAUGHENESSY,
Brotherhood of Locomotive Engineers.
B. KRAUTHOFF,
Brotherhood of Locomotive Firemen and Enginemen.

—

MOUNT CARMEL, ILL., *April 9, 1912.*

Hon. SHELBY M. CULLOM,
Washington, D. C.

DEAR SIR: I am instructed by the Brotherhood of Locomotive Engineers of this city to wire you in behalf of the bill now in Senate known as S. 5382, and we sincerely hope that you will give this bill your support.

Yours, respectfully,

C. F. BARRETT,
Secretary Division No. 400,
Brotherhood of Locomotive Engineers.

—

MURPHYSBORO, ILL., *April 6, 1912.*

SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

Am instructed by Division No. 444, Brotherhood of Locomotive Engineers, ask your support Senate bill No. 5382, House bill No. 20487.

W. R. WRIGHT,
Secretary Division No. 444.

—

EAST ST. LOUIS, ILL., *April 5, 1912.*

Hon. SHELBY M. CULLOM, *Senator,*
Washington, D. C.:

It is the expressed wish of the members of the Brotherhood of Railroad Trainmen of East St. Louis that you use your influence and support the workmen's compensation bill now pending in the House.

F. H. LENTZ, *Treasurer.*

BEARSTOWN, VIA SPRINGFIELD, ILL.,
April 7 and 8, 1912.

SHELBY M. CULLOM, *Washington, D. C.:*

Please lend your assistance in favor of Senate bill No. 5382, as our membership is interested more in this bill than any other.

Respectfully, yours,

CHAS. HOWEY,
Treasurer Brotherhood of Railroad Trainmen.

—

ROCK ISLAND, ILL., *April 8, 1912.*

Senator CULLOM, *Washington, D. C.*

HONORED SIR: We respectfully request that you support the workmen's liability bill now before the Senate.

Respectfully,

W. M. JOHNSTON,
Secretary-Treasurer Brotherhood of Locomotive Engineers.

—

AUBURN PARK, ILL., *April 16, 1912.*

Mr. SHELBY M. CULLOM, *United States Senator,*
Washington, D. C.

Engineers on Belt Railway of Chicago request your support to Senate bill No. 5382 and House bill 20487.

J. J. BANE, *Engineer.*

—

SALEM, ILL., *April 8, 1912.*

Hon. S. M. CULLOM, *Washington, D. C.:*

The Brotherhood of Locomotive Engineers urge your support for the passage of Senate bill No. 5381 as originally designed.

V. E. MUSGROVE,
Secretary-Treasurer of Subdivision No. 606, Salem, Ill.

DEPARTMENT OF PUBLIC HEALTH.

Mr. JONES. Mr. President, I have some telegrams in the nature of petitions which I desire to present. I want to say, in connection with the matter that has already been referred to, that I have received a great many telegrams indorsing the compensation act proposed from my State. My people, however, are much interested in another proposition that appears to them at least to be very serious, it bearing the honored name of the Senator from Oklahoma [Mr. OWEN]. While I know he is a "progressive," and I am satisfied he would not take away the liberties of any of our people, a great many of my people are rather fearful. I want to read one telegram I have received, which reads as follows:

SEATTLE, WASH., *April 15, 1912.*

Senator WESLEY L. JONES,
Washington, D. C.:

Vote in favor of the Owen bill means the establishment of one of the worst trusts in our country; its defeat means that we can still choose our own physician and our own medical school. We don't want any interference with our present vested rights of freedom.

W. ELWANGER.

This feeling seems to have spread considerably among my people. I have another telegram from Seattle, which reads as follows:

SEATTLE, WASH., *April 15, 1912.*

Senator WESLEY L. JONES,
Washington, D. C.:

Please use every available effort to defeat the Owen bill. It is fraught with great danger to the liberty of every American citizen. Medical freedom will be gone if any one particular school has a monopoly. Medical monopoly is the mainspring of the Owen bill.

R. COOPER WILLIS.

Then, also from Seattle—I take it that possibly to-morrow I will get a great many similar telegrams from some other locality in the State—I have the following telegram:

SEATTLE, WASH., *April 15, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The world is sound and moving on. Modern physiological pathologists by sheer merit are rapidly supplanting allopathic pretensions. In desperation allopaths are seeking to recover prestige through gag legislation and State medicine crushing with ignorant force on enlightened and aspiring people. For sake of truth and humanity, kill Owen bill.

DOCTOR P. RUDOLPH.

I also have a telegram from Spokane, as follows:

SPOKANE, WASH., *April 15, 1912.*

W. L. JONES,
United States Senator, Washington, D. C.:

The passage of the Owen bill as amended will deprive many of your best people of freedom.

GEO. T. CRANE.

The ladies of my State are also getting fearful of this reactionary measure of my friend from Oklahoma. They say:

SEATTLE, WASH., *April 15, 1912.*

POINDEXTER AND JONES,
Senate Chamber, Washington, D. C.:

We look to you for the protection of our individual and national rights, hence the defeat of the Owen bill.

Mrs. MICHAEL EARLES.

Mr. OWEN. Mr. President——

Mr. JONES. I want to ask the Senator, before he interrupts, whether it is his intention seriously to press this trust-breeding, monopolistic, liberty-destroying, tyrannical, reactionary measure against the wishes of the people of my State? I have a great deal of confidence in his liberty-loving proclivities, but I do feel that in the matter of legislation at least I should pay some regard to the views of my people.

I have a great many more telegrams from people in my State with reference to this matter which I desire to submit, and I should like to know whether the Senator from Oklahoma seriously intends to press this measure which is fraught with so much danger to the people of my State.

Mr. OWEN. The bill itself abundantly answers the telegrams which have been read, and for the information of the Senator from Washington I will call his attention to this provision of the bill:

> That the health service established by this act shall have no power to regulate the practice of medicine or the practice of healing, or to interfere with the right of a citizen to employ the practitioner of his choice, and all appointments made within the health service, including the head of the service, shall be made without discrimination in favor of or against any school of medicine or of healing.

The bill provides further that no domicile or residence of a person shall be entered without the consent of the occupant; that no function belonging exclusively to the State shall be exercised by the department.

The opposition to this measure is inspired in large measure, in my opinion, by the same forces that have opposed the carrying out of the pure food and drug act in this country and by those who are engaged in disseminating patent medicines and who have a good deal of money invested in that business. They have stirred up innocent people, such as the Christian Scientists and some few members of the eclectics or the chiropractics or other citizens who imagine that their right to practice medicine or the healing art may be interfered with. Those artificial telegrams which are sent here—artificial in the sense that they are instigated by a private interest—serve no useful purpose except perhaps to confuse the minds of those who do not understand what it really means.

I will say to the Senator from Washington that so far as I am concerned I do intend to press Senate bill No. 1 and to do whatever I can to establish a department of health in this country that shall make available, as far as possible, all the information acquired by the scientific world in regard to the preservation of human life.

I remind the Senator from Washington that it was the investigation of Carroll, of Lazear, and of Agramonti and the other patriots of peace, a number of whom lost their lives in solving the problem of yellow fever at Habana, where the death rate was over 649 to the hundred thousand prior to the American occupancy, and rapidly fell to zero, which made possible the building of the Panama Canal, which the French nation had been unable to build because of yellow fever and because of the Chagres fever.

I should like to know if in reality the Senator from Washington is opposed to the principle of this bill or whether he is merely diverting himself by reading these telegrams.

Mr. JONES. I wish the Senator from Oklahoma to know what my people think about this measure. I have not myself examined it very thoroughly, and am not now proposing to express any judgment with reference to it. I am glad to have the Senator's suggestion with reference to how these telegrams happened to come here. These people are certainly somewhat interested in the matter, because they paid at least a dollar apiece to get the telegrams here. So it is something serious to them. I do think on a matter of legislation—what it is wise to do in a legislative way here I should defer to the expression of opinion of my people, and these are the only expressions I have had in this way.

All these telegrams came in this morning. During the last session of Congress I got a great many telegrams of the same character. So that however they were inspired, and whoever brought about these telegrams, they must represent the sentiments of these people and their fears; and I am glad to have the assurance of the Senator from Oklahoma that he does not intend to deprive these people of their liberty and their freedom and that this is a good and meritorious measure. I assure him I shall look into it very carefully indeed, and if the results, after having done so, convince me that it is all that the Senator says it is, I shall possibly vote for it.

Mr. OWEN. I ask the Senator from Washington if he is in favor of an independent health service in the United States or not?

Mr. JONES. That is a matter I want to look into very carefully, having due regard for the views of my people.

Mr. OWEN. In other words, I understand the Senator from Washington to say that after this matter has been before the public three years actively he has not made up his mind upon it?

Mr. JONES. No; the Senator does not understand me to say anything of the kind.

I have views on the general subject, but I have not been able to examine the particular features of the bill, and I do not desire, therefore, at this time to commit myself to any particular measure.

Mr. OWEN. I will ask the Senator from Washington if he recalls the language of the Republican national platform on this question.

Mr. JONES. Oh, yes; and I am a little bit surprised that, progressive as he is, the Senator finds something in the Republican platform which meets his approval. That to me is a little suspicious.

Mr. OWEN. I am unable to determine from anything the Senator says whether he is in favor of an independent health service or not, and I am willing to leave it in the RECORD that way if he is.

Mr. WORKS. Mr. President, I suppose I am one of the innocent individuals who have been misled into the belief that this is undesirable legislation. I think I know pretty well the contents and the meaning of this bill and the forces that are behind it. I happen to be a member of the Committee on Public Health and National Quarantine, and I have given the bill a good deal of study.

A good many of the objectionable parts of the bill have been eliminated, and every effort has been made to make it just as innocent as possible. Nevertheless, it is a part of a system of legislation that is going on all over this country which is intended to establish a State medicine, and to place all the medical activities of the Government in the hands of one school of medicine; and this effort is properly characterized in the telegrams which have been read here in the Senate.

This particular bill is not so harmful in itself, but it is a part of the entire system of legislation about which we are complaining. I am not now going to discuss the merits of the bill. I expect to do so at the proper time when the bill comes before the Senate for consideration.

I desire to say in this connection, however, that it has been stated all over this country, just as it has been now stated on the floor of the Senate, that the opposition to this bill has been instigated and carried on by the patent-medicine men, and that other innocent people have been brought to believe it is harmful. That is an entire mistake, and in some quarters it is maliciously stated. The opposition to the bill is not carried on by the patent-medicine men. I do not know whether they are opposing it or not, but I know that the League for Medical Freedom, which comprises most of the opposition to the bill, has nothing to do with patent-medicine men. They have absolutely refused to accept any money from them. They are acting independently. Of course it is natural that the Christian Scientists, against whom most of this legislation is directed and who, in some of the States, under legislation now in force, are being prosecuted and imprisoned for carrying on their mode of healing, should stand opposed to legislation of this kind, and they are doing it consistently and in good faith.

The physicians of other schools of medicine are making the same opposition to it upon precisely the same grounds—that their liberty to practice their mode of healing, and the right of the people to resort to them for healing, will be affected by this legislation, if it is carried out as it is intended, not as appears on the face of the bill, but as it will be carried out and enforced throughout this whole country by legislation of this kind.

I am only saying this in order to attract the attention of the Senate to the fact that whatever objection is made to the bill, and which will be made on the floor of the Senate, will be made in good faith, without any selfish interest on the part of the patent-medicine men or anybody else.

Mr. SMOOT. Mr. President, in this connection I want to say that on March 22, 1912, I introduced a bill to establish a public-health service, and for other purposes, and when Senate bill No. 1 is up for consideration before the Senate, I intend to offer my bill as an amendment to the one reported to the Senate.

I will say that the bill provides that the Public Health and Marine-Hospital Service and all the other health agencies of the Government shall be put into the public-health service, and it will be under the Secretary of the Treasury, as the Public Health and Marine-Hospital Service is to-day. There will be provided an assistant to the Secretary of the Treasury, whose duty it shall be to preside over this service.

I desire to say that it will reach the same result, in my opinion, as the bill introduced by the Senator from Oklahoma will reach. It will not entail another organization or another department, an independent department, and so far as the expense is concerned, there are only two additional employees from those in the public service to-day.

I sincerely trust that the Senate will compare the two bills and the organizations provided, and what is to be accomplished by the two, and I shall, as I said, offer this as a substitute for Senate bill No. 1 when it is up for consideration.

The VICE PRESIDENT. The telegrams will lie on the table.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 623), accompanied by a bill (S. 6369) 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, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 212. Julius A. Pherson.
S. 213. William R. Arnold.
S. 518. William Comstock.
S. 715. John B. Wilson.
S. 718. Edward Clark.
S. 722. James D. Smith.
S. 727. Jonas Schrock.
S. 729. Thomas Tovey.
S. 798. Amos Hoy.
S. 805. Andy Phillips.
S. 808. Hiram S. Shahan.
S. 880. Charles W. Read.
S. 1009. Mary C. Greene.
S. 1167. Elias Shaffer.
S. 1325. Daniel G. Bowles.
S. 1332. Dudley C. Rutledge.
S. 1357. Orson P. Matthews.
S. 1538. Joseph W. Frank.
S. 1549. Thomas D. Dick.
S. 1639. Junius T. Turner.
S. 1686. Sagarlin C. Knighton.
S. 1689. John Dixon.
S. 1728. Martin Ouderkirk.
S. 1763. Ellwood A. Collins.
S. 1918. James P. Cassedy.
S. 1919. Hannah S. Caward.
S. 1929. Benjamin Ricards.
S. 1931. James M. Fogleman.
S. 1988. Robert B. Baldwin.
S. 1989. Samuel T. Bennett.
S. 2008. Andrew J. Mowery.
S. 2026. Jacob Wible.
S. 2029. Thomas V. McConn.
S. 2033. Bradford L. Hollenbeck.
S. 2140. William Smith.
S. 2260. Jacob Bauer.
S. 2359. George S. Arnold.
S. 2486. Alexander J. Matthews.
S. 2522. Ira McCall.
S. 2572. Charles E. Tenant.
S. 2597. William G. Baldwin.
S. 2734. Alexander H. Farmer.
S. 2787. Richard Fossett.
S. 2820. Henrietta S. Kimball.
S. 2858. Samuel Welch.
S. 2898. Samuel Mooney.
S. 2969. Joseph H. Lanam.
S. 2970. John L. Mellender.
S. 2986. William M. C. Hix.
S. 3059. Margaret Shamp.
S. 3092. Martin Dolsby.
S. 3119. James A. Wood.
S. 3125. James M. Hopper.
S. 3126. John Barker.
S. 3127. Hiram F. Reel.
S. 3147. Charles Blair.
S. 3242. James S. Sutherland.
S. 3347. William A. Smith.
S. 3348. Daniel Keene.
S. 3350. Edward Mills.
S. 3351. Reuben H. Neff.
S. 3392. Ebenezer Miller.
S. 3395. Jesse Jones.
S. 3413. Harrison Presson.
S. 3491. James O. McCabe.
S. 3574. Jeremiah W. Hancock.
S. 3583. Joseph Vannest.
S. 3586. Samuel S. Weaver.
S. 3598. Henry Blaise.
S. 3600. Samuel Priest.

S. 3602. Samuel J. Ellis.
S. 3736. Ephraim Leasure.
S. 3759. Braden Zeigler.
S. 3761. John McQuown.
S. 3809. John Lay.
S. 3824. John Thompson.
S. 3879. James H. Barrelle.
S. 3926. Edward Kendall.
S. 4015. Benjamin F. Hudson.
S. 4062. Charles J. Strain.
S. 4071. Charles Bennett.
S. 4172. Thomas Dougherty.
S. 4275. William Manely.
S. 4302. Charles Sponsler.
S. 4453. Elihu Eversole.
S. 4478. Toller Peterson.
S. 4526. George W. Jones.
S. 4621. Margaret Williamson.
S. 4729. Abraham Smock.
S. 4730. Izora E. Dwire.
S. 5014. George W. Rowley.
S. 5165. James M. Martz.
S. 5178. James Miles.
S. 5185. James E. Fuller.
S. 5248. Andrew G. McAusland.
S. 5266. Benjamin F. Charles.
S. 5307. John M. Swaim.
S. 5335. James Maull.
S. 5371. Philip R. Grund.
S. 5407. Mattie B. Wintrode.
S. 5453. Emmett A. Brockway.
S. 5460. Frederick Beckhorn.
S. 5464. William H. Miller.
S. 5520. Carrie Diefenbach.
S. 5522. Mary J. Mulholland.
S. 5550. Emma P. Justison.
S. 5569. Gardner P. Waterhouse.
S. 5579. William Marquet.
S. 5582. Kittil Torgerson.
S. 5619. Michael Hilti.
S. 5625. Charles R. Spicer.
S. 5628. George F. Green.
S. 5649. Ira Grant.
S. 5703. Daniel C. Stevens.
S. 5707. Reuben H. Rich.
S. 5774. John S. Lewis.
S. 5818. Annie E. Loudon.
S. 5821. Alma J. Van Winkle.
S. 5847. Mary E. Franklin.
S. 5848. John W. Shear.
S. 5873. Joseph F. Kendall.
S. 5876. Edward M. Hitchcock.
S. 5888. Eben Kneeland.
S. 5889. Clement Lovely.
S. 5892. Elizabeth Polley.
S. 5893. Elizabeth E. Donaldson.
S. 5897. James A. Morgan.
S. 5898. Jesse H. Conrad.
S. 5899. Noah A. Decker.
S. 5900. Frederick W. Zwickey.
S. 5903. Thomas C. Kinsey.
S. 5916. Laura B. Stiles.
S. 5921. Moses D. Marshall.
S. 5922. Martin B. Monroe.
S. 5925. Eugene Besancon.
S. 5926. Rufus G. Barber.
S. 5927. Horace A. Foster.
S. 5953. Samuel B. Baker.
S. 5954. James Jordan.
S. 5974. James H. Crosser.
S. 6017. John Clark.
S. 6020. Leonard C. Norton.
S. 6030. Gott Latlip.
S. 6059. James M. Lurvey.
S. 6061. Fanny M. Jones.
S. 6075. William E. Henry.
S. 6076. Rachel Hagan.
S. 6077. Mary C. Riley.
S. 6090. Nathaniel M. Milliken.
S. 6092. William J. Gardner.
S. 6122. John Bowman.
S. 6149. Willard M. White.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon,

S. 6161. A bill to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana (Rept. No. 625);

S. 6167. A bill to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va. (Rept. No. 626); and

S. 6160. A bill to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River, in the State of North Dakota (Rept. No. 627).

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 1590) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana, reported it with amendments and submitted a report (No. 628) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 6219) providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens erecting such improvements, reported it with an amendment and submitted a report (No. 629) thereon.

LAND TITLES IN OKLAHOMA.

Mr. OWEN. I present a report from the Committee on Indian Affairs recommending the passage of the bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes, with an amendment, and I submit a report (No. 624) thereon. I should like to ask present consideration of the bill. It is a very short matter, but a matter of importance to the State.

The VICE PRESIDENT. The Secretary will read the bill.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First. When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to cover the reasonable value of the land conveyed: *Provided*, That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands: *Provided further*, That the settlement in either case shall be made upon such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

SEC. 2. That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian of any tribe in Oklahoma and invest all or part of the proceeds of any sale which has been or may be made for the benefit of said Indian and his heirs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and restrictions as imposed by law upon the original lands sold or exchanged by such Indian or Indians. Title to the land secured by purchase or exchange shall be taken and held in the name of such Indian: *Provided*, That the provisions of this act shall apply also to the investment of funds of Indians of the class subject to restriction, but who have not been allotted lands and have or may hereafter have moneys in the custody of the United States to their credit.

SEC. 3. That no lease executed by a member or members of the Five Civilized Tribes covering lands from which restrictions upon alienation have not been removed shall be valid unless approved by the Secretary of the Interior or by some officer located in the State of Oklahoma designated by him for that purpose, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in case any allottee of the Five Civilized Tribes having restricted lands for any reason fails or refuses to accept patents therefor or to take possession thereof the Secretary of the Interior or any officer designated by him is hereby authorized to make, execute, and deliver for and on behalf of such allottee a lease covering said land, and the proceeds of such lease shall be deposited with and held by such officer as the Secretary of the Interior may designate, and shall be disbursed to said allottee, his heirs, or legal representatives whenever it shall be shown that he or they should receive the same.

SEC. 4. That from and after the approval of this act any person, firm, or corporation procuring, accepting, or placing of record any deed, mortgage, contract to sell, power of attorney, lease, or other instrument or method of encumbering real estate relating to land allotted to members of the Five Civilized Tribes, made prior to the removal or expiration of restrictions therefrom, or if not approved as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $500 nor more than $1,000. * * *

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

Mr. CURTIS. As I understand it, the bill the Senator from Oklahoma offers as an amendment is one prepared by the Assistant Secretary of the Interior, Mr. Adams.

Mr. OWEN. It is.

Mr. CURTIS. The Senator offers it as a substitute for the pending bill?

Mr. OWEN. Yes.

Mr. CURTIS. Is any part of the main bill left? The Senator will excuse me for asking the question, but I was not present in the committee.

Mr. OWEN. The first part of the bill is repeated in the substitute. This additional amendment was proposed by the Assistant Secretary of the Interior.

Mr. CURTIS. The question I asked is whether the amendment which was read at the desk is offered as a substitute for the bill on the calendar.

Mr. OWEN. It is.

Mr. CURTIS. If so, I have no objection to its consideration.

The VICE PRESIDENT. The Chair understands that everything after the enacting clause of the bill is stricken out by the amendment.

Mr. HEYBURN. I ask that it may go over.

The VICE PRESIDENT. Objection is made.

Mr. OWEN. I ask that the bill may lie on the table for the present.

Mr. HEYBURN. Under the rule, the Senator having asked that it be taken up by unanimous consent, it would go over and remain on the calendar.

The VICE PRESIDENT. The bill is not yet upon the calendar. It has just been reported.

Mr. HEYBURN. That makes it rather more radical. I thought it was on the calendar.

Mr. CURTIS. I understood that it was a calendar bill. I think myself it had better be printed so that Senators may see what it is.

Mr. HEYBURN. I got the impression from the question asked by the Senator from Kansas that it was a calendar bill and that the committee was merely proposing to amend it.

Mr. CURTIS. That is what I understood.

Mr. HEYBURN. Of course, then, it is a calendar bill now.

The VICE PRESIDENT. The bill having just been reported it has not yet gone to the calendar. The Senator from Oklahoma has asked that it do not go to the calendar, but remain on the table.

Mr. HEYBURN. I ask that it may go to the calendar. For one I want to give some consideration to it.

The VICE PRESIDENT. The bill will be placed on the calendar.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

Mr. NELSON. From the Committee on Commerce I report back favorably the bill (H. R. 23246) appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto, and I submit a report (No. 622) thereon. I am instructed by the committee to ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of $300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

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

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HEYBURN. I think there is a word which should be changed. This is not an impending flood any more. The flood is over. As I understand it, this is merely taking care of the people who have suffered by the flood. Is not that true?

Mr. PERCY. It has nothing to do with taking care of the people who have suffered.

Mr. HEYBURN. I merely asked the question whether it is not an appropriation to take care of those who have already suffered. The floods, I understand, no longer exist.

Mr. NELSON. It is not to take care of them otherwise than to mend certain crevasses in the levees temporarily. It is to meet an impending danger from the crevasses.

Mr. HEYBURN. It was an impending danger, and the word "impending" undoubtedly described it correctly when the bill was first introduced.

Mr. CULLOM. I hope the word "impending" will be stricken out.

Mr. HEYBURN. It was proper, it is true, when the bill was introduced, but the conditions now have passed.

Mr. NELSON. The bill was sent in on the suggestion of the President in a special message. It was prepared in the department as showing what they recommend. I think under it they have ample power to relieve the immediate needs in reference to the levees. It does not relate to the distribution of food or supplies, but is simply to repair certain breaks in the levees and crevasses which have occurred; that is all.

Mr. HEYBURN. According to the language of the bill it is an appropriation for the improvement of the levees of the river. The immediate danger having passed, the money to be used for the purpose of repairing damages done amounts to an appropriation for the improvement of the river, and it belongs more properly in the river and harbor bill. If you strike out the word "impending," then the money would only be expended to repair damages already existing.

Mr. PERCY. Mr. President, the Senator is under a misapprehension about the language of the bill as well as the scope of the bill. The flood is an impending flood. The danger has not at all passed. No part of the appropriation is intended either to aid flood sufferers or to repair present crevasses in levees. The flood is almost at its crest; there are about 1,100 miles of levee line; and this money is an additional appropriation to the $350,000 appropriated within the past week, of which $310,000 has been expended. It is to fight the high water and try to preserve the Government levees which are in peril, a peril which has not passed at all, but the peril increases with the length of time that the river at flood presses against the embankments. The river at Cairo is to-day 2 feet higher than the highest flood ever known, and it is higher down the entire levee system than was ever known before. It is a life and death fight to preserve those levees. It is for that purpose that this appropriation goes and not for any permanent levee work, and it does not belong in the river and harbor bill.

Mr. WARREN. Let the bill be again read so that we may know how it reads.

The VICE PRESIDENT. The Secretary will again read the bill.

The bill was again read.

Mr. HEYBURN. No one knows what is impending. We know what has occurred. I am in thorough sympathy with the appropriation covering all the necessities growing out of the occurrences, but when you use the word "impending" there it looks only to the future in a conjectural way. We should meet the emergency, and I am in thorough sympathy with it, but the word "impending" should not be in the bill.

Mr. CULLOM. I suggest to the Senator to move to strike it out.

Mr. HEYBURN. I move to strike out the word "impending."

Mr. NELSON. Mr. President, I regard that amendment as wholly unnecessary. Striking out that word will necessitate the bill going back to the House and delay somewhat its passage. The flood is still impending. The river is still at high water and the crevasses are existing. The object is to repair those crevasses and give immediate relief.

The Committee on Commerce have under consideration the river and harbor bill, and there is an appropriation in that bill, which the committee will perhaps increase, for the permanent improvement of the levee system of the Mississippi River. This bill has passed the House, and I think it is in a condition in which it ought to be passed in the Senate.

Mr. HEYBURN. I would inquire when it passed the House.

Mr. NELSON and Mr. PERCY. Yesterday.

The VICE PRESIDENT. On yesterday.

Mr. NELSON. It is a case of emergency which was communicated by a special message from the President of the United States, and, as I understand, the bill was really formulated in the department.

Mr. HEYBURN. Mr. President, I think I was here—I believe I was—when the message came in from the President of the United States reciting the conditions existing there. I care nothing for the recommendations of the department, for we are to act on our own responsibility here and not on that of the department.

My only objection to the use of the word "impending" was that it would be an appropriation not for protecting against floods, because these floods come but once a year. This is doubtless the high-water flood that comes annually from the melting of the snows on the upper rivers. That does not recur during the year. If it has made breaks in the levees, they are a proper subject for consideration by the committee and the Congress in connection with the river and harbor bill, and they should be amply provided for, but when you talk about "impending," you mean something that is yet to come.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. SHIVELY. Does the Senator know how far or about how far above New Orleans the crest of this flood now is?

Mr. HEYBURN. I have been reading every day about it during my absence.

Mr. SHIVELY. I understand the flood is now 500 miles above New Orleans. It is certainly impending.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I do.

Mr. NELSON. The crevasses, which are immediately endangering the valley basins of the Mississippi River, are at Lake Providence and one farther up the river. The water passing through those two crevasses, which are on the west side of the river, passes into what is known as the Tensas Basin, which extends clear down to the mouth of the Red River and the Atchafalaya, and threatens the whole valley, not only the Tensas Basin, but the Atchafalaya Valley and the lower Teche country. This is simply for immediate relief, to stop these gaps. The rivers and harbors bill will provide for future emergencies.

Mr. HEYBURN. If they exist, the word "impending" is not applicable; and if they do not exist, the word "impending" is conjectural. I merely wanted to call attention to it.

Mr. JONES. Mr. President, I simply desire to read from the message of the President of the United States of yesterday with reference to this matter, in which he said:

> The crest of the flood is now reaching the lower portion of the Mississippi where the country is flatter, and where the danger to the levees is at least as great as above, and where the damage and loss to persons and property, if crevasses occur, will be far greater than on the upper river, necessitating even a greater amount of relief work than that already incurred.

So the danger is impending.

Mr. HEYBURN. I read in yesterday's newspaper the reports doubtless upon which the President acted, and I have been receiving, through the courtesy of some publishers of the standard papers, marked copies of the papers describing the floods, with pictures of the water, and its connection with the towns, and have given some attention to it out of a natural sympathy and some personal acquaintance with those who have been communicating with me here. My sympathies are all with any measure to relieve those people, but my sympathies are not with a proposition that involves an anticipation of the repair of works where the damage has already been done. The picture—I think it was of Memphis—represented 13 feet of water up over the front of the houses, and that some of the houses had broken loose from their moorings and were floating away. That was in yesterday's dispatches; and 24 hours—I think Senators from that section of the country will bear me out in saying—24 hours makes a wonderful difference in the height of water. It will drop 6 feet in 24 hours without any particular excitement, and it will rise 6 feet within 24 hours.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Idaho is scarcely as accurate as he usually is when he takes exception to the employment of the word "impending" in the connection in which it is used in this proposed act. It is a descriptive word, intended to describe the existing flood. The word "existing" would be a better word than "impending." It is used in that sense, and the context explains exactly the connection in which it is used, and develops perfectly the particular connection in which the money is to be employed. The flood is pending. The writer of the bill used the word "impending." I do not know that I am sufficiently advised of the difference between the meaning of the two words to make a choice between them, but there is certainly no choice between them or any other synonym which would justify the delay in the passage of this bill a single minute. It will not enlarge the uses to which the money can be devoted, nor would it otherwise compensate for the delay involved in it. If a thing of this character is to be done, it ought to be done quickly. Whilst I would not say that the Senator is hypercritical, I believe, if he will read the bill over again, he will be more than delighted to withdraw his objection.

Mr. HEYBURN. I merely heard the bill read from the desk.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN], to strike out the word "impending."

The amendment was rejected.

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

BILLS INTRODUCED.

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

By Mr. NELSON:

A bill (S. 6370) for the relief of Michael R. Morgan and others; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 6371) to fix the status of officers of the Army detailed for aviation duty and to increase the efficiency of the aviation service; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 6372) for the relief of Emma Kiener (with accompanying papers); to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 6373) to amend the laws relating to the judiciary; to the Committee on the Judiciary.

By Mr. WATSON:

A bill (S. 6374) granting an increase of pension to Jackson Hale;

A bill (S. 6375) granting an increase of pension to Adam S. A. Poisal; and

A bill (S. 6376) granting an increase of pension to George R. Latham (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6377) granting a pension to Anna B. McCrillis (with accompanying paper); and

A bill (S. 6378) granting an increase of pension to Albert Schroeder (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6379) granting an increase of pension to Gardner P. Thornton (with accompanying paper); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6380) to incorporate the American Hospital of Paris; to the Committee on the District of Columbia.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 6381) granting an increase of pension to Charles A. Young (with accompanying papers); and

A bill (S. 6382) granting a pension to Charles M. Gray (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

CUMBERLAND RIVER, TENN.

Mr. SANDERS (for Mr. LEA) submitted an amendment, proposing to appropriate $305,000 for improving the Cumberland River below Nashville, Tenn., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. FOSTER submitted an amendment, intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment, proposing to appropriate $10,500, to be paid to the members of the Tillamook Tribe of Indians, Oregon, as their respective rights may appear, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WARREN submitted an amendment, proposing to increase the appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, from $275,000 to $500,000, intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the purchase and distribution of valuable seeds from $285,680 to $335,000, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the investigation and improvement of grain and methods of grain production from $75,765 to $85,746, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in

the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate $20,000 for continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $80,000 for the investigation and improvement of the methods of crop production under semiarid or dry-land conditions, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. OVERMAN. Mr. President, for the information of the Senate and bearing upon the question to be taken up to-morrow, the bill regulating immigration, I ask that there be printed in the RECORD certain data which I send to the desk, including a statement of the governor of New York.

The VICE PRESIDENT. Without objection, permission is granted as requested.

Mr. ROOT. Mr. President, may I ask what the request was?

Mr. OVERMAN. To have printed certain data in the RECORD in regard to the immigration bill that comes up to-morrow.

Mr. ROOT. Very well.

The matter referred to is as follows:

[From the New York Herald, Apr. 15, 1912.]

NEW YORK SUFFERS MOST FROM DEFECTIVE ALIENS—WEAKLINGS STOP HERE, ASSERTS DR. GEORGE B. CAMPBELL, HEAD OF STATE COMMISSION OF DEPORTATION, AND CONTAMINATE HEALTH AND MORALS OF THE CITY—SAYS THAT MUNICIPALITY SHOULD LEAD FIGHT—ONLY SMALL PERCENTAGE OF IMMIGRANTS ARE EXCLUDED.

Large and constant increase of the number of aliens committed as defectives to the State hospitals of New York is attributed by State officials to increasing difficulties in returning such persons to their native lands, as well as to increasing pressure by the Governments and relatives of the aliens to gain admission here for them. The Federal statistics of rejection of immigrants show the following:

Cause of rejection.	1907	1908	1909	1910	1911
Idiots	29	20	18	16	12
Imbeciles	.....	45	42	40	26
Feeble-minded	.....	121	121	125	126
Insanity, including epileptics	189	184	167	198	144
Likely to become a public charge, including beggars and paupers	6,866	3,741	4,458	15,927	12,048
Physically or mentally defective	.....	870	370	312	3,055

The number of immigrants excluded for the above and other causes in 1911 was 23,349, or about 2.1 per cent of the total seeking admission.

"New York is the first and greatest sufferer by any break in the barriers Congress has erected to exclude from America the diseased, insane, and defective of other countries," said Dr. George B. Campbell, chairman of the State Commission of Deportation, yesterday in discussing the overcrowding of Ellis Island and the admission of thousands who would be turned back under normal conditions of examination there. "The tide of immigration sweeps into and through New York, the able-bodied aliens distributing themselves to their own and the country's advantage all over the various States. The weaklings lag and few ever get beyond New York.

"The class that gains admission to this country when the rigidity of inspection is relaxed is the most dangerous to our national health. The feeble-minded and the epileptics and the defectives, whose condition requires more than superficial examination for discovery, are the ones who slip into the United States in times of relaxed inspection. They are the greatest menace to the health and morals of the community. They are the defectives who marry and disseminate the ailments they have brought into the land.

"In the early days the immigrant had to be an able-bodied, hardy person to survive the hardships of coming to this country. He had to live on food he brought with him, sleeping upon his own bedding, and caring for himself in every way through the long ocean trip. When he arrived he had to shift for himself.

"Much suffering doubtless resulted, but the material result was the acquisition by the United States of new citizens who became valuable to the country.

"Not so now. The increased care and comfort for the immigrant has naturally encouraged the weaklings to emigrate to America. Warm-hearted benevolence is exhibited by a thousand societies for the protection and care of the very classes which would not be admitted if the recruiting of an industrial army were the guiding principle of our immigration policy, and not the opening of the land of liberty to all who seek her shores.

"New York must take the lead in fighting the foreign defective. New York gets him first and keeps him longest. There are 32,000 insane persons in New York State hospitals. Thirteen thousands of these are alien born. There is 1 insane to every 50 sane aliens in this State. There is 1 insane to every 250 sane native born. If we could return to their native lands all our alien-born insane who were insane when they arrived, or suffering then from ailments which produced their insanity, the proportion of insane might be nearly equal in our native and alien born population.

"It is impossible to become in the least degree familiar with immigration problems and not realize the deliberate and constant effort of foreign Governments to encourage the migration to America of their own undesirables. There is a connection constantly suggested between this and the subsidies granted to trans-Atlantic steamship lines by foreign Governments. All are encouraged to migrate to America, but no defectives are permitted to return who can by any device be prevented from so doing.

"Commissioner Williams has the cordial support of the New York State departments that have official relations with him. His administration is generally regarded as one of the most efficient that the Federal Immigration Service has ever seen, but he is seriously handicapped. There is lack of room at Ellis Island, the corps of officials is numerically insufficient, and this applies especially to the medical examiners. When several steamships come in together, and the rush is on to get the immigrants through Ellis Island, the medical officers there have to inspect 150 persons every 5 minutes to keep the gangway clear and avert chaotic congestion. Adequate inspection for elimination of the unfit is impossible in those conditions.

"Twice the present accommodations and twice the present force at Ellis Island would not be more than enough for the work that must be done there if it is to be done as the law directs that it shall be done. And again I would say it is New York that is most interested in seeing that it is done properly."

—

Statement of Gov. John A. Dix, of New York, that appeared in most of the New York dailies January 24, 1912:

"This State has a very serious problem in regard to the care of the insane," said Gov. Dix to-night. "We have in our State hospitals about 34,000 insane patients, and there is an increase of about 100 a month, which is out of all proportion to the increase in the population of the State. This abnormal increase in the number of insane is due to the large number of foreign born who, in many cases, develop insanity soon after they have been admitted to the country.

"The annual cost in New York of maintaining the insane is about $8,000,000, and 46 per cent of the population of the hospitals for the insane are of foreign birth. I have become convinced that something should be done to make more effective the examination of persons about to enter this country so that we may be protected from the entrance of those who are likely to become a public burden. New York State must be protected from the undesirables. That is my reason for taking up this matter with the National Government.

"The last report of the New York State Board of Alienists (1911) shows the situation very clearly as to the mercenary use that is being made of this country by the foreign steamship companies in their efforts to drum up and foster steerage traffic. According to their report '1,126 insane aliens and nonresidents were removed from the State hospitals or returned to the communities responsible for their care and maintenance last year.'"

ADDRESS BY PRESIDENT TAFT (S. DOC. NO. 568).

Mr. SMOOT. I ask to have printed as a Senate document an address delivered by President Taft before the alumni of Howard University, at the Metropolitan African Methodist Episcopal Church, Washington, D. C., April 9, 1912.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

SCHOOL LANDS IN LOUISIANA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5059) granting school lands to the State of Louisiana, which was, on page 2, line 1, after "State," to insert "for the benefit of public schools."

Mr. THORNTON. I move that the amendment of the House be concurred in by the Senate.

The motion was agreed to.

COAL LANDS IN ALABAMA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama, which were, on page 1, line 3, to strike out "all the" and insert "unreserved"; on page 1, line 12, to strike out "tenth" and insert "twenty-second"; and to amend the title so as to read:

An act extending the operation of the act of June 22, 1910, to coal lands in Alabama.

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the prayer of the House be granted, and the conferees be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. DU PONT, Mr. WARREN, and Mr. FOSTER conferees on the part of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair be authorized to name the conferees.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. WARREN, and Mr. TILLMAN conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 15361. An act for the patenting of certain land to Thomas Wall, of the State of Mississippi;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes; and

H. R. 20498. An act for the relief of certain homesteaders in Nebraska.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 20688. An act transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and Labor; and

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 21478. 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 of such soldiers and sailors;

H. R. 22194. 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; and

H. R. 22867. 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 of such soldiers and sailors.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year; and

H. R. 22580. An act to authorize the change of the names of the steamers *Syracuse* and *Boston*.

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder was read twice by its title and referred to the Committee on Finance.

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics of cotton was read twice by its title and referred to the Committee on the Census.

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes was read twice by its title and referred to the Committee on Agriculture and Forestry.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I ask the Senate to proceed to the consideration of Senate bill 5382.

Mr. BACON. I trust the Senator from Utah will not press that motion. If the Senator desires the Senate to take up the bill for the purpose of making a speech or for the purpose of enabling any other Senator to make a speech, I shall have no objection at all to it. But I respectfully repeat to the Senator what I suggested yesterday.

My colleague [Mr. SMITH] is very much interested in this matter. He spoke yesterday and gave notice that he desired to be present and to take part in the further discussion of the bill, and for it now to be taken up, when he is necessarily absent from the Chamber and will be for two days, possibly three days, I am not sure—I think he will be back on the third day—I think is hardly fair. Of course, if it be taken up upon this motion as now presented, and no one wishes to speak upon it, it will be in order to be voted upon.

Mr. SUTHERLAND. I have no desire to press this bill in the absence of the Senator from Georgia or in the absence of any Senator interested in it; but I will say to the Senator from Georgia that I gave notice originally that I would ask the Senate to take up the bill a week ago yesterday, and at the request of Senators interested in other matters and for various reasons I consented to let the matter go over until yesterday, and I fear that these requests will keep coming along in the future and that we will not be able to dispose of this measure at the present session.

I will make this suggestion to the Senator from Georgia: I am only anxious that this measure shall be voted upon at this session of Congress, and I will ask unanimous consent that on a week from next Thursday—I do not know the calendar day—immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of this bill and that a vote be taken upon the bill and all amendments pending and to be offered before adjournment on that legislative day. If there is no——

Mr. BACON. Possibly if my colleague were here he would agree to it; I know of nothing to the contrary; but I do not see any necessity for such unusual haste in the matter. There is no immediate prospect of an adjournment of the Senate, and it is not as if we were in a short session, when we must adjourn on a certain day. If a majority of the Senate are in favor of this bill, they will certainly have an opportunity to take a vote upon it. It could not possibly be postponed, if a Senator desired it. It is not a bill of that class where a Senator is going to take any unusual or unused methods by which to postpone it. The only time when methods of that kind are resorted to are when something absolutely vital is pending which Senators feel they have the right to oppose by every known method. Such an instance arises only once in a decade. I have very seldom seen during my term of service here any such effort made. It is extremely rare, and there is no possibility of it in this case.

Mr. SUTHERLAND. Will the Senator from Georgia permit me to suggest to him that within the next few days the appropriation bills will be coming in for consideration, various tariff bills that have been under consideration will be before the Senate, and there is some danger of a measure of this kind being crowded out of consideration. I am only anxious to have a vote.

Mr. BACON. I can not understand the nervous apprehension of the Senator. The present bill has been but a very short time before the Senate. I see no reason to apprehend anything of the kind. All I am asking is that the Senator shall wait two or three days until my colleague returns, and then probably we will be in a position to consider the suggestion of the Senator and to fix a date for taking up the bill and proceeding with it; but that should not be done in the absence of my colleague when his very great interest in the matter is known.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. I only want to say that there are some other Senators besides the Senator's colleague, for whom I have the highest respect, who are interested in this bill. I should like to present some telegrams and make a few remarks about it myself. I do not see why I should be cut off because the Senator from Georgia happens to be absent.

Mr. BACON. The Senator is either setting up a man of straw and fighting it or else he did not hear what I said.

Mr. LODGE. I think I heard what the Senator said.

Mr. BACON. The Senator was present, and I suppose he heard it.

Mr. LODGE. I thought I heard it.

Mr. BACON. I said that if the bill was taken up for discussion I had no objection to make, but that if taken up generally without such announcement, if nobody was ready to speak, it would be in order to vote upon it. Probably the Senator heard that.

Mr. LODGE. There is going to be some debate on the bill, as everybody knows. It seems to me that neither the Senator from Utah nor the Senator from Georgia can undertake to say what the Senate shall do with the bill if it sees fit to take it up and discuss it.

Mr. BACON. I only wanted to be protected.

The VICE PRESIDENT. Unanimous consent was asked. The motion itself was not made.

Mr. LODGE. A motion to take it up is not debatable.

Mr. SUTHERLAND. My request was for unanimous consent.

The VICE PRESIDENT. The Senator from Utah made no such motion.

Mr. LODGE. The motion is not debatable.

The VICE PRESIDENT. The motion is not a debatable question; but the question has not been raised and the Chair did not raise it. The question is on the motion of the Senator from Utah.

Mr. SUTHERLAND. I ask the Presiding Officer to put my request for unanimous consent.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. CULBERSON. I suggest to the Senator from Utah——

The VICE PRESIDENT. The Senator from Utah asks to have his request put to the Senate, and the question has been raised that debate is not in order on a motion to proceed to the consideration of the bill. So the Chair wanted to dispose of the request in the affirmative or negative and then put the motion.

Mr. CULBERSON. If yea or nay must be said now, I object, but I do not want to do so.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Utah that the Senate proceed to the consideration of the bill.

Mr. SUTHERLAND. I have not made a motion yet. I have asked unanimous consent, and the Chair so stated correctly.

Mr. CULBERSON. The Senator from Utah did make a motion to proceed to the consideration of the bill.

Mr. SUTHERLAND. The Senator is mistaken.

Mr. CULBERSON. And afterwards, in a colloquy with the Senator from Georgia, a unanimous-consent proposition was made by the Senator from Utah.

Mr. SUTHERLAND. The Senator from Texas is mistaken. I asked to have the bill taken up.

Mr. CULBERSON. Let us have the notes.

Mr. SUTHERLAND. I did not move that the bill be taken up; but pending that——

Mr. CULBERSON. I want to have the notes.

The VICE PRESIDENT. The Senator from Utah says he does not make the motion anyway; so the question would not be before the Senate.

Mr. OVERMAN. I understand the Senator wants to take up the bill simply for discussion, not for the purpose of acting on it to-day.

Mr. SUTHERLAND. I have no intention of having it acted on to-day.

Mr. OVERMAN. I understand the Senator wishes to take up the bill to make a speech on it, so it will not be taken up section by section to-day.

Mr. SUTHERLAND. I have said repeatedly that I have no intention of asking for a vote on the bill or any provision of it to-day.

Mr. OVERMAN. That is what I understood the Senator to say, and I desired that that should go into the RECORD to make it clear. I think when the bill is considered regularly it ought to be taken up section by section and each section considered. I do not know whether the bill has been read or not.

Mr. SUTHERLAND. It has not been read.

Mr. OVERMAN. It ought to be read for information.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah now to consider the bill which has been under discussion informally?

Mr. BACON. I have no objection, with the statement made by the Senator from Utah, but my objection was distinctly based upon the ground that unless some such statement was made the bill would be in order to be voted upon. That is the only objection I have had to it.

The VICE PRESIDENT. The Chair understands that no objection is made to the request of the Senator from Utah, and the Senate has the bill under consideration as in Committee of the Whole.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

Mr. SUTHERLAND. I ask that the formal reading of the bill be dispensed with.

The VICE PRESIDENT. Without objection the formal reading of the bill will be dispensed with. The Secretary will read the bill for action on the committee amendments.

Mr. SUTHERLAND. Before the bill is read for action on the committee amendments I desire to submit some observations upon the bill. I yield to the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, I desire to put in the RECORD—and I will not read them, if the Senate will grant me permission to put them in the RECORD—some brief letters and telegrams which I have received from the locomotive engineers, the railroad trainmen, and railroad conductors of my State. I know some of the writers of the letters and senders of the telegrams. I need hardly say that the organizations are made up of men of a very high standard of efficiency and character and conduct. They are not men to come and ask for extravagant or unreasonable legislation. I think the bill they are now asking for is one of the most important measures that has been before Congress in many years. I think it would be of very great benefit, and I know that I am speaking for the railroad men of my State when I say that they are very anxious to have this bill disposed of at the earliest possible moment. They do not want to see it beaten or eaten up with amendments.

I ask that the letters and telegrams may be printed in the RECORD.

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

BOSTON, MASS., *April 5, 1912.*

Hon. HENRY CABOT LODGE,
Washington, D. C.

DEAR SENATOR: As chairman of the Brotherhood of Railroad Trainmen, Legislative Board of Massachusetts, I am instructed by the members of the organization to ask your support on House bill 20487 and also Senate bill 5382.

As a great many of your constituents in Massachusetts are railroad men, who are greatly interested in these bills which are of great interest and value to those who are so unfortunate as to be injured in the service of the railroad, I ask that you give these bills your earnest consideration.

Thanking you in advance for the favor we have asked, I am,

Sincerely, yours,

WALTER L. MCMENIMEN,
Chairman Legislative Board,
Brotherhood of Railroad Trainmen of Massachusetts.

—

BOSTON, MASS., *April 5, 1912.*

Hon. HENRY CABOT LODGE,
Washington, D. C.

DEAR SENATOR: On behalf of the locomotive engineers of Massachusetts I most earnestly ask for your support on House bill 20487 (Senate bill 5382)—Federal accident compensation bill. We believe this to be the most important legislation that has come up in years for the injured railroad employee. Knowing well the interest you have taken in behalf of the railroad employees in the past, we feel that your influence will give the bill great prestige.

Thanking you in advance, I am,

Sincerely, yours,

H. H. WILSON,
Chairman of Brotherhood of Locomotive Engineers
Legislative Board of Massachusetts.

—

BROTHERHOOD OF RAILROAD TRAINMEN,
Lowell, Mass., April 5, 1912.

Senator HENRY CABOT LODGE,
Washington, D. C.

DEAR SIR: This is to call your favorable attention to the "Federal compensation act," introduced in the Senate as S. 5382 by Senator SUTHERLAND, who was chairman of the "Employers' Liability and Workmen's Compensation Committee," authorized by joint resolution 41, approved June 25, 1910, and in the House as H. R. 20487, by Representative BRANTLEY, vice chairman of the committee.

The Judiciary Committees of the House and Senate have had this bill under consideration for some time, and I am glad to state that on Monday, April 1, it was ordered favorably reported.

We are advised that some of the Senators and Congressmen have expressed the opinion that railroad employees were not interested in the passage of the proposed law, and I take this opportunity of respectfully correcting that erroneous opinion.

There is every evidence of intense interest being displayed on the part of railroad employees in this State. Taking into consideration the fact that from the years 1905 to 1909, inclusive, 77,334 was the average number injured and 3,568 the average number killed in the United States, it can readily be seen that the passage of this proposed law is of vital importance to all men employed in railroad service.

Under the common-law system of employers' liability, based upon negligence, with its defenses of contributory negligence, fellow-servant fault, assumption of risk, etc., an injured employee is virtually compelled to accept what compensation is offered him by the railroad company, the cost of litigation absorbing the recovery.

It is generally conceded that this law is somewhat antiquated, and, although probably adequate at the time of its inception, it does not meet the requirements of existing conditions.

In fatalities the same conditions obtain as in injuries, for the reason that a dead man is, at best, but an indifferent witness; and the impression seems to be abroad among the men that in giving evidence favorable to the plaintiff your job is being jeopardized. What with adjournments, appeals, and, chiefest of all, lawyers' fees, the dependents frequently find it more profitable to accept the company's original offer than to contest under this law.

What we want is a law based not upon fault, but upon the fact of injury resulting from accident while in the performance of duty; a law that recognizes for its basis that injuries to workmen under existing conditions should be regarded as risks of the industry; a law that provides for the immediate relief of the dependents.

These and many other meritorious features are embodied in S. 5382 and H. R. 20487, and we commend it to your serious consideration.

Considerable opposition may be expected from corporation and claim attorneys, as it means a loss to them of several millions of dollars of

the widows', orphans', and cripples' money, which sum, when this law becomes effective, will go directly to the beneficiaries.

This letter has the approval of the 120 members of Spindle City Lodge, No. 233, Brotherhood of Railroad Trainmen.

Hoping and trusting that you will give this matter prompt and undivided attention, and thanking you in advance for your favorable consideration and support, I am,

Yours, very truly,

H. P. MCCAVITT, *Treasurer,*
No. 10 Brickett Avenue, Lowell, Mass.

—

GREENFIELD, MASS., *April 8, 1912.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

Two hundred members of B. of T. Lodge 426 urge you to lend your favorable assistance toward the passage of Senate bill No. 5382. Our membership is more interested in this legislation than in any bill that has been proposed for years.

S. H. DAVIS, *Treasurer No. 426.*

—

LAWRENCE, MASS., *April 6, 1912.*

Hon. HENRY CABOT LODGE,
United States Senator, Washington, D. C.

DEAR SENATOR: As chairman of the Order of Railway Conductors' legislative board for the State of Massachusetts, I am instructed by the members of that organization to take up with you Senate bill 5382 and House bill 20487 and ask you to give them favorable consideration.

We believe this to be the most important legislation that has come up in years, and a law of this kind would be of great benefit and value to the injured employees of the railroads.

The interest you have taken in legislation in the past, that has been beneficial to the employees of the railroads, assures us that your influence will give this legislation great prestige.

Thanking you in advance for the interest I trust you will take in this matter, I am,

Very respectfully, yours,

[SEAL.] H. T. DREW,
Chairman Legislative Board,
Order of Railway Conductors of Massachusetts,
10 Abbott Street, Lawrence, Mass.

—

BRIDGEWATER, MASS., *April 5, 1912.*

Hon. H. C. LODGE,
United States Senate, Washington, D. C.:

The members of Old Colony Division 312, Brotherhood of Locomotive Engineers, of Boston, Mass., do most earnestly request that you support by vote and influence the passage of Senate bill 5382, indorsed by 500 members.

C. E. DREW, *Secretary-Treasurer.*

—

SOUTH FRAMINGHAM, MASS., *April 7, 1912.*

Hon. HENRY CABOT LODGE, *Washington, D. C.:*

We respectfully urge your favorable consideration of the Federal accident compensation bill now pending.

C. W. CLAPP,
Delegate Division No. 439, Brotherhood of Locomotive Engineers.

—

BOSTON, MASS., *April 9, 1912.*

Hon. H. C. LODGE, *Washington, D. C.:*

Kindly lend your favorable assistance toward the passage of Senate bill 5382. The membership of Brotherhood of Railroad Trainmen in Massachusetts is more interested in this legislation than any that has been proposed for a number of years.

W. P. TANTON,
Secretary No. 621, Brotherhood of Railroad Trainmen.

—

SPRINGFIELD, MASS., *April 8, 1912.*

Senator HENRY CABOT LODGE, *Washington, D. C.:*

Your assistance is asked for in the passage of Senate bill No. 5382. This bill is of vital importance to all railroad men in the country.

C. W. LOOMIS,
Treasurer Lodge No. 622, Brotherhood of Railroad Trainmen.

—

FITCHBURG, MASS., *April 8, 1912.*

HENRY CABOT LODGE,
Senator, Washington, D. C.:

Please support Senate bill 5382 and House bill 20487.

W. H. CONE,
Chief Engineer Division 19, Brotherhood Locomotive Engineers.

—

PITTSFIELD MASS., *April 9, 1912.*

H. C. LODGE,
Senator, Washington, D. C.:

It is wish of the members of W. H. Stevenson Lodge, Brotherhood Railroad Trainmen, urging you to lend assistance to the passage of Senate bill 5382, as our membership generally is more interested in this legislation than in any bill that has been proposed for number of years.

G. E. MULLEN.

—

NORTH SHORE LODGE, NO. 749,
BROTHERHOOD OF RAILROAD TRAINMEN,
Salem, Mass., April 8, 1912.

Hon. HENRY C. LODGE,
Washington, D. C.

DEAR SIR: At a regular meeting of this lodge I was instructed to write to you and ask you to use your favorable assistance toward the passage of Senate bill No. 5382. Our membership is more than interested in this legislation, and hope you will help us by voting for it.

Thanking you for the same,

[SEAL.] HENRY H. FRENCH,
20 Mt. Vernon St., Salem, Mass.

—

BROTHERHOOD OF RAILROAD TRAINMEN,
BAY STATE LODGE, NO. 88,
April 2, 1912.

Hon. HENRY C. LODGE.

DEAR SIR: I am instructed by the above-named lodge of the "Trainmen" to seek your support of the Federal accident-compensation act, the bill introduced by Senator SUTHERLAND in the Senate (No. 5382) and by Representative BRANTLEY in the House (No. 20487), and a reply as to your attitude will be appreciated.

Yours, very sincerely,

THOS. H. LEONARD, *Secretary No. 88,*
22 Harlow Street, Worcester, Mass.

—

BROTHERHOOD OF RAILROAD TRAINMEN,
FRAMINGHAM LODGE, NO. 236,
April 6, 1912.

HON. HENRY CABOT LODGE.

DEAR SIR: Framingham Lodge, No. 236, B. of R. T., unanimously urges your support of the bill introduced by Senator SUTHERLAND, S. 5382.

Very truly, yours,

FRED CAHILL, *Secretary No. 236,*
55 Cedar Street, South Framingham, Mass.

Mr. BACON. I simply wish to say to the Senator from Utah that I understand his announcement of purpose in regard to a vote covers the amendments as well as the bill. The Senator does not propose to take up the amendments for voting to-day?

Mr. SUTHERLAND. I will not ask for a vote on the bill or any amendment to-day.

The VICE PRESIDENT. The Senator from Utah will proceed.

Mr. SUTHERLAND. Mr. President, I have no intention to-day of entering into a discussion of the various details of the bill. I intend, as briefly as possible, to discuss the principles which are involved in the bill and such provisions of the bill as affect its general character, leaving the discussion of details until we come to consider the bill by sections.

On June 25, 1910, the Congress of the United States passed an act providing for the appointment of a commission to thoroughly investigate the subject of employers' liability and workmen's compensation, and to report to Congress through the President at an early date, and in their report to suggest such legislation as in their judgment would meet the evils of the present system of employers' liability.

That commission was made up by the appointment of two Members of the Senate, two Members of the House of Representatives, and two lay members to be appointed directly by the President. The commission, as originally constituted, by reason of the failure of some members of it to be reelected to the House and to the Senate, was changed so that the membership was rearranged about the month of April, 1911.

On May 10, 1911, the commission as reorganized began public hearings. I desire to call the attention of the Senate to the character of those hearings, so that it may be seen that the commission has given thorough consideration to this subject; has heard all persons and all parties interested, not only those who represent the employers' side of the question and those who represent the employees' side of the question, but also the general public.

The first series of hearings were called to consider the constitutionality of any proposed legislation dealing with the subject, because it was felt by the commission that it was necessary first of all to determine within what field legislation of this character could be enacted; in other words, to determine how far we could go under the provisions of the Constitution before we undertook to go at all.

Those hearings were held on four separate days, May 10, 14, 15, and 16. The question of the constitutionality of the proposed legislation was fully discussed; and as a result of it the commission was unanimously of the opinion that we have the power to enact legislation of this character within the provisions of the Constitution.

Then a series of hearings were held, lasting several days, to discuss the general practical questions involved; that is, the general nature of the legislation which was proposed to be enacted.

After those hearings had been completed the commission held a number of executive sessions for the purpose of formulating certain general principles which it was proposed should be submitted to those interested, and upon those general propositions another series of hearings were held.

After those hearings had been completed, the commission, being in session day after day for several weeks, prepared a tentative draft of a bill, and that tentative draft was sent far and wide throughout the country. The commission sent out for each of these various hearings no less than 30,000 invitations, addressed to the local organizations of railroad men in every part of the United States and to others. At the meetings held there were present lawyers and a large number of the heads of the various railroad organizations, together with men who were employees of railroads but who were not holding official positions. There were present many men representing the railroad employers' side of the question, members of State commissions, college professors, and lawyers of note who had given thorough study and consideration to this question.

As a result of those various hearings, and after thorough consideration of the whole subject, and after the commission had considered the various compensation laws that had been passed in other countries, together with those which had been adopted in a few of the States of the Union, together with the result of the investigations of the various State commissions, this tentative bill was finally completed. That bill was then submitted to the President of the United States, who transmitted it to Congress with a message approving it. The bill was then introduced in the Senate and referred to the Committee on the Judiciary. It was there fully considered, several days at different times being devoted to the subject, and finally the bill was reported as amended by the Judiciary Committee.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SUTHERLAND. I yield to the Senator.

Mr. BRANDEGEE. Did the Senator state the attitude of the leaders of these labor organizations?

Mr. SUTHERLAND. I intend to state that in just a moment.

I have made this statement thus far, Mr. President, for the purpose of showing that this whole subject, the details of this proposed legislation, has had the most thorough consideration, that it is the result of the best thought of the commission, and the commission after such consideration has reported the bill as its unanimous solution of this problem.

I have already stated, Mr. President, that there were present at the various hearings these railroad employees and the officers of these various organizations. As the Members of the Senate know, there are four great organizations of railroad employees in this country. Three of those, through their chief officers, their presidents, have indorsed this bill for their organizations. They have asked that it be enacted as it is presented. The chief of one of the organizations, and one of them only, appeared before the commission and objected to the bill, but since that objection was made he has stated, as I shall show in a moment, that while he does not join with his brother officers in asking that the bill be passed, he does not at the present time antagonize it; he simply occupies a neutral position.

Now, Mr. President, I desire to read briefly the statements of some of these officers with reference to this subject.

First of all, I call attention to the statement of Mr. W. G. Lee, who is president of the Brotherhood of Railroad Trainmen of the United States. Mr. Lee came before the commission and spoke for that entire membership of over 100,000 railroad trainmen.

At page 643 I call attention to what he said. This statement was made before the tentative bill had been drafted. Mr. Lee said:

> I wish to go on record at this time as unqualifiedly favoring a workmen's compensation act as a result of resolutions passed by the last two biennial conventions of our organizations. Just what form will be most satisfactory to both employer and employee is a question, but we believe that as far as possible litigation should stop as between the employee and employer. We believe that whatever money is disbursed by the employer should go to those disabled and not a large proportion or percentage to attorneys or others, as is the case at present.

At a later date Mr. Lee said:

> The Brotherhood of Trainmen, with its 120,000 members, favor and will defend anywhere and any time abolishing the first two weeks' payment if it brings the proper relief to those to whom this money is intended.

On March 26, 1912, referring to the bill now pending, Mr. Lee, speaking before the House Judiciary subcommittee, said:

> I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict where the employer is absolutely at fault to all cases of injury or death, whether caused by the fault of the employer or the fault of the employee. In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission.

Mr. Sines, who was the vice president and treasurer of the Railroad Trainmen, indorsed the bill in language which will be found in the hearings, at page 1323, all of which I shall not stop to read, but will read the concluding sentence, which is:

> I want to say to you, gentlemen, that from the standpoint of my organization, although we believe and feel that the provision, in so far as it covers the number of years is concerned, should be extended, it will have the support of my organization as an organization.

Mr. Garretson, president of the Order of Railway Conductors, representing 48,000 men, indorsed the bill, and at page 1324 said:

> As the matter has progressed and as the efforts of the commission have crystallized, I have recognized the absolute impossibility of reconciling the variety of beliefs that were held in regard to these questions, for every man insisted that he alone had received the light on the subject. Therefore, my attitude in regard to the bill as proposed is one not only of appreciation of the efforts of the commission and the work you have done, but of gradual extensions of the bill as a whole.

Then, further on, he says:

> I am willing to surrender my broader ideas in regard to many of those provisions, and to give, along with the organization which I represent, cordial support to the report of the commission as it will be formulated.

And in conclusion, after saying that he thought the bill was peculiarly well framed to meet the wide scope that will come between the highest paid man in any service and the lowest paid man that may serve any employer, Mr. Garretson said:

> I can say this for these three organizations: That every consistent aid that can be given in enacting into law the findings of this commission will be given, and I believe that I am justified in saying for all three that you can have the best that they can furnish.

Mr. W. E. Stone, vice president of the Brotherhood of Locomotive Engineers, representing 69,739 men, indorsed the proposed measure. He said:

> Speaking as the chief executive of the engineers, I want to say that your bill is going to have the support of the Brotherhood of Locomotive Engineers. We are going to do everything we can to have it enacted into law. But there has got to be a campaign of education.

Then further on he said:

> Gentlemen, I want to say to you that the bill is even broader in many lines than I ever expected we would be able to get, and I think an expression of the thanks of the employees of this country is due to this commission for the broad and liberal spirit in which it has met the various interests and combined them in the tentative draft of this bill. But I also feel that the majority of the men throughout the country never will know one-half of the labor that was necessary on the part of you gentlemen.

Arthur E. Holder, legislative representative of the American Federation of Labor, which organization has within its ranks railroad employees aggregating 924,606 men—nearly a million railroad employees—indorsed the principle of compensation in the strongest possible terms. Mr. Holder, representing 66 per cent of all the railroad men of the country, had been sent to England, prior to the consideration by our commission of this question, for the purpose of studying the operation of the English compensation act. After devoting some time to the study of the question there at first hand, talking with the various employees, he returned to this country, came before our commission, indorsed the compensation scheme as opposed to the employers' liability plan in the most positive terms, and declared himself for the general principles of the plan which had been suggested by the commission as will be found at page 923 of the hearings. I shall not stop to read it, Mr. President, but shall ask leave to insert the statement in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The statement referred to is as follows:

> In the first place, I want to say that the men whom I, directly and indirectly, represent want the compensation principle established. We are not going to be too insistent upon conditions. We believe that it is one of the growths of civilization, one of the advanced movements to protect humanity, and we believe that when this principle is once established in the United States that it will not be long before the intelligence of the people will find all the ways needed to make the act applicable to every requirement. It is not for the sake of getting pelf or money that we want the compensation principle established; that is a secondary point. We want the principle established, Mr. Chairman, for the sake of saving pain and suffering and unnecessary neglect, that we think that in this advanced age of the twentieth century there is little occasion for. And we hope that by the penalties attached to a compensation bill many hands and many feet may be left upon men, who might otherwise be unnecessarily maimed.

Mr. SUTHERLAND. In addition to Mr. Holder, Mr. Gompers, who is president of the American Federation of Labor, appeared before our commission and indorsed the main features of the tentative outline that we made prior to preparing the bill and specifically indorsed what is called the National Civic Federation bill, which, in its general lines, is the same as the bill now pending before the Senate. I will call attention to his statement, without stopping to read it, and ask permission to insert it in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The statement referred to is as follows:

> We believe that the bill which has become known as the American Federation of Labor bill, or the National Civic Federation bill, is the one which is the best for general purposes for the Federal Government, and which it could and ought to enact. (P. 874.)
>
> * * * * * * *
>
> The CHAIRMAN. Do you mind my asking you one or two questions about these other features of the bill? I don't know whether you have thought about them. You have not told us what you think about the provision for making the law compulsory. Have you thought about that feature?
>
> Mr. GOMPERS. I should say that the law ought to be compulsory.
>
> The CHAIRMAN. That is, it ought to be a system complete in itself, excluding the common-law remedy and the common-law defenses?

Mr. GOMPERS. I would rather see all who were injured and their dependents fairly cared for than to have one get a large verdict or a large amount and the remainder fritter away their time in litigation.

Mr. SUTHERLAND. Mr. H. E. Wills, assistant grand chief engineer of the Brotherhood of Locomotive Engineers, and joint national representative of the conductors, trainmen, and engineers, has indorsed the bill upon a number of occasions in the most positive terms. I will ask permission to insert some statements from him in the RECORD, without stopping to read them.

The PRESIDING OFFICER. In the absence of objection permission is granted.

The matter referred to is as follows:

Now, there are a good many other things that I know ought to be said, and I do not want to take any more of your time except to say that I was associated to quite an extent with some of those who were parties to the framing of the joint resolution that was introduced into the House and the Senate asking for the appointment of this commission. There was a time when I felt considerably discouraged over the prospects, but I can not find words now to express my gratification at what has been accomplished by those who have been handling this matter. I wish that every railway man, or employee, could understand just what has been done and how it has been done. I wish that they could have been present even at the hearings. Even then they would have known, I believe, but little of the real work that has had to be done to bring about what we have before us at the present time in the way of a bill. I think if they could fully understand what has been done at these hearings they would appreciate the hard work, the care, and the responsibility that the commission has been beset with, and would appreciate it, and I wish to express my individual gratification and satisfaction and appreciation of what has been accomplished. (P. 1316.)

Mr. SUTHERLAND. And at the hearing before the House committee on March 26, 1912, Mr. Wills said:

Senator SUTHERLAND. You are thoroughly familiar with this legislation proposed here?

Mr. WILLS. Yes, sir.

Senator SUTHERLAND. I wish you would state to the committee whether or not you are in favor of it.

Mr. WILLS. I am most heartily in favor of it. I believe it to be one of the greatest pieces of legislation in the interest of our workingmen that has been introduced for years. I went into it with a great deal of care, with a great deal of caution and timidity at first, and, as I say, I was one of many who were instrumental in asking for the resolution that was introduced creating this commission that we might have publicity and have a chance to discuss and know all of the details of what it meant. In my report, as I tell you, which I will be glad to submit to you, I have stated to our membership that it is one of the most important things that to-day confronts the railroad employees of this country. I believe the principle to be right and just and sound in every detail, but I am not satisfied with all of the details. The principle is sound, but I am not satisfied in all respects with the provisions of the bill, but I have no complaints to make. We have been heard patiently and in full, and I wish to say that I indorse the bill as it is written to-day for passage, and I do say with a great deal of pleasure that, as has been stated here, I was sent to England and Germany by the four organizations, not to get information from the Government, not to get information from the employer, but to get first-hand information from the beneficiaries under their laws. I spent that time and gave the matter consideration, and I am thoroughly satisfied that the bill as drawn will do the greatest amount of good that is possible for a bill to do at this time.

As before stated, the only head of any of these organizations who has been heard before the commission opposing this legislation was Mr. W. S. Carter, president of the Brotherhood of Locomotive Firemen and Enginemen. Mr. Carter, however, as I have already said, at present occupies a position of neutrality. I desire to call attention very briefly to a statement made by Mr. Dixon, the general attorney for that brotherhood, a few days ago before the subcommittee of the House Committee on the Judiciary. Mr. Dixon said:

Mr. Carter, whom I represent, he being away at this time, gave me explicit instructions when I came to this city not to interfere, not to oppose, and not to help the passage of this bill. Mr. Carter assured the three representatives of the other organizations that his position would be one of absolute neutrality, that while the bill did not meet with his approval he would put no obstacle in the way of its passage.

So that it is seen finally that the heads of all of the railroad organizations of the country, representing in the aggregate 1,700,000 railroad employees, with the exception of one, have affirmatively indorsed this bill, are affirmatively behind the provisions of this bill, and are affirmatively anxious that this bill in its present form shall pass at this session of Congress, and the only one who is opposed to it is now occupying a position of neutrality.

In that connection I call attention to a statement made by Mr. LEWIS, a Member of the House of Representatives, at page 67 of the House hearings; and I may say, by way of preface, that Mr. LEWIS was himself in his younger days a coal miner, a man who has been associated with the laboring men all his life. During the past 15 or 20 years Mr. LEWIS has been giving the most careful study and consideration to this question. He had presented to the House a bill upon this same subject which he had prepared and which was before our commission, and Mr. LEWIS, after his broad study of this question—and I think he is as well informed upon it as any man in the country—has this to say:

A cursory view of the statistics of railway accidents in the United States shows that about 100,000 accidents happen to employees annually—that is, nearly 2,000 happen every week. In my experience not 10 per cent of those cases now are the subjects of compensation. A week's delay, then, means 1,700 or 1,800 cripples or the dependents of dead men that go without any kind of compensation, although compensation is now provided from Gibraltar to the islands of Greece.

I do not know any subject relating to labor that has been any more thoroughly and generally discussed in this country than this compensation subject in the last two or three years. I say the time has come to act.

Speaking for the railroad men, particularly in the State of Maryland, and I might say especially in my own district, what now is desirable, it seems to me, Mr. Chairman, is that this committee report this bill and place it before Congress for its action. If it is not done with considerable expedition, I fear that two years will have been lost, and 200,000 of these victims will go, as they have gone for the last generation, utterly without help or utterly without their rights in the premises.

I therefore most earnestly insist that this committee take the most immediate action possible with this measure and lay it before the Houses for their final action.

And again:

Senator SUTHERLAND. Mr. LEWIS, will you tell the committee how many years you have been investigating this subject?

Mr. LEWIS. The subject came under my notice through the publications of the Labor Bureau of the Government. I have been working upon it ever since.

Senator SUTHERLAND. How long has that been?

Mr. LEWIS. That would be about 14 years.

Senator SUTHERLAND. You were the author of a bill on this subject that was introduced into the Maryland Legislature many years ago, were you not?

Mr. LEWIS. Yes, sir.

Senator SUTHERLAND. That bill was passed?

Mr. LEWIS. Yes.

Senator SUTHERLAND. And it is on the statute books now?

Mr. LEWIS. It is on the statute books now.

Senator SUTHERLAND. You also introduced a bill in the House of Representatives a year or two ago, did you not?

Mr. LEWIS. Yes, sir.

Senator SUTHERLAND. Two years ago, prior to the creation of this commission?

Mr. LEWIS. No, sir; about a year ago. It was modeled on the Civic Federation bill.

Senator SUTHERLAND. So that for many years you have been giving this subject practical study?

Mr. LEWIS. Yes, sir.

Senator SUTHERLAND. What do you say as to the bill which has now been prepared by the commission?

Mr. LEWIS. I think I have some of the pride of authorship myself in connection with one of the measures of this kind. Indeed, one is pending in the Maryland Legislature, in which both principles are applied, the English principle and the German principle, applied to the large and small employer, respectively.

I call particular attention to this:

I wish to say in regard to this measure that I was actually surprised at the excellence of its provisions, and especially with the liberality of the scale of compensation. I regard it as the best of its kind that has ever been prepared.

* * * * * * *

Senator SUTHERLAND. Is it true—

Speaking of the provisions of this bill—

that they employ a more liberal scale of compensation than any law you are familiar with in the world?

Mr. LEWIS. They do, sir.

Senator SUTHERLAND. And are more liberal than any that have been proposed or enacted by the various States in the Union?

Mr. LEWIS. I think, perhaps without being prepared to prove it at this moment, that the estimate of this commission that this act will cost the railways only 50 per cent—

That should be 25 per cent, however—

more than they are now paying in damages is a very grave mistake. In my judgment, it will cost the railroads $50,000,000 a year within 10 years. The number of accidents will be cumulative for at least 10 years and possibly 15 years, when they will reach their maximum number, just as a pension roll does.

Further on he says:

I found in England that there was a reduction in the number of deaths on the railways of about 32 or 33 per cent.

That was following the adoption of the English compensation act—a reduction of the number of deaths on those railroads of from 32 to 33 per cent.

But England would not be even a fair example of the probable beneficence of the institution here, because English railway accidents were already at what might be called the normal point. Ours are four times what they ought to be. I believe that the influence of this legislation through penalizing the accidents and putting a premium on greater care will be to reduce our ratio at least one-half.

And so I could go on, Mr. President, quoting from various other witnesses and persons who appeared before the commission, all of them indorsing this bill in the highest possible terms.

Now, I may say that, so far as I am informed, employees in only three of the States of the Union have made any serious objection to this bill. Those three States are Georgia, North Carolina, and Texas. Prior to the hearing before the House committee, of which I have already spoken, at which members of the Senate Committee on the Judiciary were also present, word came that some of the employees from Georgia and North Carolina desired to be heard. A time was fixed, a week or such a matter in advance, and these employees were notified that they would be heard. Some of them came before the

committee, but, instead of presenting any objections to the bill, they simply asked that the consideration of it be postponed until the next session of Congress, saying that they had not had an opportunity of thoroughly studying and understanding its provisions; but, so far as I know, there has not appeared, either before the commission or before either the committee of the House or of the Senate, a single railroad employee, although every opportunity was extended to them, with the exception of Mr. Carter, who has objected to the provisions of this bill.

I have called attention to the statement made by Mr. Lewis in reference to the necessity for this bill passing. This is not a new subject. It is a subject which has engaged the attention of the civilized world for the past 25 years. The United States has lagged behind every other country in the world in this important and necessary reform, but during the last two or three or four years the people of the United States have been taking hold of it in earnest. There have been no less than 10 commissions at work in the various States of the Union. The State of California, which is in part so ably represented by the Senator who honors me with his attention [Mr. WORKS], after thorough consideration, has passed a workmen's compensation act, an admirable law. The State of Wisconsin, after thorough consideration, has passed such a law, as have the States of New Jersey, Massachusetts, New Hampshire, Washington, Ohio, Minnesota, Illinois, and others. It is only a question of time until the education of the people of this country will have progressed to the point where the employers' liability laws will have been abandoned and in place of them in every State in the Union there will be workmen's compensation laws.

Now, to delay action means that hundreds and thousands of widows and more than that number of children must, so long as this bill is not enacted into law, go without any compensation whatever.

Mr. Lee, supplementing what I have already read from Mr. Lewis, at page 74 of the hearings of the House committee, says this about it:

> Mr. LEE. I will just briefly go over it if you care to hear these points. I had hoped, Mr. Chairman, to hear the objections. I had understood there were objections to this bill and that gentlemen were coming here to oppose certain features of it. I have not heard any objections, but a request to postpone action, and I want to confirm the statement made by the Representative from Maryland, and that is to the effect that hundreds and hundreds of our men are being killed and crippled every month, railway employees of various classes, and every moment that you postpone action you are leaving the sleeveless fellow and the fellow with crutches without a dollar and you are leaving the widows and orphans that I believe that law should provide for without a penny.
>
> The CHAIRMAN. Leaving them with only a lawsuit.
>
> Mr. LEE. Leaving them, in the majority of instances, without a lawsuit, because within the past 48 hours a man came into my office with a leg off, to whom we paid $1,350, the amount of our insurance, at the time of his injury. I asked him what his company gave him. He said, "Nothing." I said, "Have you a suit pending?" He said, "No." I said, "Why?" He said, "My attorneys told me the company was not at fault; that I did not have the evidence against them." So that they did not even pay him his hospital expenses or hospital fees or anything of the kind. Under this bill I believe that our men would be provided for.

And summing up what he had to say with reference to this bill, Mr. Lee made use of this language:

> In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission in submitting its report to the President, that while this proposed law is not, perhaps, the most perfect measure which could be devised, nor the last word which can be said upon the subject, it is the result of careful investigation and the best thought of the commission and constitutes a step in the direction of a just, reasonable, and practicable solution of the problem with which it deals. I regard it as desirable constructive legislation, to take the place of destructive litigation, and again express the hope that it may be reported by your committee to both Houses of the Congress and that it may pass at this session.

Mr. President, I am not one of those who believe that legislation ought to be passed upon any subject unless there is real need of it. I think one of the unfortunate tendencies in this country to-day is overlegislation. We are passing legislation upon every imaginable subject. We are passing legislation upon subjects that ought to be left alone. But where there is a real evil to be remedied, then there is no excuse for Congress, if it has jurisdiction of the subject, or for the State legislatures, if they have jurisdiction of the subject, to remain inactive.

There is a real evil to be remedied here. We have outgrown the system of employers' liability under the common law. It has no longer application to our industrial conditions. Let me briefly call attention to what the common law was. At common law no employee was permitted to recover unless he could show that his employer had been in some way at fault; unless the employer had been guilty of a want of care, in other words.

Superadded to that requirement there grew up from time to time provisions announced by the judges in deciding these cases, which gave to the employer certain defenses. There was the defense of the assumption of risk under which, whenever it could be shown that the employee had entered the employment or remained in the employment with a knowledge of the conditions with which he was surrounded, although the master might have been negligent in not having a safe place or providing safe appliances, the employee had assumed the risk and he was denied the right of recovery.

Another defense was that of contributory negligence, that although the employer himself was guilty of negligence, if it could be shown that the employee was also guilty of negligence, he was denied the right of recovery, no matter how slight his contributory negligence may have been.

Then there was the third doctrine—the fellow-servant rule. If the injury was due to the fault of a fellow servant, the servant injured was not entitled to recover. The result was, as time went on and as our industries became more complicated, these various defenses bore on the employee with greater and greater hardship.

There was some reason at common law under the conditions that prevailed then for these particular doctrines. Under those conditions the relationship of master and servant was an exceedingly simple one. The master had few men in his employment—a half dozen or a dozen or in that neighborhood. The master was brought into direct contact with his servants, directly supervising their work. The servants were brought into direct contact with one another, so that this direct contact enabled them mutually to guard against injury due to the want of care on the part of any of them.

Not only was the relationship itself simple, but all the surrounding conditions were simple. The appliances with which the work was done were in the main manual tools, which, as the term implies, were a mere extension of the hand. A man used a hammer, an awl, or some other simple manual appliance, and under those conditions that I have described whenever a man was injured it was ordinarily and usually due to somebody's want of care, because under those comparatively simple conditions if the servant pursued his work in a normal way he could not be hurt. Everything was so simple, there was no machinery, that unless some negligence intervened there could ordinarily be no injury.

Under those conditions negligence being in a great majority of the cases the controlling circumstance, there was some wisdom in providing that that should be the circumstance which should determine the right of recovery. But now under modern conditions all of that has changed. The relationship of master and servant is no longer a simple one. Particularly is that so in the railroad service. A single railroad in this country—the great New York Central lines—employs over a hundred thousand men; the Pennsylvania system more than that number. These men are not only not brought into contact with their employer, but they are not brought into contact with one another. They do not know one another. The master has been twice removed. First he has been removed by the interposition of supervising agents. He does not direct the work himself. He has agents who do it. Then he is again removed by the modern corporation, so that the real owners of the property, the real employers, simply hold stock in the corporation, which has its employees and its supervising agents. Under these conditions there is little reason for the continuance of the fellow-servant rule.

Again, we have changed the simple appliances and simple tools that were used at the time this doctrine originated for machinery—not only complicated machinery, but machinery driven at great and sometimes dangerous speed by the great and dangerous forces of steam and electricity. The machinery is very often kept in motion by a fellow servant at a remote distance from the servant who is carrying on the work. So under these conditions the reason for the existence of these common-law rules, as it seems to me, has practically disappeared.

Under the conditions prevailing to-day instead of the majority of accidents that happen being due to somebody's negligence, the majority of accidents that happen to-day in modern industry are due to the risks of the industry. More than one-half of all the accidents that happen in this country to men engaged in work upon machinery is the result of the risk of that industry and that will continue. Therefore, the time has come to do away with this doctrine of the common law which puts negligence at the basis of the right of recovery and to substitute for it the *fact* of injury. The fact of an injury happening in the industry itself should entitle, under those conditions, every employee to compensation.

Now, I have said that the greater part of these injuries were due in one way or another to the inherent risk of the industry,

and no matter what may be done in the way of providing safety devices or passing rules for the government of railway corporations, no matter how much our laws or the voluntary acts of the railroad companies may accomplish in the way of reducing the aggregate of accidents, still the proportion which is due to the risks of the industry will remain fairly constant, because we now deal with a great body of men, seventeen hundred thousand in number, and the happenings in that industry are governed by the law of averages and not by the doctrine of chance.

A single happening may be the result of chance, but when you increase those happenings to a sufficiently large number you find they are governed by the law of averages and that will remain fairly constant no matter what the changes in conditions may be.

Let me illustrate that: You may go to the post office in Washington and deposit to-day a letter with a stamp upon it and not addressed. So far as that single happening is concerned it is the result of chance. It might have happened otherwise; but if you will take all the letters that have been deposited in the post office at Washington during the year you will find that a certain definite proportion of them have been so deposited with the stamp attached and without any address. The aggregate number of letters may increase or it may decrease, but the proportion of letters unaddressed out of all this vast number of cases will remain substantially the same. That doctrine lies at the basis of all our statistics. Statistics would be of no use to us unless the law to which I have called attention, the law of averages, had uniform application.

Now, the point I make about that is that, no matter how many laws we may pass to minimize the evils of this existing system, so long as we leave negligence on the part of the employer as the controlling basis, just so long there will be a definite proportion and a very large proportion of these employees who can not recover; because under this law of averages that number of men from year to year, no matter how you may reduce the aggregate number of accidents, will have accidents happen to them as the result of the inherent risk of their dangerous employment; and so long as you leave negligence in the law just so long will a large proportion of men be killed and their helpless dependents remain without a remedy.

Let me call attention to some statistics on this question.

Mr. Boyd, who is at the head of the Ohio commission, and who has given many years of study to this question, in a statement before the committee of the House had this to say:

The United States employers' liability act, which practically did the same thing and introduced a new doctrine, the doctrine of comparative negligence as between the employer and the employees, so that the historical evolution of the problem itself shows that the common-law remedy is a failure; you can not adjust the matter by modifying the common-law defenses or taking away the common-law defenses.

Now, I shall proceed to show you what the economic facts are upon which every law, the decision of every court and every statutory law, ultimately is based—upon the correction of some economic inequality, or supposed economic inequality, resting in the minds of the legislature or of the court. In two or three minutes I will simply state the results of these economic investigations, which are set forth fully in the Michigan Law Review for this month by the speaker. Prior to the adoption of the German insurance acts the experience in Germany was that only 1 injured workman in 10, or 10 per cent of all injured workmen, would recover compensation under a common-law action. Now, the investigations of New York State, of Ohio, of Illinois, and the Russell Sage commission, and the Allegheny committee of Pittsburgh, Pa., show the following results:

In New York State, on an average, a workman during the last 8 or 10 years recovered in something like 12 per cent of the cases. That is, where there were 414,000 accidents reported to the liability insurance companies, something or other was paid in 52,000 of them, or about one case in eight.

This is not the result of speculation; it is the result of a deliberate and thoroughgoing investigation by the commission of New York.

In Ohio, in the settlement of 65,800 cases in Cuyahoga County in a period of about eight years, something was paid in less than 6 per cent of the cases, and in Illinois something was paid in 8 per cent of the cases.

The PRESIDING OFFICER. The Senator will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. PERCY. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside. The Senator from Utah will proceed.

Mr. SUTHERLAND. Again, speaking of the German experience:

Now, if you take the economic operation of the German insurance acts, which in 1887 had 4,000,000 employees under them and to-day have 27,000,000 workmen and their dependents insured against the loss of wages arising out of industrial accidents, you can attribute on the average only 18 per cent of the cases to the negligence of the employer and about 28½ per cent of the accidents to the negligence of the employees, while in 44 per cent of the accidents the causes are due to the natural, inevitable risks of the business and 10 per cent to the combined negligence of the employer and the employee.

Here are statistics which were gathered by the German Government for three separate years—for the year 1887, the year 1897, and the year 1907. Thus they represent the experience of Germany over these several 10-year periods, and, mind you, this investigation was carried on by a thoroughly trained body of men. They are the result of the statistics gathered in cases aggregating hundreds of thousands throughout the German Empire.

In 1887 the result of those German statistics shows that the percentage of accidents which were due to negligence of the employer was 20.47; due to the negligence of the employee, 26.56; due to the negligence of both parties, 8.01; due to inevitable risks of the industries and other causes, 44.96.

That was the experience for 1887. In 1897 there was due to negligence of the employer 17.30 per cent; of the employee, 29.74 per cent; of both parties, 10.14 per cent; and due to inevitable risks of the industries, 42.82 per cent.

In 1907, 10 years later, the number due to the fault of the employer was 16.81 per cent; to that of the employee, 28.89 per cent; to both parties, 9.94 per cent; due to inevitable risks of the industries, 44.36 per cent.

The significance of those figures consists in this, that although 20 years elapsed from the time the first figures were gathered until the third set of figures were gathered, and the number of men employed had increased marvelously, and in the meantime the accidents due to negligence of the employers by the adoption of better methods had decreased, the inevitable risk of the industry remained constant or practically constant; that is, in 1887 it was 44 and a fraction per cent; in 1897, 42 and a fraction per cent; and in 1907, 44 and a fraction per cent again.

In 1887 negligence of the employer brought about 20.47 per cent of the accidents. In 1897 it had decreased to 17.30 per cent and in 1907 to 16.81 per cent.

There can be no more striking evidence of the value of the compensation law than those figures. A compensation law appeals to the self-interest of the employer. It says to him, "Whenever you can cut down the number of accidents, just to that extent you will save your treasury." And so, his self-interest being appealed to, he adopts every method of preventing accidents. As I said, while the number of accidents resulting from inevitable risks had remained substantially the same, the employer had reduced those due to his negligence from 20 per cent to 16 per cent in that 20-year period.

Mr. WORKS. Mr. President, I suggest the lack of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Cullom	Nixon	Smith, Ariz.
Bacon	Cummins	O'Gorman	Smith, Md.
Borah	Curtis	Oliver	Smith, S. C.
Bourne	Dillingham	Overman	Smoot
Bristow	Fall	Owen	Stephenson
Brown	Fletcher	Page	Sutherland
Bryan	Foster	Paynter	Swanson
Burnham	Gronna	Percy	Thornton
Burton	Heyburn	Perkins	Warren
Catron	Johnson, Me.	Pomerene	Watson
Chamberlain	Jones	Rayner	Wetmore
Clapp	McCumber	Root	Works
Clark, Wyo.	Martine, N. J.	Sanders	
Crane	Myers	Shively	
Crawford	Nelson	Simmons	

Mr. BURNHAM. My colleague [Mr. GALLINGER] is necessarily absent.

Mr. BACON. I will state that my colleague [Mr. SMITH of Georgia] is necessarily absent from the city at this time.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber on important business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SUTHERLAND. Mr. President, I had called attention to the statistics gathered by the German officials on this subject; and next I direct attention to the statistics which were gathered by the labor bureau of the State of Wisconsin covering the same subject. They investigated, altogether, 318 cases of personal injury. They found that out of those cases 11.35 per cent were due to negligence of the employer; 23.53 per cent were due wholly to the negligence of the workmen; 7.14 per cent were due to the combined fault of both; 5.88 per cent were due to the fault of fellow servants; while 52.10 per cent were due to the hazard of the industry.

I call attention to that for the purpose of showing how near our own experience has been to that of Germany. The German

experience shows, on the average, about 44 per cent due to the hazard of the industry, while in Wisconsin the number shown is about 52 per cent.

Mr. Boyd, in summing up this subject and quoting all these figures, makes this deduction:

> That no matter how careful the employer is or how careful the employee may be, or how high the efficiency of the State may rise in the application of ways and means in the prevention of accidents, the natural hazard remains practically constant. That on the average of from 52 per cent to 53 per cent of the cause of all accidents are due to the natural hazard of the business.

And again:

> Here in this problem there is the one element alone of 52 per cent of all cases of injury for which the common law does not presume to furnish any relief at all—none for the injured workman and none for the dependents who, in most of such cases, must be supported by the community in which they live.

And again:

> The effect on dependents is just the same, whether the cause of the injury was due to the negligence of the employee, to that of the employer, or to the natural hazard of the business. The common law in theory denies the injured workmen relief in all of these cases, to wit, 28.39 per cent, and, further, there is no cause of action at all in the 53.41 per cent of the cases due to the natural hazard. Or in the combination of the two elements, natural hazard and negligence of the workmen—that is, 81.80 per cent of the cases of injury the common law does not presume to furnish any compensation either to the workman or his dependents.

Mr. HEYBURN. Mr. President——

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

Mr. SUTHERLAND. I do.

Mr. HEYBURN. It is out of the condition just expressed by the Senator that most of my difficulty has grown in considering what ought to be done in this matter. A majority of the cases seem to be without the fault of anyone; they are the result of natural conditions beyond control, and I have thought whether or not we would find the best remedy in a charge in the nature of a license for entering into a business that was more than 50 per cent hazardous to those who are engaged in it, and allow that to constitute the fund out of which to compensate them.

I have been groping for years with this question, having for many years of my life been called upon to deal with it professionally, and I have not yet been able to satisfy my mind that we have reached exactly the right solution. But the nearest that I have found that seems to meet the conditions is to charge people who engage in a business that is more than 50 per cent hazardous to create a fund in the nature of a license, or whatever you may call it, out of which those injured shall be compensated.

I am not sufficiently familiar with the final conclusion of the committee here as to whether they are going to go beyond the rule of evidence or not, and I will ask the Senator whether or not this measure really goes beyond the establishment of a rule of evidence?

Mr. SUTHERLAND. Yes; Mr. President, it goes entirely beyond that. As I explained before the Senator came into the Chamber, the theory upon which this legislation proceeds is that under modern industrial conditions where we are dealing with as great and dangerous a force as steam or electricity, with rapidly moving machinery where vast numbers of men are employed, and with all the circumstances which the Senator well understands surround modern industry, a certain definite proportion of all accidents which happen, whether they may be increased or decreased in the aggregate by the efforts of the employer, are due to the hazards of the industry. In other words, we may reduce the number of accidents in the aggregate and decrease those due to the employers' fault, but we do not materially decrease this proportion. All the statistics have indicated very clearly that this definite proportion of accidents due to the hazards of the industry remains constant, and it is an indication that in the past we have been proceeding upon wrong lines.

As I have already said, at common law, or when the common-law rules originated, under the simple conditions which prevailed then, when an accident happened it was generally due to somebody's negligence, because if the man pursued his simple work under normal conditions he was not hurt. But with machinery and with the hazards that we have to-day no matter how careful we may be a certain number are inevitable. To give one illustration as to how that operates to-day, when men are working with machinery after a few years' experience their work becomes more or less automatic. Here is a man, for instance, employed in a factory. He has before him a machine, the power which operates it coming from some central station, either electricity or steam, and this power is turned off or turned on by a foot treadle. The employee puts his foot on the treadle, and as long as he retains his foot there the machinery is in motion. When he takes his foot off, the machinery stops. Now, he is busy with his hands at the same time feeding material into this machine. When he first begins his work as a novice, every act is a conscious act; his brain directs every act; it directs his foot to go upon the treadle; it directs his hands to be busy about the work that he is feeding into the machine; but as time goes on his whole work becomes automatic, and when the direction is given by the brain for these motions the direction is for the whole series of motions, not for the single act, and it becomes automatic, just as playing upon a piano after awhile becomes automatic.

Now, then, some circumstance intrudes from the outside, something occurs to disarrange the work. Impulsively the operative reaches forward to readjust the disarranged work, but the brain has given the direction for the whole series of motions, and his impulsive motion reaching forward to correct his work crosses the series of motions that he was performing and confuses the results. In other words, he fails to take his foot off the treadle and keeps the machinery in motion, and his hands go into the machinery and he is maimed.

Now, looking at that situation in cool blood, upon a full review of the whole situation, the average man is apt to say, "Why did not that man take his foot off the treadle? He ought to have known that it was dangerous to undertake to rearrange that work while the machinery was in motion. Why did he not stop it; it could have been done with a simple motion."

But the truth about it was that the man could not help himself. He could no more take his foot off the treadle under those circumstances than the machinery could stop without his taking his foot off. Now, we call that contributory negligence. It is not. This work had simply become automatic in its character and the accident was one of the hazards of the industry.

Mr. HEYBURN. I should like to inquire if the Senator has investigated as to whether or not there is more danger to the overexperienced man than there is to the novice? Is it not true that a larger proportion of accidents occur to men who are overconfident than to those who are on the alert?

Mr. SUTHERLAND. The Senator is quite correct about that. The statistics, I think, will show that there is a larger proportion of accidents of that character happening to men who have had long experience than to the novice, because when the novice is working every motion is directed and he watches everything with greater care. A man who does his work automatically, as he does after many years of experience, is not watching for these intruding circumstances.

Now, let me come back to the point I was discussing when the Senator from Idaho interrupted me. It will be seen from the statistics (and I could quote much more to the same effect if I had the time) that more than one-half, on the average, of all these accidents are due to the natural hazard. So long as we leave the employers' liability law in force with the element of negligence at the basis of it, half of those accidents must go unrecompensed. The suffering of the man who loses his leg as a result of the inherent risk of the industry, or as the result of his own negligence, is just as great as that of the man who loses it as the result of the negligence of his employer. The hardship upon the widow and the children of the man killed as the result of the hazards of the industry or as the result of his own negligence is just as great as though it was due to the negligence of the employer.

We must take care that these people do not become wrecks, human driftwood in society. That is one object of this legislation. The law of negligence is hard; it is unjust, it is cruel in its operation. The law of compensation proceeds upon broad humanitarian principles. It says that when a man has been injured in an industry he is a soldier in that industry, and the industry must take care of him to some extent.

Mr. HEYBURN. The Senator uses the expression "we must take care of these people." I assume he means that the employer must be compelled to provide for them. Of course there is no governmental application of the term.

Mr. SUTHERLAND. Oh, no; society in the last analysis must take care of these people, because if the injured man or the family that is left is not compensated by the industry directly, they become a charge upon society. They must be taken care of in our charitable institutions and in one way and another; they must support themselves very often by unaccustomed and poorly paid work. This is often the case with widows, as I will show a little later on. The investigations in Ohio have shown that out of a certain number of men killed and leaving widows, a very large proportion of them, although living in fairly comfortable circumstances before the breadwinner was killed, have been compelled to go to the washtub, resorting to hard, unaccustomed work, at comparatively small compensation.

Mr. HEYBURN. Has the Senator—he doubtless has—taken into consideration the effect upon the expense of the business itself? To what extent would the Senator carry this question of compensation as compared with the ability of the employer to meet the liability?

Mr. SUTHERLAND. This bill proceeds upon the theory that we pay half wages, and I will explain a little later along the details of it.

Mr. CRAWFORD. Mr. President——

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

Mr. SUTHERLAND. I yield to the Senator.

Mr. CRAWFORD. My only regret is that I have not been able to hear the Senator from Utah all the way through, and may not be able to hear his full argument. May I inquire, does the Senator deal with this phase of it, that these employees enter into the question of efficiency; that in one sense their relation to industry is a relation that goes toward keeping up in the highest state of efficiency the operating industry, as a locomotive that has been damaged must be kept up in an efficient condition of repair; that these men are, in a way, devoting their lives to the work of railroading; that they are unfit for anything else; that all their training is blended with that operation; and that they are in one sense a part of the plant itself and entitled to consideration upon that theory?

Mr. SUTHERLAND. Yes. The Senator from South Dakota very well states it. These men, in a sense, may be regarded as the human part of the machinery which they operate. When a piece of machinery is broken, when a boiler is destroyed, the industry must replace it; it bears the expense of it. When the man who operates the machine is injured, the industry must take care of him and must repair that damage.

Mr. CUMMINS. Mr. President——

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

Mr. SUTHERLAND. I yield.

Mr. CUMMINS. I wish to ask a question to see if I clearly understand the proposition. The first proposition is that compensation for all injuries is substituted for liability or the right to bring a suit for those injuries for which under the law the employer is responsible. That is the first proposition—compensation for all injuries received in the course of the employment, and the liability which formerly attached to certain cases, is entirely removed; second, that the compensation becomes a part of the operating expenses of the railways or common carriers, and, as such, is to be borne by the public through the rates charged by the railway companies, precisely as any other expense to which the company may be subjected. Is not that the general character of the bill?

Mr. SUTHERLAND. Yes. The Senator from Iowa states it very accurately. That is the idea of it. It must be so in the nature of things.

Mr. HEYBURN. Then——

Mr. SUTHERLAND. The Senator will bear with me a moment. It must be so, because when capital is invested in a railroad enterprise, for example, it must be permitted to have a rate which will afford compensation for the work it does. If you reach into the treasury of the railroad company for any expense, for making better roadways, for compensating for these injuries, or for any other purpose, it becomes a part of the operating expenses of the railroad. They charge to their operating expenses now the amount they pay out in personal injury cases and the damages which they pay. So, in the last analysis, it is, of course, shifted to the public.

Mr. HEYBURN. Mr. President, that brings us to the necessary consideration of reasonable profits. We are doing much talking and attempting to do some legislating—we have not accomplished much yet—based upon the idea of controlling tariff rates; and as a basis for that legislation we are proposing to determine what is and what is not a reasonable profit.

Now, take a catastrophe such as that which has just occurred in a great international transportation line, with a loss of probably from ten to fifteen million dollars. They can not anticipate that—a fact for which we should all be very devoutly thankful. It is the same with a great railroad wreck, where the loss of a train of cars and an engine alone in the destruction of property would amount to perhaps 50 per cent of what would be a reasonable profit. If we are going to deal thus liberally with the injured, we must take into consideration to some extent the earnings of a railroad, and we can not crimp it right down to a percentage upon its capital, and then make it subject to these extraordinary expenses. We shall have to take that into consideration somewhat. I merely mention this because it is inseparable from the consideration of this question.

Mr. SUTHERLAND. Mr. President, a little later along I expect to say how much this compensation law will increase the expenses of the railroad. It is not an extravagant amount, but it will increase them to some extent.

Mr. President, now I come to another branch of the subject, which is the question of how much compensation should be allowed in these cases. As I view it, there are two fundamental principles to be considered: First, the compensation must be made high enough so that it is adequate; so that it will afford a fair living for the injured man and for his family. Upon the other hand, it must not be so high as to constitute an invitation to the employee to remain idle, because the world has need of all its workers, and whenever you pay a man when not employed as much in the form of compensation in periodical payments as he could earn if at work, you invite that man to remain idle, you deprive society of his services, and you compel society to bear the burden in addition to losing his services.

The general principle, therefore, in this bill upon which compensation is based, I may illustrate in this way: A man who goes to work in one of these dangerous employments and the employer who invests his money may be regarded as joint adventurers in an industry in which a certain number of accidents are inevitable. When an accident occurs, we propose to compel the man who has invested his capital for the sake of the profits he may make to continue to pay the injured man half wages, notwithstanding the fact that he gets no services from the man; but the workman himself was a joint adventurer in the enterprise; he has invested his work in that dangerous enterprise for the sake of the wages. So we have him lose half his wages while he is doing nothing, and we compel the employer to contribute half of the wages without getting anything in return.

Mr. HEYBURN. May I put a question to the Senator?

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

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. Suppose you compel the employer to continue paying the injured person half wages, are you going to compel him to remain in business so that he may be able to do it, or may he, after a great disaster in which such liability has been incurred by him, quit the business in order to avoid it?

Mr. SUTHERLAND. That will not happen in the railroad service.

Mr. HEYBURN. It might not; but I knew it to happen in a stage line running through the Senator's State, where the parties, after suffering a judgment for $75,000, discontinued the business—an interstate-commerce transaction.

Mr. SUTHERLAND. When the States come to deal with small employers, they will have to adopt some other scheme, just as the State of Washington has adopted a different scheme. In the State of Washington they have an insurance scheme, which, I understand, operates very well there, and probably will operate there, because they are dealing with a multiplicity of small employers; but when you come to deal with the railroads, each of them is employing such a vast number of men that it can carry its own risks.

Mr. HEYBURN. Some of them are not.

Mr. SUTHERLAND. Oh, yes; practically all of them are. The reason that the small employer takes insurance is that the insurance company represents so many cases that the shock of any disaster is distributed among a large number of people; but in the case of the railroads there is no need of the distribution. Their business is so large and the number of men employed is so many that, upon the average, their expenses for this purpose will remain constantly about the same. So, in other words, they carry their own insurance. There is no need of bothering with that in connection with the railroads.

What will this compensation amount to in the way of increasing the expenses of the railroad companies? We find that, roughly speaking, the railroads of the entire country during the last three years have been paying out on the average for personal-injury damages a sum amounting to $10,085,000. That has been about the average annual expense to the railroad companies. Under the operation of this proposed law, if we consider the same number of accidents, but all to be compensated under this bill, the amount which they will pay out will be approximately $15,000,000 per annum; but, inasmuch as that is distributed over a series of years in the form of periodical payments, the railroad companies get the advantage of the use of these deferred payments. They pay, in the case of the widow, for example, for eight years, and they therefore have the use of the deferred payments for the intervening time between the day they begin and the day they end the compensation. So, that being worth something, the cost to the railroad would be about $13,000,000, allowing 5 per cent upon the deferred payments.

Mr. REED. Mr. President——

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

Mr. SUTHERLAND. In just a moment. So that the additional cost to the railroads under this compensation bill will be about 25 per cent; in other words, for every dollar they now pay out they will, under this proposed law, pay out a dollar and a quarter. Now I yield to the Senator from Missouri.

Mr. REED. The Senator from Utah stated that for the last three years the railroads have paid out approximately $10,085,000 annually. Has the Senator made any calculation as to what they will pay out now that the act of Congress of 1908 as amended by the act of 1910 is sustained by the courts as in full force and effect?

Mr. SUTHERLAND. Mr. President, the figures which I have been giving include amounts paid under the operation of that law. Let me remind the Senator from Missouri that the employers' liability law was first passed in 1906. Prior to 1908 it had been declared unconstitutional on a single ground, namely, that by its terms it applied to people engaged in intrastate commerce as well as interstate commerce. In 1908 the law was amended by Congress so as to obviate that constitutional objection, and since 1908 there has not been the slightest doubt as to the validity of that law. The Supreme Court repeatedly said that the legislation with that one element omitted was constitutional. Therefore, since 1908 the employers' liability law has been enforced, and every case that could be brought under it has been brought. The statistics which we have gathered cover the years 1908, 1909, and 1910; so that this $10,085,000 per annum that is paid out is paid out under the operation of the employers' liability law.

Mr. REED. Mr. President——

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

Mr. SUTHERLAND. I do.

Mr. REED. I take it that the Senator, when he used the term "employer's liability law," refers to the acts of 1908 and 1910, which simply wiped out the old common-law defense?

Mr. SUTHERLAND. Yes.

Mr. REED. But not an employer's liability law in the sense that this bill is intended to be, this being liability in each case.

Mr. SUTHERLAND. This differs from that.

Mr. REED. Yes; this is entirely different from the law we have been operating under.

Mr. SUTHERLAND. Oh, very different.

Mr. REED. Now, does the Senator contend that there has been no doubt about the validity of the acts of 1908 and 1910 since their passage?

Mr. SUTHERLAND. I do assert so, and have not the slightest doubt about it. The Supreme Court of the United States held that the employer's liability law of 1906 was valid and constitutional save for one element, and that was the element to which I have called attention. They therefore held that with that element eliminated the law was constitutional, and they repeated that over and over again in subsequent decisions.

Mr. REED. Were not the acts of 1908 and 1910 solemnly challenged in court after court, and was that question not settled finally on the 15th day of January last?

Mr. SUTHERLAND. Perhaps; but there never was the slightest doubt as to what the result would be in the Supreme Court.

Mr. REED. Perhaps not, in the mind of the Senator.

Mr. SUTHERLAND. Well, not in the minds of most people in the country; and if the Senator would take the trouble to go to the various court records of the country I think he would be astonished to find how frequently the employer's liability laws have been resorted to during the past three years.

Mr. CULBERSON. Mr. President——

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

Mr. SUTHERLAND. Yes.

Mr. CULBERSON. Merely as a matter of information I will ask the Senator if the railroad companies themselves did not challenge the validity of the acts of 1908 and 1910?

Mr. SUTHERLAND. Oh, yes.

Mr. CULBERSON. And finally take the case to the Supreme Court of the United States?

Mr. SUTHERLAND. Yes.

Mr. CULBERSON. That court deciding it constitutional, as stated by the Senator from Missouri [Mr. REED].

Mr. SUTHERLAND. That is quite correct.

Mr. CULBERSON. The opposite parties to the controversy therefore believed that the law was unconstitutional.

Mr. SUTHERLAND. Yes; the railroad companies took the question to the Supreme Court, but I think even the railroad companies had very little expectation of the Supreme Court overruling its former decision, because the validity of the employer's liability law of 1908 was definitely established by the decision of the Supreme Court in 1907.

Mr. NELSON. Mr. President——

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

Mr. SUTHERLAND. I yield to the Senator.

Mr. NELSON. My recollection is that the last case that went to the Supreme Court involved the amendatory act of 1910, allowing suitors to go into State courts, and that that was the principal question decided.

Mr. SUTHERLAND. That was one question.

Mr. NELSON. That was one question; but, as the Senator says, in the decision under the act of 1906 the Supreme Court held the act valid, except only in the respect that it included local traffic in connection with interstate traffic.

Mr. REED. Mr. President, so that it may all appear together, I think the RECORD will show that the decision of the 15th of January last was a decision embracing three separate cases, and in each separate case the law had been challenged upon a different ground, or its jurisdiction over particular subjects matter had been called in question. So that at that time it was contended by the railway companies that the law was unconstitutional; it was contended that it did not apply in certain cases; and it was challenged on a still further ground which for the moment escapes me.

Mr. SUTHERLAND. Yes; but, Mr. President, cases were constantly being brought since 1908 after the amended law was passed in absolute reliance upon the former decision of the Supreme Court that the law was constitutional.

Mr. CRAWFORD. Did any lower court decide it was not?

Mr. SUTHERLAND. No; no lower court intimated that there was any doubt about it after the decision of the Supreme Court.

Mr. REED. Just one further question: Is it not a fact, I ask the Senator, that of the cases brought under the law passed in 1908 as finally amended in 1910 in the ordinary course of litigation, probably not more than 40 or 50 per cent of them, would have been decided and gone to final judgment before the present time?

Mr. SUTHERLAND. Well, a great many of them would not, but a great many of them did.

Mr. REED. I think it would be safe to say that 40 per cent of them had not—that is a mere estimate—judging from the ordinary delays of litigation.

Mr. SUTHERLAND. A great many of them are delayed, there is no doubt about that; but independently of all that, if we assume that under the employer's liability law more men will recover than recovered under the common law, still, as I have shown, and I think very clearly, at least one-half of the injured men and one-half of the widows and children of the deceased men will be unable to recover anything, even under that liberal law, because the injury was due to the inherent risk of the industry. You must add to that all cases where the injury is due to the sole negligence of the employee, for where it is due to the sole negligence of the employee of course he can not recover. It is only in cases of contributory negligence that we adopted the scheme of comparing the negligence of the two.

Mr. REED. Mr. President——

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

Mr. SUTHERLAND. Certainly.

Mr. REED. I only ask for information; I do not desire to interrupt the Senator, and he recognizes that fact; but I desire to ask what is the basis for his statement that, under the law as it now exists, 50 per cent of the persons injured can not recover? How does he arrive at that?

Mr. SUTHERLAND. The Senator from Missouri did not do me the honor to remain in the Chamber while I was discussing that subject. I went over it at very great length and called attention to the German statistics and the statistics of our own country upon that subject.

Mr. REED. I was attending a committee meeting, and was absent for that reason. If I had known the Senator was speaking, I would have left the committee.

Mr. SUTHERLAND. That is very kind of the Senator, and I appreciate the compliment implied.

Mr. CULBERSON. Mr. President——

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

Mr. SUTHERLAND. Yes.

Mr. CULBERSON. While the Senator is discussing the general run of these laws, I should like to get some information

from him upon a subject to which I think he has not yet referred. This bill provides that under certain circumstances

every common carrier by railroad in the District of Columbia (hereinafter designated "employer") shall pay compensation in the amounts hereinafter specified to any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability.

I want to emphasize, and therefore I will read the portion to which I particularly refer:

To any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability.

Now the act of 1908 provides that common carriers—

shall be liable in damages—

To whom?

to any person suffering injury while he is employed by such carrier in such commerce.

What I want to know of the Senator is, if the bill under consideration does not to a degree restrict liability beyond the act of 1908?

Mr. SUTHERLAND. No, Mr. President, it does not restrict it, but, on the contrary, extends it. The Senator has left out one very important element in the employers' liability law, and that is, that in addition to happening in the course of that employment; that is, while engaged in interstate commerce, the accident must be due to the negligence of the employer. Now no recovery can be had unless the employer was negligent. That is true, is it not?

Mr. CULBERSON. That is true——

Mr. SUTHERLAND. Now, how can the employer be held guilty of negligence for an injury that does not arise out of and does not occur in the course of the employment? The employer owes the employee no duty except in connection with his employment. We have broadened it by taking out of the law the element of negligence and leaving the other elements in it.

Mr. CULBERSON. I have received a letter from a workingman, a railroad employee in Texas, dated April 1, in which he refers to the subject, and if it is not too much of an interruption to the Senator I shall read one paragraph of his letter.

Mr. SUTHERLAND. I should like to proceed with my argument.

Mr. CULBERSON. Very well; I will submit it in my own time, then.

Mr. SUTHERLAND. Mr. President, when I was interrupted I was proceeding with the question of the amount of compensation and had discussed the question of half wages. The difficulty with our friends upon the other side of the Chamber who are opposing this legislation is that they are looking at the exceptional case of a large verdict and paying absolutely no attention to the entire aggregate of cases. This is a bill dealing with the whole body of employees; it is not based upon the exceptional case; it is based upon the average of the amounts which are recovered, and not upon the exceptional case. Of course, when a man sustains an injury due to the negligence of his employer, and is able to sustain that before a jury, he sometimes recovers a very large verdict; but this bill is not to be tested by that exceptional result, because, while one man may recover a large verdict by being able to prove negligence, many men are unable to recover anything at all because they can not prove negligence.

Another difficulty, it seems to me, that our friends fall into is that they argue as though we were dealing with an existing case—that is, the Senator from Georgia [Mr. SMITH], who spoke yesterday, referred to the inadequacy of compensating a man who has lost a foot by paying him $2,400, as though we had that typical man before us, as though the man had already lost his foot, and we were considering the question of compensating that man. But that is not the case. The case we are considering is that of the man who has not yet been injured. We are not dealing with past transactions. Now, take that man. Here is a brakeman who is earning $100 a month in the employment of a railroad. It is inevitable, we will suppose, that that brakeman during the next year is going to lose his foot. Suppose we knew that and suppose he knew it. But while it is inevitable that he will lose his foot, it is altogether uncertain whether he will lose it under such circumstances that he could prove negligence and recover a large verdict, or whether it would be under such circumstances that he could not prove negligence and therefore would not recover a single cent. Suppose we say to that man, "Mr. Brakeman, within the next year you are going to lose your foot. The chances are at least equal"—they predominate really, but we will say that they are equal—"that your foot will be lost under such circumstances that you can recover nothing. On the other hand, the circumstances may be such—and they are equal—that you can recover a verdict for $5,000, but if you recover a verdict of $5,000 you must out of that $5,000 compensate a lawyer, who will take your case upon a contingent fee by retaining an average of at least 40 per cent of what you recover." That is the average amount paid in the United States—40 per cent in contingent fees. They run as high as 50 per cent.

Personal-injury lawyers who are engaged in this business in the United States are so full of the milk of human kindness that they will take this unfortunate individual who has lost his foot or lost his arm and carry on his case for him and give him 60 per cent of the amount they recover. But we say to this man: "You may have an equal chance of recovering the $5,000, but you must immediately pay to your lawyer $2,000, which will reduce the actual recovery to $3,000. In addition to that you will have other expenses. In addition to that, you may have to wait 15 months or 2 years or 3 years or even 4 years before your case is determined at all. In the meantime, you will be living a life of anxiety and uncertainty. Even though you are able to go to work, your employer will not employ you. Other employers in the same business will not employ you. You must for three years perhaps be an object of charity, and at the end of two years or three years or four years, as the case may be, you will receive out of this $5,000, perhaps, $2,500."

We say to this man: "We propose by this law, no matter what the circumstances are, to guarantee you $2,400." Is there any doubt about what that man would say if you put that case to him—a case bound to happen in the future? And that is the case we put to these people who are going to become widows or orphans or half orphans in the future.

There are 4,000 men killed every year in the railroad service. The widows of a few of them recover good judgments. The majority of them recover little or nothing.

Mr. CRAWFORD. Many of them are nonsuited.

Mr. SUTHERLAND. Yes.

Now, let me give the Senate the benefit of some figures. It is all very well to speculate about this, but the statistics show us what has happened. This law deals with substantially 1,700,000 employees. Four thousand of those employees are killed every year in the service of the railroads. Some 75,000 to 80,000 are injured more or less seriously every year. Out of the men who were injured during the years 1908, 1909, and 1910, 200 lost both feet; 18 lost both hands; 14 of them were rendered totally blind; 54 of them lost one foot and one hand; 272 were totally disabled for life by other injuries; 962 lost one hand; 1,786 lost one foot; 780 one eye; 1,756 lost other parts of the body.

Now, I have already said that to these men who are thus injured, and to the widows and families of those killed, approximately $10,085,000 is paid out each year under the present law. Under the proposed law approximately $15,000,000 would be paid.

Now, let us see whether or not these people will be better compensated under this law than under the existing liability law. The number of deaths that the computation is based upon is 5,672, covering reports from the railways of the country, representing about 57 per cent of the employees. Out of the 5,672 cases of death the average amount paid to dependents was $1,221. Under this law where the widow with a child or children is left the amount can not fall below $2,400 nor exceed $4,800. So that the minimum amount allowed by this law to all cases, simply by showing that the death has occurred in the course of the employment, is double the average amount paid under the existing liability law.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Yes.

Mr. REED. I wish to ask, with respect to the amount of twelve hundred and odd dollars which the Senator read, whether that is arrived at by dividing the total number of persons killed by the total amount or is it arrived at by taking into consideration only those who recover?

Mr. SUTHERLAND. That takes into consideration all the cases.

Mr. REED. All the cases?

Mr. SUTHERLAND. All the cases; that is, all the cases that would be compensated under this law.

In other words, let me explain. There would be 5,672 cases that would be compensated under this law and the minimum amount which would be paid would be $2,400; the maximum $4,800. Those same persons under the existing law receive an average of $1,221.

Mr. REED. That arises from the fact that so many cases were defeated.

Mr. SUTHERLAND. Precisely.

Mr. REED. Or compromised for in unconscionable amounts.

Mr. SUTHERLAND. Yes; precisely.

Mr. REED. And that allows the railroad company all of the defenses which it is now able to make at law, and most of those cases arise under laws which permit a great many defenses which can not now be made. Is not that true?

Mr. SUTHERLAND. The Senator has a pretty large margin even then. The difference between $1,221 average, and an average under this law of $3,000, allows a pretty wide margin.

The average paid under the present law in cases of permanent total disability is $4,238. That is where the man is rendered totally and permanently unable to do anything in the future. Under this law we take the average length of life, allowing, in making the comparison, for the fact that the man was injured, and he will receive an average of about $8,000 as against $4,238 because his payments continue for life. If he lives 20 years his payment continues.

Mr. REED. I do not want to interrupt the Senator, but I do wish to get the figures clear in my own mind. How do you figure the mortality there—on the ordinary insurance basis?

Mr. SUTHERLAND. No. I have already said that we deduct from the ordinary insurance mortality tables—I have forgotten the exact amount. I had this computation made by a person who is skilled, and that is the result of it.

Mr. REED. Are there any mortality tables compiled anywhere, by which you can determine the length of time a man will live after he has been permanently injured in this way?

Mr. SUTHERLAND. I do not know of any published tables.

Mr. REED. Is it not mere guesswork, then?

Mr. SUTHERLAND. No; it is not guesswork, because the man who made the estimate for me is a man skilled as an actuary, and he took into consideration the elements. I give it to the Senate for what it is worth. Anyway there is not the slightest doubt that a man so injured will receive far more under this law than he would under the liability law.

Take the cases of permanent partial injuries, and with reference to those we have the exact figures. There were 459 cases where the employee lost one hand. The average amount paid in those cases was $1,649. Under this law the smallest amount paid would be $1,800 and the maximum $3,600. So it will be seen again that the minimum amount paid under the proposed law exceeds the average amount paid under the employers' liability law.

For the loss of a leg—862 cases—the average amount paid under the employers' liability law was $1,566; under this law the least would be $1,650, the highest $3,300. Again, the minimum exceeds the average paid under the present law.

Take the loss of a foot, 48 months. That has been complained of here a good deal. Our figures do not show the amount paid now, because we have no exact returns in that case; but under the proposed law he will receive from $1,200 to $2,400, which, we know, will exceed the average now paid, though we do not know exactly how much.

Take the case of the loss of one eye. Three hundred and eighty cases; average amount paid under existing law was $628; under the proposed law, as he gets compensation for 30 months, it will be from $750 to $1,500; again the minimum exceeding the average under the old law.

For temporary injuries, a less serious class of injuries, 160,000 employees were considered during the last three years; the average amount paid them was $73. Under the existing system, as I have already said, of course only about 50 per cent of the amount paid reaches the employees, so that this $1,221 paid in case of death and these other amounts to which I have called attention must be still further reduced by subtracting from them the amount paid in expenses—for lawyers' fees and other expenses—and when you come to deduct that, you will find that each employee will receive two or three times as much under the compensation law as under the employers' liability law. That is shown from the fact, as I have already stated, that of the $10,085,000 paid only about one-half, or about $5,000,000, reaches the pockets of the employees. One-half of it is dissipated, is wasted in the process of going from the treasury of the company to the pockets of the employees.

Mr. REED. Does the Senator from Utah contend that under this act men will not have to pay attorney's fees; that they will not have to litigate their cases, just the same as they do under the present law?

Mr. SUTHERLAND. I do so contend, Mr. President, without the slightest hesitation.

Mr. REED. Your law provides for a trial before an adjuster, does it not?

Mr. SUTHERLAND. Yes.

Mr. REED. And then it provides for an appeal by either party to the Federal court?

Mr. SUTHERLAND. Yes, sir.

Mr. REED. And then it provides for a trial in the Federal court?

Mr. SUTHERLAND. If the parties want it.

Mr. REED. They are likely to want it unless they agree.

Mr. SUTHERLAND. I do not think so. Here is a law which fixes a definite amount to be paid in case of an injury. It eliminates the questions of fact that we have under the employers' liability law. The only questions that can arise in any of these cases are, first, was the man employed? Second, was the employer engaged in interstate commerce? Third, was the employee injured in the course of his employment? Fourth, what was the extent of his injuries? If he lost a limb, if he sustained any of these specified injuries, at once the compensation is automatically paid.

Let me call the Senator's attention to what the experience has been under the English law.

Mr. REED. But, Mr. President, just a word. Does the Senator contend that one-fiftieth out of all the actual injuries suffered are specified and the amount fixed?

Mr. SUTHERLAND. The greater part of the serious injuries have been specified.

Mr. REED. You fix the compensation for injury to a hand if it is taken off, to a foot if it is taken off, to a leg if it is taken off, and the value of an eye and the loss of hearing; but does the Senator contend that that embraces or covers the field of injuries that men receive in railroad accidents?

Mr. SUTHERLAND. I would have anticipated all the Senator has asked me if he had let me go on.

In the administration of the English law, which is a compensation law upon which, in some measure, this law is based and which contains many elements of uncertainty that have been eliminated in this law, the experience is that an average of 90 per cent of the cases of accident are compensated for automatically and less than 10 per cent of them are litigated in any form whatever.

I remember reading the testimony of one employer of labor who said that they paid from 90 to 95 per cent of all accident cases at once automatically; and under our law, as I say, we have eliminated many of these elements of uncertainty which have resulted in litigation in England. I venture to predict with absolute confidence that at least 95 per cent of the injuries which will occur after this law shall have been adopted will be adjusted automatically between the employers and the employees, leaving not to exceed 5 per cent to be litigated in any form whatsoever.

Now, let me go on. If the Senator from Missouri will permit me, I should like to get through with this one branch of the argument.

Mr. REED. I will not interrupt the Senator further.

Mr. SUTHERLAND. I do not object to the Senator interrupting me, but I should like to finish this particular phase of the case.

I have called attention to these aggregate figures and have said that for every dollar which the railroad companies now pay they will, under this law, pay $1.25; but it must be borne in mind that the employees only receive about one-half of the amount now paid by the employers, namely, out of the ten million and odd dollars the employees get about $5,000,000. Under this law there would be $15,000,000 a year. I venture to predict with absolute confidence that it will not cost to exceed a half million dollars to distribute that fund, leaving $14,500,000 to go directly to the employees; and, as to that, I think I have exaggerated the expense rather than understated it. If I am correct about that, for every dollar the railroad companies now expend for this purpose they will pay $1.25, but for every dollar the railroad employees now receive they will, under this proposed law, receive pretty well up to $3. Those are figures which it seems to me can not be gainsaid; and a law that will distribute to the mass of the injured employees of this country and their dependent widows and children and other dependents nearly $3 for every one they now receive, it seems to me, is far in advance of the existing condition of affairs.

Now, let me call attention to the experience of some of the States with reference to this matter. Here is a recent report from the Employers' Liability and Workmen's Compensation Commission of Michigan, which shows that the average of all compensation and relief in fatal accidents was $388.53.

The commission says:

This investigation developed the fact that the damages for injuries similar in effect and extent were widely variant in amount and were on the average less than the compensation proposed under suggested

compensation acts. It appeared also that great delay generally occurred between the time of the accident and the final settlement of the action and that the actual costs of the litigation, exclusive of attorneys' fees, was a considerable item.

Now, here are cases that went into court, covering the Wayne County Circuit Court, of 22 men partially disabled for life. These are picked cases, and they involve no payments in more than 54 per cent of the cases. Out of those cases 12 of them recovered nothing; one of them recovered $200, one of them $350, one of them $400, one of them $1,250, two of them $2,500, one of them $4,000, two of them $5,000, one of them $5,750.

It must be borne in mind that those were cases brought in court and as the result of litigation, and nothing should be asked more than that the cases should be submitted to a jury, and in cases in which verdicts were returned they were all submitted to a jury, and yet in all of those cases, where the man was partially disabled for life, the average amount recovered was $884.09, and of the 22 cases 54½ per cent recovered nothing.

Now here is another series of cases in the Wayne County circuit court, 23 men temporarily totally disabled; average amount recovered, $400; and of the 23, 47.8 per cent recovered nothing. These are cases actually brought in court. Here is another series in the Wayne Circuit Court of 16 minors partially disabled for life; average recovery, $812, and of the above 16 cases 43.7 per cent recovered nothing. How much larger the percentage would be if we included cases where suit was not brought can be readily imagined.

Again, here is the statement of the commission based upon another table of figures:

The cases in Table XXIV consumed a total of 28 days of the court's time, at a cost to the State and country of $2,774.31. The court cost to the parties at suit was $927.60. While there were 32 cases in which suit was commenced, only 12 of them proceeded to trial, the rest being discontinued, either because of settlement or some other cause resulting in failure to prosecute. The average attorney fee for the above cases was $787.33; added to this cost to the worker (exclusive of his permanent loss of earning power) was an average medical expenditure of $111.33, and a loss of wages averaging $180.60, thus showing that while the average amount recovered by the injured in court amounted to $2,542.78, there was left for the injured but $1,338.55, when final settlement was made, and, it will be noted, three of these accidents resulted in death.

Take the effect upon the public. This commission carried on an investigation into the social condition of these injured employees and of their families who were left dependent, and they found:

To demonstrate the truth of this statement an investigation was attempted of the records of the poor commission of Detroit and the coroner's office of Wayne County. The information there secured indicates clearly that the families of injured workmen are a substantial charge upon the public funds. The coroner's office shows a record of 91 fatal accidents in 1910 arising from all causes, but an investigation was completed in only 12 industrial accidents, which were selected at random.

The inquiry as to the records of the poor commission developed statistics as to 14 fatal accidents, 13 partial permanent disabilities, and 20 temporary disabilities.

The examination of the data above referred to and the evidence of the extraordinary waste in litigation confirmed the commission in its opinion that the expense of the present system to the State is so great that it could with justice bear the expense of the administration of any remedial statute.

Then follows a statement of the condition of the family after the death had occurred. Here are typical cases:

Mother earns money washing clothes; one son works irregularly.

Another:

Home broken up; widow living with married daughter.

Another:

Receiving aid from poor commission; destitute.

Another:

Widow; no means of support except washing clothes.

Another:

Widow running small store; debts used up insurance money.

Another:

Receiving aid from poor commission; live in two rooms.

Another:

Widow now at housework; sickly and destitute; oldest boy in hospital.

There is case after case of that kind. They had the same experience in Ohio. Let me call attention to that. Here was the investigation of the Ohio commission:

An individual investigation to determine the social and economic conditions of families deprived by industry of their breadwinners was made in 86 cases. The results, as compiled in Table No. 5, show that nearly 56 per cent of the widows were compelled to go to work, and at an average weekly wage of $5.51. Altogether in these homes there were 178 children, about 70 per cent of whom were under 12; 59 per cent of the others were forced to go to work. The wretched condition in which some of these families were found can not be depicted by means of tables.

Fifty-six per cent of the widows visited and 18 per cent of the children were forced to go to work to earn a livelihood as a result of the industrial accidents.

Fifty-six per cent of these widows working at an average of $5.51 a week, and yet Senators stand up here and insist that this law is not an improvement over the employers' liability system.

Mr. REED. Are the figures which the Senator has just given applicable to railway employees?

Mr. SUTHERLAND. I think they are. They include railroad employees.

Mr. REED. Are they limited to railroad employees?

Mr. SUTHERLAND. No; they are not limited.

Mr. REED. Of course, they cover a field——

Mr. SUTHERLAND. They would apply unless the widow was left in comfortable circumstances. If a widow is left with nothing as the result of the death of her husband she would be just as badly off if she were the wife of a railroad conductor.

Mr. REED. But what I wish to inquire is why quote figures as to a class of people who never have had any substantial remedy and put them in argument in a case where the survivors of railroad injuries have had a cause of action, unless the injury resulted solely from the negligence of the man employed or from inevitable and unavoidable accident?

Mr. SUTHERLAND. Ohio has a pretty liberal law upon the subject of employers' liability. I think the Senator from Ohio will bear me out in that. It is about as liberal a law as there is anywhere in the country, almost as liberal as the Federal employers' liability law.

I call attention to these figures gathered from various States because they bear out the figures submitted by this commission, and they all tell the same story.

I have submitted the figures that our commission has gathered with reference to railroad employees, and we have shown that the average amount received by widows and children of employees killed by accident upon the railroads is only $1,221 a year and of that the lawyer receives 40 per cent.

Mr. John Mitchell, who is a very strong advocate of this kind of legislation, tells a story which very well illustrates it. He said that a workman in Chicago engaged on a high building sustained an injury by falling off the building, due to some defect. He was taken to the hospital, but before he reached the hospital one of these humanitarian lawyers was upon his track, and before he was comfortably settled in the hospital others appeared contesting for his case. Finally he gave his case to one of them. A few weeks after, not yet being out of the hospital, the lawyer appeared and said to the man, "I have settled your case; I have got $1,500 for it"; and he presented to the injured employee a check for $500 and a receipt for $1,000 for his compensation and expenses. The employee looked a little disappointed. The lawyer said to him, "Do you not think I made a pretty good settlement?" He replied, "Yes; you did make a fairly good settlement, but I was just wondering which one of us it was who fell off that building." [Laughter.]

Under the proposed law the first thing that will happen will be the elimination of this waste that I have called attention to. In addition to that, I think justice will be promoted. The man who is injured without negligence needs help. The man who is injured by his own negligence needs help, and he will get it under this law. It will tend, further, to relieve society from a great burden which it now bears in the way of direct charity, and the resultant expenses will be shifted to the people engaged in transportation. It will result in better relations between employee and employer. Everybody understands now that when a man is injured in the railroad service at once a condition of antagonism results between the two, and it will result. To my mind one of the strong arguments in favor of the law is that it will result in our being able to find out how these accidents occur, and, finding how they occur, to apply the remedy. The situation is, when an accident occurs under existing law, that the employee is bent upon establishing the negligence of his employer, and so the tendency upon his part is to distort and exaggerate the facts which tend to prove negligence. Upon the other side, the employer is bent upon disproving his own negligence, and therefore he distorts and exaggerates the facts in order to disprove negligence upon his own part. Out of that double distortion we do not get the facts as to how these accidents occur.

Now, under this law, where the compensation must be paid automatically, wholly independent of the negligence of the employer, there is no temptation to try to distort the facts. The employer is told under all circumstances, no matter how this accident occurs, you must pay a certain definite compensation, and the employee is told, however this accident occurs, you must receive certain definite compensation; and so the temptation is taken from both of them to mislead with reference to the way in which these accidents occur. Now, when we can get the actual facts, as we will be able to do in that

way, as to how these railroad accidents occur, then we will be able to apply the remedy, and to some extent cut them down.

You have exactly the same sort of situation in dealing with accidents that you have in dealing with the subject of health. For example, you have an epidemic of typhoid fever somewhere. A medical board is at work investigating it, and they differ, and the general public differ, as to whether the epidemic is caused by flies, or by the water supply, or by the milk supply. They are not able to apply the remedy. But if they can ascertain by getting the truth that it is due to the water supply they can apply the remedy and stop the epidemic. It is just so with these accidents. When we take away from both the employer and the employee all incentive to misrepresent the facts and obtain the truth we will be able to apply the remedies.

I intend at another time to take up the question of the constitutionality of this proposed law, but I will not stop to discuss it now.

Mr. POMERENE. Mr. President——

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

Mr. SUTHERLAND. I do.

Mr. POMERENE. I have noticed upon reading the bill that it distinguishes between the amount which shall be paid to the dependents who may be nonresidents of the country. In other words, the dependents of a resident will receive under the provisions of the bill a larger amount than the dependents will receive if they are nonresidents. It seems to me that the bill in that respect is subject to criticism, and for this reason: It occurs to me that when the relation of the employer and the employee is established, that of itself ought to fix the amount which the employees' dependents should receive, irrespective of the fact as to whether they are residents of the country or nonresidents.

Further, this occurs to me as a reason why there should be no distinction. If it should become known, as the fact would be in the event that the bill becomes a law, that the foreign dependents of an employee are to receive less than the dependents of a resident, there would be a temptation on the part of the employer to take into his employment those who had nonresident families dependent upon them. I should like to hear the Senator's reasons for drawing the bill as it has been drawn in that behalf.

Mr. SUTHERLAND. Mr. President, there were several reasons. In the first place, I may say that I think the fear which the Senator expresses that it would tend to encourage the employment of foreigners as opposed to American citizens is without foundation. Under the employers' liability law, if the Senator would go over the statistics, he would find that the families residing in foreign countries of employees who are killed recover far less on the average than the dependents living in this country recover. That may be due to a variety of circumstances. It may be due to the fact that they are not here to appeal to the sympathies of the jury, and because they must accept settlements, and so on. This law will not disturb that. The widow and children in a foreign country will still receive one year's pay. The commission put the question directly to the railroad employees, who were very much interested in the subject, and they thought, according to their observation, a discrimination against residents would not result.

Another reason is that it is exceedingly difficult with collateral heirs to discover just who they are in foreign countries. Whenever a man dies all sorts of claims are set up. A man will turn up who has 24 or 25 brothers occasionally. So there is great difficulty in distributing the amount, which is to be paid periodically. They must be searched out and receipts must be obtained from them. There will be great difficulty in getting the amount into the hands of all these foreign dependents.

But, in addition to that, this is a law the expense of which must be met by American society. The burden must be borne in the last analysis by our own people. In other words, one great object of the law is to take care of these dependents, to take care of these injured employees, to prevent them from becoming a wreckage upon society, and to take care of them because they are our people. We are going quite far enough if we take care of our own, without extending it to the dependents in foreign lands, who must look to their own people and to their own government to care for them.

But we have, notwithstanding that, provided in the case of a widow and children for the payment of a year's wages, which would be the equivalent of between one-fourth and one-third of the amount paid to our own people; and that is worth more in any of the foreign countries than the same amount would be worth here.

Mr. ROOT. Mr. President——

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

Mr. SUTHERLAND. I do.

Mr. ROOT. May I not ask the Senator from Utah if it is not also true that the scale of compensation in foreign countries whose laws have been examined by the commission is very much lower than the scale of compensation fixed in this proposed law? So, if the scale which is paid to citizens of the United States under this law were applied to persons resident abroad, we would be giving to the citizens of other countries a much higher scale of compensation than those countries would give to our people if they went there and were employed. In other words, is it not true that the diminished scale for alien nonresidents conforms both to the diminished necessities of life abroad and to the diminished scale of compensation which is allowed abroad?

Mr. SUTHERLAND. The Senator is quite correct about that. The amount paid abroad is far less than the amount provided by this proposed law.

Mr. POMERENE. To what countries does the Senator refer?

Mr. SUTHERLAND. Every country abroad. I have gone over the law of every European country. Not only that, but I have gone over the laws, and I have them here, of all the English-speaking countries of the English colonies, where the conditions more nearly approach ours. Take, for example, Queensland. The provision of that law is for death, "a sum equal to three years' earnings, but not less than £200 ($973.30) nor more than £400 ($1,946.60)." That is far in excess of the general amount allowed in European countries, and yet we allow between twenty-four and forty-eight hundred dollars. Their maximum is only $1,946.60.

Mr. POMERENE. Mr. President——

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

Mr. SUTHERLAND. Yes.

Mr. POMERENE. I was going to ask the Senator whether he could state what are the provisions of the law of Austria-Hungary, and also of the German Empire.

Mr. SUTHERLAND. It is difficult in a sentence to explain the difference. In the law of the German Empire there is a provision for the payment, I think, of 65 per cent; but that is limited by the aggregate amount. The percentage based upon that does not come up to our compensation. In addition to all that, under the German law for the first 13 weeks of disability, no accident compensation is received. That falls upon the sickness fund, the greater proportion of which is contributed by the employees; and by taking out the first 13 weeks, which, as the Senator will see, is three months, perhaps two-thirds of the whole amount of the compensation is taken care of in that way, because the number of comparatively trivial accidents is very great compared with the number of serious accidents; and in that way it falls below ours.

Mr. POMERENE. Mr. President, a moment ago, in answer to the question which I put, the Senator stated that it was the opinion of some of the gentlemen who had appeared before the commission that the mere fact that there was a discrimination between the amount which would be paid to foreign dependents and the amount which would be paid to the resident dependents would not affect the question of employment. Are there any statistics available touching this point or is that view based on mere opinion?

Mr. SUTHERLAND. That was the opinion of the railroad employees, who are the people most vitally concerned in this legislation, of course.

Mr. POMERENE. Of course, it is evident that we have had no Federal legislation of that kind, and therefore I do not see upon what they could base an intelligent opinion.

Mr. SUTHERLAND. I said to the Senator that under the existing law the amount recovered by foreign dependents bears pretty much the same relation to the amount recovered by the resident defendants that the compensation allowed to foreign dependents bears to that paid to resident defendants under this proposed law. Still, according to the opinion of those railroad men, that had not resulted in a discrimination.

Now, the Senator asks for Austria-Hungary. Here is Hungary. They allow—

> pensions to heirs not exceeding 60 per cent of annual earnings of deceased, as follows—

Then they particularize. Widows, 20 per cent, and so on. Now, note the amount that it is to be computed on:

> In computing pensions the excess of annual earnings above 2,400 crowns ($487.20) is not considered.

So the computation is never made on a sum exceeding $487.20. We make our computation upon a sum not lower than $600 and as high as $1,200. So when you come to consider the various limitations of the foreign laws I am well within the facts when I say that the compensation law which we propose is far in excess of anything suggested by any of the foreign countries.

Mr. President, there still remain a number of questions to discuss. I have already been on my feet a long time, and I think I will at this point suspend and ask permission at some other time to continue my remarks.

Mr. CULBERSON. Mr. President, of course it is not my purpose now and at this hour to speak on this bill. I only rise to say what I offered to say while the Senator from Utah [Mr. SUTHERLAND] was speaking. He having declined an interruption, I am forced to say now what I intended to say then.

Yesterday the Senator from Georgia [Mr. SMITH] suggested that, in view of the fact that the constitutionality of the act of Congress of 1908, the employers' liability act, had only been settled by the Supreme Court in January of this year, a consideration of this bill ought to be postponed until the operation of the act of 1908 could be observed and made known to the public. The Senator from Utah, who has just taken his seat, answering that, as I presume, suggested that there was never any doubt as to the constitutionality of the act of 1908 since the decision of the Supreme Court on the act of 1906. I suggested, in reply, that the railroads, the opposite parties in interest in these cases, have strenuously attacked and assaulted the validity of the act of 1908, and to that, to a certain extent, I think the Senator from Utah acceded.

I will point out from the decision in the case of Mondou, decided January 15, 1912, by the Supreme Court, that apparently there was a concerted action upon the part of the railroads of the United States to question the validity of the act of 1908, not only in the Federal courts but also in actions brought in the State courts under that act of the Congress of the United States.

In this case, the opinion which I have at my desk, rendered on the 15th of January, 1912, there were, in fact, three cases. One of them went from the Supreme Court of the State of Connecticut, another went from the Circuit Court of the United States for the District of Minnesota, and another went from the Circuit Court of the United States for the District of Massachusetts, from three of the States of the Union, by the New York, New Haven & Hartford Railroad Co., by the Northern Pacific Co., and the third case also by the New York, New Haven & Hartford Railroad Co.

Not only, Mr. President, was there an attack upon this law by the railroad companies in three States of the Union, but those companies assaulted the validity of the law upon general and vital principles, as being wholly beyond the authority of the Congress of the United States to enact the statute of 1908. Let me read a paragraph, to show this, from the opinion of the court by Mr. Justice Van Devanter:

> The principal questions presented in these cases as discussed at the bar and in the briefs are: 1. May Congress, in the exertion of its power over interstate commerce, regulate the relations of common carriers by railroad and their employees while both are engaged in such commerce? 2. Has Congress exceeded its power in that regard by prescribing the regulations which are embodied in the act in question? 3. Do those regulations supersede the laws of the States in so far as the latter cover the same field? 4. May rights arising under those regulations be enforced, as of right, in the courts of the States when their jurisdiction, as fixed by local laws, is adequate to the occasion?

So, Mr. President, not alone was the validity of this law not settled until the decision of January 15, 1912, but there was apparently a concerted attack upon it by the railroads of the country, whether the actions were brought in United States courts or in the State courts, and the attack was upon it intrinsically, upon its repugnancy to the Constitution of the United States as well as upon it in minor respects.

So I say, in the absence of the Senator from Georgia [Mr. SMITH], who made this point, there is good ground for the belief that a consideration of this bill ought to be postponed until the operation of the act of 1908, as finally decided by the Supreme Court to be constitutional, shall be known, and its effect upon the questions involved can be understood thoroughly.

There is one other matter to which I want to invite the attention of the Senate in addition to what I said in the inquiry I made of the Senator from Utah a moment ago, in which he objected to further interruption. The act of 1908 provides that the beneficiary may recover if the employee was an employee at the time and engaged in the service of the company, whether the accident occurred in the actual course of employment or not. The bill under consideration provides that there shall be no recovery unless there shall be employment and an accident when the man is engaged in the very course of his own employment.

I offered to read an objection based upon this difference by a railway employee of my State, written to me in a letter, but the Senator from Utah objected to that. I make no complaint, because it was, to a certain extent, injecting what I wanted to say into what he was saying. But I desire to call the attention of the Senate, in connection with the remarks of the Senator from Utah in the same copy of the RECORD, to what this employee wrote me, showing that the act under consideration is in truth a limitation upon the liability when measured by the act of 1908. Here is what he said in the second paragraph of his letter:

> We object to the words "in course of his employment" (see line 9, sec. 1), because we believe this is a technicality which will be used by the employer to avoid paying many just claims. For example, a man employed as a fireman and an accident happens to a locomotive; in order to get into a terminal it is necessary to disconnect or block up some of the machinery. In order to get in with the least possible delay, which must be done or be discharged, the brakeman and fireman assist the engineer to get the engine in proper condition to proceed. If in doing so the brakeman or fireman is injured, he can not recover because "not in the course of his employment." These are duties of the engineer. With due respect to the honest intentions of the commission who framed this bill, why not have that portion read as it does in the employers' liability act of 1908: "To any person suffering injury while he is employed by such carrier."

I conclude with my original suggestion, Mr. President, that the bill under consideration, in the particular pointed out, is a material limitation upon the law of 1908.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriages and cannon or fieldpieces;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and

H. R. 23246. An act appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

THE CALENDAR.

Mr. SMOOT. I move that the Senate proceed to the consideration of bills on the calendar under Rule VIII to which there is no objection.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate proceed to the consideration of bills on the calendar under Rule VIII to which there is no objection. The question is on the motion.

The motion was agreed to.

The PRESIDING OFFICER. The first bill on the calendar will be stated.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The next business on the calendar was Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

The next bill on the calendar was the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. SMOOT. That will go over.

The PRESIDING OFFICER. Being the unfinished business, the bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. WARREN. Let that bill go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State-land selections,

indemnity school and educational lands, was announced as next in order.

The PRESIDING OFFICER. The bill has been read twice. Is it the desire to have it read again?

Mr. HEYBURN. Let it go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill has been read and considered.

Mr. SUTHERLAND. Let it go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. HEYBURN. I ask if this is the bill that was up this morning.

The PRESIDING OFFICER. The Chair is informed it is not. The bill is reported from the Committee on Indian Affairs with an amendment in the nature of a substitute, which will be read.

The Secretary read the amendment.

Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. PAGE. There are some friends of this measure who desire to discuss it, and they have asked me to request that it go over. I therefore ask that it go over to-day.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 836) for the relief of Joel J. Parker was announced as next in order.

Mr. CHAMBERLAIN. I ask that that bill go over for the present.

The PRESIDING OFFICER. The bill goes over.

The resolution (S. Res. 231) for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass., was announced as next in order.

Mr. SMOOT. Mr. President, I wish to say that while I have no objection to the consideration of the resolution, as the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. GALLINGER] are now absent from the Chamber, I ask that it go over. I do so only for that reason.

The PRESIDING OFFICER. The resolution goes over.

SENATOR FROM DELAWARE.

The resolution (S. Res. 230) authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDING OFFICER. The resolution goes over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Missouri [Mr. REED], who introduced the resolution, if it would not be just as well to have it now referred to the Committee on Privileges and Elections?

Mr. REED. Mr. President, that is all right if that is the regular course, but my understanding is that the resolution has first to go to the Committee on Contingent Expenses to ascertain whether there are sufficient funds on hand.

Mr. SMOOT. Of course, if the Senator so desires, the resolution may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. REED. I suppose that is the regular course, and that it would come back from that committee and then be referred to the Committee on Privileges and Elections.

Mr. SMOOT. Then I ask that the resolution be referred.

Mr. REED. My desire is that it shall proceed with all due diligence and with speedy expedition to a conclusion.

Mr. SMOOT. I think the Committee on Privileges and Elections has already authority from the Senate to proceed with the investigation of any case coming before it, so that it would not be necessary to refer the resolution to the Committee on Contingent Expenses of the Senate. The proper way would be to have it referred to the Committee on Privileges and Elections, and if the Senator has no objection——

Mr. HEYBURN. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. HEYBURN. I think the resolution stands on a motion to refer to the committee already made. If I remember correctly, I interposed a motion to refer the resolution to the proper committee—the Committee on Privileges and Elections—at the time the Senator from Missouri introduced it.

Mr. SMOOT. The resolution was ordered to lie over under the rule; but if the Senator now desires to make the motion that it be referred to that committee I have no objection. I was going to do the same thing.

Mr. HEYBURN. I was looking for the presence of the chairman of the Committee on Privileges and Elections, who would naturally make the motion. In his absence, as a member of the committee I move that the resolution be referred to the Committee on Privileges and Elections.

Mr. SMOOT. That will be all right.

Mr. REED. Mr. President, there would certainly be no objection on my part to that course. On the contrary, I desire that the resolution take that course.

The PRESIDING OFFICER. Without objection, the resolution will be so referred.

BILLS PASSED OVER.

The bill (S. 5272) appropriating $75,000 for the protection of Valdez, Alaska, from glacial floods was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns, was announced as next in order.

Mr. HEYBURN. I wish to make an inquiry about that bill.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Idaho objects to the present consideration of the bill?

Mr. OVERMAN. Let it go over, Mr. President.

Mr. WARREN. The Senator who reported the bill being absent, I think the bill ought to go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., was announced as next in order.

Mr. HEYBURN. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes over.

The resolution (S. Res. 162) directing the Secretary of the Treasury to furnish information relative to sales of cotton to the Confederate States Government was announced as next in order.

Mr. HEYBURN. I ask that that go over.

Mr. CULBERSON. What is the request, Mr. President?

The PRESIDING OFFICER. That the resolution just stated shall go over.

Mr. OVERMAN. Is anyone objecting to the consideration of the resolution?

Mr. HEYBURN. I have asked that it go over.

Mr. OVERMAN. I do not think the Senator will object when he understands what——

Mr. HEYBURN. I object to the phrase in the resolution "Confederate States Government," because there never was any such thing.

Mr. OVERMAN. Well, I am willing to strike that out. I want some information from the Treasury Department, which I think will save the Government a great deal of expense.

The PRESIDING OFFICER. The Senator from Idaho has objected to the consideration of the resolution, and it goes over.

Mr. OVERMAN. Does the Senator still object to its consideration? I think, if I explain the resolution to him, he will not object.

Mr. HEYBURN. I have not examined the resolution, but that one phrase compelled me to object to it.

Mr. OVERMAN. I do not know how else you would denominate it. The resolution asked for certain information which the Treasury Department has, that each southern Senator wants in order that they may——

Mr. HEYBURN. I will examine the resolution and see.

Mr. OVERMAN. Let the resolution be passed over temporarily, then, Mr. President.

The PRESIDING OFFICER. The resolution has gone over.

The bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. SUTHERLAND. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

PUBLIC BUILDING AT BEAVER DAM, WIS.

The bill (S. 5355) to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis., was considered as in Committee of the Whole. It proposes to appropriate not to exceed $75,000 to acquire a site and to erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Beaver Dam, in the State of Wisconsin.

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

PUBLIC BUILDING AT RICHFIELD, UTAH.

The bill (S. 2270) to provide for the erection of a public building at Richfield, Utah, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already contracted for in the city of Richfield, Utah, a suitable building for the use and accommodation of the post office and other offices of the Government in the said city of Richfield, Utah, the cost of said building not to exceed the sum of $55,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

BILL PASSED OVER.

The bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

PRESIDENTIAL PRIMARY IN THE DISTRICT OF COLUMBIA.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. BRISTOW. Mr. President, that bill has been on the calendar a good while, and I should like to have it taken up and considered. I ask unanimous consent that it may be taken up and disposed of on next Tuesday.

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

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill be taken up and disposed of on next Tuesday.

Mr. HEYBURN. I call for the regular order. I will take the matter up with the Senator.

Mr. BRISTOW. Does the Senator from Idaho object to my request for unanimous consent?

Mr. HEYBURN. Mr. President, I object to carrying further the wreckage, disorder, and disturbance that has been caused by direct primary elections in the United States.

The PRESIDING OFFICER. The bill goes over.

Mr. BRISTOW. That was not the question. The question that was before the Senate was the request for the consideration of the bill on next Tuesday.

Mr. CULBERSON. I suggest to the Senator from Kansas that he has his remedy by moving to take up the bill notwithstanding the objection.

Mr. HEYBURN. I doubt that when we have taken up the calendar for the consideration of bills not objected to; until that order is laid aside.

The PRESIDING OFFICER. The Senator from Idaho is correct.

Mr. HEYBURN. There must first be a motion to set that order aside.

MISSOURI RIVER BRIDGE NEAR BELLEVUE, NEBR.

The bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr., was considered as in Committee of the Whole.

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

MORRIS AND CUMMINGS CHANNEL BRIDGE, TEX.

The bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel was considered as in Committee of the Whole.

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

SPRING ROAD, DISTRICT OF COLUMBIA.

The bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, was considered as in Committee of the Whole.

Mr. BRISTOW. I ask if this is the bill that provides for the extension of the street car line along Calvert Street?

The PRESIDING OFFICER. The Chair is informed this bill has nothing to do with that.

Mr. SMOOT. No; this is not the bill to which the Senator from Kansas refers.

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

AMERICAN NATIONAL RED CROSS.

The bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, was considered as in Committee of the Whole. It proposes that whenever in time of war, or when war is imminent, the President may deem the cooperation and use of the American National Red Cross with the sanitary services of the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the Red Cross, and to employ the same under the sanitary services of the Army and Navy in conformity with such rules and regulations as he may prescribe; and that when the Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 1 of this act shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the forces, and the Red Cross supplies that may be tendered as a gift and accepted for use in the sanitary service shall be transported at the cost and charge of the United States.

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

The preamble was rejected.

PRESIDENTIAL PRIMARY IN DISTRICT OF COLUMBIA.

Mr. BRISTOW. Mr. President, I rise to a parliamentary inquiry. As I understand, the Senator from Utah [Mr. SMOOT] moved that we proceed to the consideration of the calendar un-

der Rule VIII, taking up unobjected bills. It was not a request for unanimous consent, but a motion, which was carried. We came to Calendar No. 391, Senate bill 2234, and objection was made to its consideration. I desire to inquire if the Senate can not by a vote take up that bill without violating any rule of the Senate?

Mr. HEYBURN. Mr. President, the Senate can, by a vote, lay aside the pending order and take up anything. My objection was, the pending order having been determined by a vote of the Senate, that it would continue before the Senate until it was laid aside. There is no difficulty about it. The Senator's motion, unfortunately, did not provide or suggest the laying aside of the pending order.

Mr. SMOOT. The Senator from Kansas, of course, has a perfect right to move to lay aside the order of the Senate.

Mr. HEYBURN. Certainly.

Mr. SMOOT. That would be the motion for the Senator to make.

Mr. BRISTOW. Would not a motion to take up Senate bill 2234, if it carried, be laying aside the order?

Mr. SMOOT. That is not in order; but the Senator has a right to make a motion to lay aside the order of the Senate, and if the Senate so decides it would be all right.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. I do.

Mr. CULBERSON. I simply want to call attention to the rule, which provides that:

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once.
>
> * * * * * * *
>
> But upon motion the Senate may continue such consideration, and this order shall commence immediately after the call for "concurrent and other resolutions."
>
> * * * * * * *
>
> But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply. (Jefferson's Manual, sec. 14.)

Showing that when we go to the calendar, under Rule VIII, a single objection will not carry a bill over if the Senate sees proper to proceed to the consideration of that bill notwithstanding the objection.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention——

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

Mr. BRISTOW. I do.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the rule he has just read applies to the calendar, under Rule VIII, when it comes up in its regular order—that is, between the morning hour and 2 o'clock—when the unfinished business, if there be any, shall be laid before the Senate, but the unfinished business had been laid aside and the business of the Senate proceeded with until 4 o'clock, and then, upon motion, the calendar was taken up for the consideration of bills, to which there was no objection. That was the order of the Senate. Now, if the Senator from Kansas desires to have the order of the Senate laid aside, all he has to do is to make a motion to that effect, and if the Senate want to lay the order aside they can do so.

Mr. BRISTOW. Mr. President, to remove any doubt, I move that we lay aside the special order and proceed with the regular order, under Rule VIII. That will give every bill the right that it is unhampered by the special order.

Mr. HEYBURN. I suggest to the Senator that he separate the motion, that he make a separate motion to get rid of existing business.

The PRESIDING OFFICER. The Senator from Kansas moves that the order taking up the calendar, adopted a short time ago, be now laid aside——

Mr. BORAH. Mr. President, I have no objection to a motion of that kind, but I never before have known it to be made in the Senate. The proper motion, it occurs to me, would be to move to take up the bill notwithstanding the objection, and the adoption of that motion would put aside the present order.

Mr. BRISTOW. That is my view of it; but, as I understood, the Chair ruled otherwise.

The PRESIDING OFFICER. The Chair was about to state that when the bill was reached on the calendar the request of the Senator from Idaho that it go over was equivalent to an objection to that bill being considered. The Chair is of the opinion, however, that a motion by the Senator from Kansas or any other Senator to take up a bill would be equivalent to laying aside the order which the Senate has made to take up bills on the calendar under Rule VIII.

Mr. SMOOT. Mr. President, I wish to say that that question has been ruled upon in the Senate many times heretofore. I know that time after time when an order has been made to take up unobjected bills on the calendar and a motion has been made to take up a bill notwithstanding objection, it has been ruled that under the order of the Senate such a motion was out of order.

Mr. BRISTOW. Mr. President, as I understand, that is always when we are proceeding with unobjected bills on the calendar by unanimous consent; but we are now proceeding with the calendar under a motion. The Senate can by a vote supersede that motion and take up any bill, and that sets aside the special order. That is my understanding, and it is in harmony with the ruling of the Chair.

Mr. SMOOT. Is that the way the Chair rules?

The PRESIDING OFFICER. But the Senator from Kansas a moment ago made a motion, which, in the judgment of the Chair, was in order, namely, to set aside the order heretofore entered to proceed in order with the consideration of bills on the calendar.

Mr. BRISTOW. Mr. President, I will withdraw that motion, with the consent of the Senate, and move that we set aside the special order and proceed with the consideration of Senate bill 2234.

Mr. SMOOT. I ask the ruling of the Chair whether or not that motion is in order?

Mr. HEYBURN. May I suggest that the first part of that motion would be in order. The Senator, however, presents two motions, not one—one to dispose of the existing status of business of the Senate, and then the Senator couples that with a motion to take up a certain bill. If he will separate them, I think the difficulty will be solved right there; but first you must get rid of the existing order.

Mr. BRISTOW. I would prefer, first, a ruling upon my motion. If the motion is in order, I would prefer it as it is.

Mr. SMOOT. Yes; I want a ruling upon that motion.

The PRESIDING OFFICER. In the opinion of the Chair it is in order for a Senator to move to take up a bill, which motion, if carried, is equivalent to setting aside the order which the Senate has adopted.

Mr. LODGE. May I ask a question of the Chair? Is the Senate now considering the calendar by unanimous consent to take up unobjected bills?

The PRESIDING OFFICER. No; but by a motion to take up unobjected bills on the calendar.

Mr. LODGE. By motion?

The PRESIDING OFFICER. Yes.

Mr. OLIVER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Cummins	Myers	Shively
Bacon	Curtis	Nelson	Smith, Md.
Borah	Dillingham	O'Gorman	Smith, S. C.
Bourne	Fall	Oliver	Smoot
Bristow	Gore	Overman	Stephenson
Brown	Gronna	Owen	Stone
Burnham	Heyburn	Page	Sutherland
Burton	Johnson, Me.	Perkins	Swanson
Catron	Jones	Poindexter	Thornton
Chamberlain	Kern	Pomerene	Townsend
Clapp	Lippitt	Rayner	Warren
Clark, Wyo.	Lodge	Reed	Works
Crawford	McCumber	Root	
Culberson	Martine, N. J.	Sanders	

Mr. BURNHAM. I wish to announce that my colleague [Mr. GALLINGER] is necessarily absent.

Mr. JOHNSON of Maine. My colleague [Mr. GARDNER] is absent from the Chamber because of sickness.

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] has just been called from the Chamber on important public business.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. I simply want to call the attention of the Senate——

Mr. BRISTOW. Mr. President, I believe the motion is not debatable.

Mr. SMOOT. I am simply calling the attention of the Senate to the fact that there is an adverse report upon this bill.

Mr. BRISTOW. Yes; but the motion is not debatable.

The PRESIDING OFFICER. The question before the Senate is, Will the Senate take up Senate bill 2434 on the motion of the Senator from Kansas?

Mr. SWANSON. I note that my colleague, the senior Senator from Virginia, made an adverse report upon the bill, and I should think there is no necessity for its immediate consideration. Of course, I wish to state to the Senate that my colleague is detained at home by a very critical illness in his family. I have no assurance that he will be able to be here for several weeks.

Mr. BRISTOW. Of course that statement leads inevitably to discussion. There are a number of the Senators present who are members of the committee. The report was a formal matter from the Committee on the District of Columbia.

The PRESIDING OFFICER. The question is not debatable. The question is on agreeing to the motion of the Senator from Kansas [Mr. BRISTOW] that the Senate proceed to the consideration of the bill, the title of which has been stated. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. REED. Let us have a roll call.

The PRESIDING OFFICER. The Senator from Missouri demands the yeas and nays. Is there a second?

Mr. REED. I withdraw the request.

Mr. SMOOT. Let us have a roll call.

The PRESIDING OFFICER. The Senator from Utah renews the request for the yeas and nays.

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

Mr. CLAPP (when his name was called). Owing to the absence of my pair, I withhold my vote for the present. If he were present, I should vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. DILLINGHAM (when his name was called). Owing to the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the Senator from Kentucky [Mr. BRADLEY]. In his absence I withhold my vote.

Mr. JONES (when his name was called). I am paired with the Senator from Alabama [Mr. JOHNSTON] and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of serious illness in his family.

Mr. ROOT (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN]. He reported this bill adversely, I think. I do not know how he would vote on this question. I, however, transfer the pair to the senior Senator from New Hampshire [Mr. GALLINGER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. He being absent, I withhold my vote.

Mr. SWANSON (when his name was called). I should like to ask if the junior Senator from Nevada [Mr. NIXON] has voted? I have a general pair with him.

The PRESIDING OFFICER. He has not.

Mr. SWANSON. I therefore withhold my vote.

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). The present occupant of the chair has a general pair with the junior Senator from Maine [Mr. GARDNER]. I transfer the pair to my colleague [Mr. SMITH of Michigan] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber, and withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the Senator from New Jersey [Mr. BRIGGS], and therefore withhold by vote.

I also desire to announce the unavoidable absence of my colleague [Mr. CHILTON], who is paired with the Senator from Illinois [Mr. CULLOM].

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I make the same announcement as I did on the previous call as to my colleague [Mr. GALLINGER].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent and stands paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. CULBERSON. I transfer my general pair to the Senator from Georgia [Mr. SMITH] and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. SMITH of South Carolina. I have a general pair, as announced, with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from North Carolina [Mr. SIMMONS] and will vote. I vote "yea."

Mr. CLAPP. On account of the transfer just made, I will vote. I vote "yea."

Mr. CURTIS. The junior Senator from Connecticut [Mr. McLEAN] is paired with the Senator from Nebraska [Mr. HITCHCOCK].

Mr. OWEN. I transfer my pair with the Senator from South Dakota [Mr. GAMBLE] to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. POINDEXTER. The senior Senator from Montana [Mr. DIXON] is absent on important business. He is paired with the junior Senator from Texas [Mr. BAILEY]. If present, I am satisfied he would vote "yea."

The result was announced—yeas 32, nays 14, as follows:

YEAS—32.

Ashurst	Culberson	Martine, N. J.	Reed
Borah	Cummins	Myers	Shively
Bourne	Curtis	O'Gorman	Smith, Ariz.
Bristow	Fall	Overman	Smith, Md.
Brown	Gore	Owen	Smith, S. C.
Chamberlain	Gronna	Perkins	Thornton
Clapp	Johnson, Me.	Poindexter	Townsend
Crawford	Kern	Pomerene	Works

NAYS—14.

Burnham	Heyburn	Page	Stephenson
Burton	Lippitt	Root	Sutherland
Catron	Lodge	Sanders	
Crane	Oliver	Smoot	

NOT VOTING—49.

Bacon	Dixon	Lea	Simmons
Bailey	du Pont	Lorimer	Smith, Ga.
Bankhead	Fletcher	McCumber	Smith, Mich.
Bradley	Foster	McLean	Stone
Brandegee	Gallinger	Martin, Va.	Swanson
Briggs	Gamble	Nelson	Tillman
Bryan	Gardner	Newlands	Warren
Chilton	Guggenheim	Nixon	Watson
Clark, Wyo.	Hitchcock	Paynter	Wetmore
Clarke, Ark.	Johnston, Ala.	Penrose	Williams
Cullom	Jones	Percy	
Davis	Kenyon	Rayner	
Dillingham	La Follette	Richardson	

The PRESIDING OFFICER. A quorum has not voted.

Mr. SMOOT. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that the Senate adjourn. [Putting the question.] In the opinion of the Chair the "ayes" have it.

Mr. BRISTOW, Mr. POINDEXTER, Mr. WILLIAMS, and others called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Because of my pair already announced, I will not vote.

Mr. FLETCHER (when his name was called). I am paired with the Senator from Kentucky [Mr. BRADLEY], and on that account withhold my vote.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement with respect to my colleague [Mr. GALLINGER].

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to state that my colleague [Mr. GAMBLE] is necessarily absent and that he has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. HEYBURN (when his name was called). I am paired with the Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the Senator from Connecticut [Mr. BRANDEGEE], and will vote. I vote "yea."

Mr. JONES (when his name was called). I am paired with the Senator from Alabama [Mr. JOHNSTON]. I therefore withhold my vote. I will let this announcement stand for the day.

Mr. SWANSON (when his name was called). As previously stated, I am paired.

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). I have a general pair with the junior Senator from Maine [Mr. GARDNER].

Mr. WATSON (when his name was called). I make the same announcement with respect to my pair and will let it stand for the day.

Mr. WILLIAMS (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. OWEN. I transfer my pair with the Senator from South Dakota [Mr. GAMBLE] to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. CULBERSON. With the statement of my pair and making the transfer, which I made a moment ago, I vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). Through inadvertence I voted when I should have recognized my pair. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON] and therefore withdraw my vote.

Mr. WARREN. I wish again to announce my pair with the Senator from Louisiana [Mr. FOSTER].

The result was announced—yeas 10, nays 34, as follows:

YEAS—10.

Burnham	Lippitt	Root	Sutherland
Catron	Lodge	Smoot	
Heyburn	Oliver	Stephenson	

NAYS—34.

Ashurst	Crawford	Myers	Reed
Bacon	Culberson	Nelson	Sanders
Borah	Cummins	O'Gorman	Shively
Bourne	Fall	Owen	Smith, Ariz.
Bristow	Gore	Page	Smith, Md.
Brown	Gronna	Paynter	Thornton
Burton	Johnson, Me.	Perkins	Works
Chamberlain	Kern	Poindexter	
Clapp	Martine, N. J.	Pomerene	

NOT VOTING—51.

Bailey	Dillingham	La Follette	Simmons
Bankhead	Dixon	Lea	Smith, Ga.
Bradley	du Pont	Lorimer	Smith, Mich.
Brandegee	Fletcher	McCumber	Smith, S. C.
Briggs	Foster	McLean	Stone
Bryan	Gallinger	Martin, Va.	Swanson
Chilton	Gamble	Newlands	Tillman
Clark, Wyo.	Gardner	Nixon	Townsend
Clarke, Ark.	Guggenheim	Overman	Warren
Crane	Hitchcock	Penrose	Watson
Cullom	Johnston, Ala.	Percy	Wetmore
Curtis	Jones	Rayner	Williams
Davis	Kenyon	Richardson	

So the motion to adjourn was rejected.

Mr. LODGE. No quorum!

Mr. SMOOT. No quorum!

Mr. BRISTOW. I suggest that, according to the ruling of the Vice President, if the number of votes cast and the Senators who addressed the Chair stating their pairs combined constitute a quorum, a quorum of the Senate is present. That is a ruling which the Vice President has made, and the Senate has done business. It has been objected to, but it is the ruling of the Vice President.

Mr. CULBERSON. I should like to say that Senators on this side of the Chamber have frequently protested against that ruling.

Mr. SMOOT. Call the roll for a quorum.

Mr. LODGE. The point of no quorum having been made, the only thing in order, I think, is to call the roll.

Mr. HEYBURN. If calling the roll is for the purpose of enabling the Chair to count a quorum, then I think it is not proper.

Mr. LODGE. I make the point that the point is not debatable.

Mr. HEYBURN. What point?

Mr. LODGE. The point that there is no quorum.

Mr. HEYBURN. I did not understand the Senator from Massachusetts to make that point.

Mr. LODGE. I have made it several times.

Mr. HEYBURN. I understood the Senator to ask for a call of the roll. I would join him on the other proposition.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fall	O'Gorman	Smith, S. C.
Borah	Fletcher	Overman	Smoot
Bourne	Foster	Owen	Stone
Bristow	Gore	Page	Sutherland
Burnham	Gronna	Perkins	Swanson
Burton	Heyburn	Poindexter	Thornton
Catron	Johnson, Me.	Pomerene	Townsend
Clapp	Jones	Reed	Warren
Crawford	Kern	Root	Watson
Culberson	Lodge	Shively	Williams
Cummins	Martine, N. J.	Smith, Ariz.	Works
Dillingham	Myers	Smith, Md.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names—not a quorum.

Mr. BRISTOW. I ask for a call of the absentees.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. BROWN answered to his name when called.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from Kansas to proceed to the consideration of Senate bill 2234.

Mr. SMOOT. No business has intervened since then.

Mr. HEYBURN. Just a moment, Mr. President, I rise to a question of order. Did a quorum vote?

The PRESIDING OFFICER. A quorum responded present.

Mr. HEYBURN. A quorum answered to the roll call?

The PRESIDING OFFICER. But not on the former vote.

Mr. HEYBURN. I want to develop the fact as to whether we are counting a quorum or whether a quorum answered on the roll call.

The PRESIDING OFFICER. A quorum has answered present. Forty-seven Senators were present and on the call of absentees one other Senator answered, making 48, which is a quorum. As the Chair understands it, the question is on the motion of the Senator from Kansas [Mr. BRISTOW] that the Senate proceed to the consideration of Senate bill 2234.

Mr. BRISTOW. Which motion is not debatable.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, and I withhold my vote. I make this announcement for the day.

Mr. FLETCHER (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. BRADLEY].

Mr. SHIVELY (when Mr. HITCHCOCK's name was called). The junior Senator from Nebraska [Mr. HITCHCOCK] is paired with the junior Senator from Connecticut [Mr. MCLEAN]. I make this announcement for the day.

Mr. JONES (when his name was called). I again announce my pair with the Senator from Alabama [Mr. JOHNSTON].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON]. I will let this announcement stand for the day.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. He has been called from the Senate Chamber on important business. I withhold my vote.

Mr. SWANSON. I again announce my pair with the junior Senator from Nevada [Mr. NIXON], and I will let this announcement stand for the day.

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). I am paired with the junior Senator from Maine [Mr. GARDNER], and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. CLARKE] and vote. I vote "yea."

The roll call was concluded.

Mr. OWEN (after having voted in the affirmative). When my name was called I inadvertently voted. I am paired with the Senator from South Dakota [Mr. GAMBLE]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. BURNHAM. Has the junior Senator from Maryland [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. BURNHAM (after having voted in the negative). I have a general pair with the junior Senator from Maryland [Mr. SMITH], and therefore withdraw my vote.

Mr. CHAMBERLAIN. I should like to ask if the junior Senator from Pennsylvania [Mr. OLIVER] has voted.

The PRESIDING OFFICER. He has not.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania. If I were permitted to vote, I would vote "yea."

Mr. CULBERSON. With the anouncement of my pair and the transfer which I made a moment ago, I vote "yea."

The result was announced—yeas 30, nays 4, as follows:

YEAS—30.

Ashurst	Cummins	O'Gorman	Shively
Borah	Fall	Overman	Simmons
Bourne	Gore	Owen	Smith, Ariz.
Bristow	Gronna	Page	Thornton
Brown	Johnson, Me.	Perkins	Williams
Clapp	Kern	Poindexter	Works
Crawford	Martine, N. J.	Pomerene	
Culberson	Myers	Reed	

NAYS—4.

Burton	Catron	Lippitt	Smoot

NOT VOTING—61.

Bacon,	Dillingham	Lodge	Smith, Ga.
Bailey	Dixon	Lorimer	Smith, Md.
Bankhead	du Pont	McCumber	Smith, Mich.
Bradley	Fletcher	McLean	Smith, S. C.
Brandegee	Foster	Martin, Va.	Stephenson
Briggs	Gallinger	Nelson	Stone
Bryan	Gamble	Newlands	Sutherland
Burnham	Gardner	Nixon	Swanson
Chamberlain	Guggenheim	Oliver	Tillman
Chilton	Heyburn	Paynter	Townsend
Clark, Wyo.	Hitchcock	Penrose	Warren
Clarke, Ark.	Johnston, Ala.	Percy	Watson
Crane	Jones	Rayner	Wetmore
Cullom	Kenyon	Richardson	
Curtis	La Follette	Root	
Davis	Lea	Sanders	

The PRESIDING OFFICER. Not a quorum has voted.

Mr. BRISTOW. Mr. President, I make the point that a quorum was developed by the roll call immediately preceding this vote, and because there is a quorum present and some Senators saw fit not to vote it certainly does not demonstrate that there is not a quorum in the Chamber. The roll call has just demonstrated that there is a quorum present.

Mr. SMOOT. A good many Senators were in the Chamber on the former call who are not present now and therefore did not vote on the last call.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Georgia.

Mr. BRISTOW. I do.

Mr. BACON. I simply wish to say to the Senator from Kansas that his proposition is one than which no more dangerous could be submitted to the Senate, one that the Senate never has heretofore countenanced, and which I hope no Senator in any exigency will countenance, that any measure can pass the Senate without receiving a majority of a quorum, with a quorum voting on that particular vote. I will say that to establish a precedent to the contrary of that and have it become the rule of the Senate would not only be revolutionary, but it would be dangerous in the extreme. However it may seem like an immaterial matter on a comparatively immaterial question like this, it might come home to worse than plague us when the gravest interests were at stake.

Therefore I trust that no such ruling will be made by the Chair, and that no such ruling will be sanctioned by the Senate.

Mr. BRISTOW. Mr. President, do I understand the Chair to rule that no quorum having voted, therefore there is not a quorum of the Senate present?

The PRESIDING OFFICER. The Chair has not ruled on the question.

Mr. BACON. I understand the parliamentary situation to be simply this, that no quorum having voted on the particular vote taken no decision has been arrived at by the Senate; that is all.

Mr. SHIVELY. And that nothing is before the Senate except a motion to adjourn or to procure a quorum.

Mr. BRISTOW. I move that the Sergeant at Arms be directed to request absent Senators to appear in the Senate Chamber. That is under the rules, and is a proper motion.

Mr. HEYBURN. That can only be done after a call of the absentees.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. On a vote such as has just been taken, when it appears that there is no quorum present, does that invalidate and make of no effect the vote when no point is made?

The PRESIDING OFFICER. The Chair would like to hear the Senator from Washington, and he asks the Senate to be in order.

Mr. POINDEXTER. My inquiry is simply whether it is necessary that some Senator should make the point of no quorum in order to render the vote invalid?

The PRESIDING OFFICER. The Chair thinks it is not necessary to make any such point.

Mr. POINDEXTER. Is the vote always of no effect when there is no point made?

The PRESIDING OFFICER. The Chair so understands it, that if the roll call discloses that a quorum is not present, it is not necessary that anyone should make the point.

Mr. BRISTOW. I desire to say that the records of this body will show that frequently bills have been passed and amendments adopted by less than a quorum present on a viva voce vote or on a division.

Mr. HEYBURN. Not on a roll call.

Mr. BRISTOW. I do not know as to a roll call. I move that the Sergeant at Arms be directed to request Senators absent to appear in the Chamber.

Mr. HEYBURN. That is generally preceded by a call of the absentees in order that it may be determined who is absent.

The PRESIDING OFFICER. The Senator from Kansas moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. SMOOT. I move that the Senate do now adjourn.

Mr. BRISTOW. I ask for a ruling of the Chair. Is it in order to move that the Senate adjourn when the motion has just been carried that the Sergeant at Arms be directed to request the attendance of absent Senators?

Mr. SMOOT. Under Rule V of the Senate——

The PRESIDING OFFICER. The Chair is of the opinion that the motion to adjourn is in order. The question is on the motion of the Senator from Utah, that the Senate do now adjourn. [Putting the question.] The noes appear to have it.

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

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

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. FLETCHER. I announce my pair as before with the Senator from Kentucky [Mr. BRADLEY].

Mr. FOSTER (when his name was called). In view of the absence of the Senator from Wyoming [Mr. WARREN], with whom I am paired, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON].

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK].

Mr. SWANSON (when his name was called). I announce my pair again with the Senator from Nevada [Mr. NIXON].

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). I announce my pair with the junior Senator from Maine [Mr. GARDNER].

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. CLARKE], I vote "nay."

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I voted without realizing that this is a party question. I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "yea."

Mr. BACON (after having voted in the negative). I notice that the Senator from Minnesota [Mr. NELSON] did not vote. I have a general pair with him and I withdraw my vote, and let this announcement stand for the balance of the day.

The result was announced—yeas 8, nays 28, as follows:

YEAS—8.

Burton	Heyburn	Oliver	Smoot
Fall	Lippitt	Overman	Thornton

NAYS—28.

Ashurst	Clapp	Kern	Pomerene
Borah	Crawford	Martine, N. J.	Reed
Bourne	Culberson	Myers	Shively
Bristow	Cummins	O'Gorman	Simmons
Brown	Gore	Page	Smith, Ariz.
Catron	Gronna	Perkins	Williams
Chamberlain	Johnson, Me.	Poindexter	Works

NOT VOTING—59.

Bacon	Dillingham	Lodge	Sanders
Bailey	Dixon	Lorimer	Smith, Ga.
Bankhead	du Pont	McCumber	Smith, Md.
Bradley	Fletcher	McLean	Smith, Mich.
Brandegee	Foster	Martin, Va.	Smith, S. C.
Briggs	Gallinger	Nelson	Stephenson
Bryan	Gamble	Newlands	Stone
Burnham	Gardner	Nixon	Sutherland
Chilton	Guggenheim	Owen	Swanson
Clark, Wyo.	Hitchcock	Paynter	Tillman
Clarke, Ark.	Johnston, Ala.	Penrose	Townsend
Crane	Jones	Percy	Warren
Cullom	Kenyon	Rayner	Watson
Curtis	La Follette	Richardson	Wetmore
Davis	Lea	Root	

So the Senate refused to adjourn.

Mr. BRISTOW. Mr. President——

Mr. HEYBURN. I raise the question that no quorum is disclosed by the vote.

Mr. BRISTOW. Mr. President, as I understand, the motion was carried directing the Sergeant at Arms to request absent Senators to appear.

The PRESIDING OFFICER. The Senator is correct. The Sergeant at Arms will execute the order of the Senate.

Mr. HEYBURN. Mr. President, I do not see how the Sergeant at Arms can readily do that until the names of the absentees are called.

Mr. BROWN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state his point of order.

Mr. BROWN. There is no business in order at this time except the execution of the order directed to the Sergeant at Arms, unless it be a motion to adjourn.

The PRESIDING OFFICER. The Sergeant at Arms has been directed to execute the order of the Senate.

Mr. HEYBURN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEYBURN. If the Senator from Nebraska [Mr. BROWN] directed his point of order to my suggestion for a call of the absentees, he is himself out of order. Under the rules I ask now that a call of the absentees be made, and that is the order.

Mr. BROWN. To that I make the point of order that it is not in order under the rule, which I will read—paragraph 3 of Rule V:

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HEYBURN. That, Mr. President, is not controverted, but it does not obviate the rule with reference to a call of the absentees. I am not very particular about it, however.

The PRESIDING OFFICER. The Sergeant at Arms has been directed to execute the order of the Senate, and will proceed to execute it.

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 17, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 16, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, appalled by the many shocking disasters which have followed one upon the other in the last few months, we most fervently pray that more stringent laws may be enacted and enforced, that those exposed to the dangers of fire and flood, the workers in mines and factories, and those who travel by land or sea, may be safeguarded from the selfishness and greed of the thoughtless. This we ask in the name of right and justice, truth and mercy, O God our Father. Amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 222. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota;

S. 365. An act to establish a fish-hatching and fish-culture station at a point in the eastern portion of the State of South Dakota to be selected by the Secretary of Commerce and Labor;

S. 457. An act to establish a fish-cultural station in the State of Oklahoma;

S. 849. An act to amend section 1014 of the Revised Statutes of the United States;

S. 1043. An act for the relief of James Anderson;

S. 1673. An act providing for the retirement of certain officers of the Philippine Scouts;

S. 2903. An act for the relief of John Gray;

S. 4098. An act for the relief of the estate of Fernando Valdez, deceased;

S. 4254. An act for the relief of the estate of William H. Abbott and others;

S. 4550. An act to establish a fish-cultural station in the State of Washington;

S. 4604. An act to increase the limit for purchase of site and the erection of a customhouse at Wilmington, N. C.;

S. 4645. An act to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia;

S. 5494. An act to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 5735. An act to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference;

S. 5814. An act to provide for the erection of a public building at Charles Town, W. Va.;

S. 5935. An act to fix the terms of the District Court for the Western District of Michigan;

S. 5991. An act to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes;

S. 6011. An act to establish a fish-cultural station in the State of Connecticut;

S. 6110. An act to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; and

S. J. Res. 62. Joint resolution authorizing and directing the Director of the Census to collect and publish cotton-ginners' statistics.

A further message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23246. An act appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 222. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota; to the Committee on Agriculture.

S. 365. An act to establish a fish-hatching and fish-culture station at a point in the eastern portion of the State of South Dakota, to be selected by the Secretary of Commerce and Labor; to the Committee on Merchant Marine and Fisheries.

S. 457. An act to establish a fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

S. 849. An act to amend section 1014 of the Revised Statutes of the United States; to the Committee on the Judiciary.

S. 1043. An act for the relief of James Anderson; to the Committee on Military Affairs.

S. 1673. An act providing for the retirement of certain officers of the Philippine Scouts; to the Committee on Military Affairs.

S. 2903. An act for the relief of John Gray; to the Committee on Military Affairs.

S. 4098. An act for the relief of the estate of Fernando Valdez, deceased; to the Committee on Claims.

S. 4254. An act for the relief of the estate of William H. Abbott and others; to the Committee on Claims.

S. 4550. An act to establish a fish-cultural station in the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 4604. An act to increase the limit for purchase of site and the erection of a customhouse at Wilmington, N. C.; to the Committee on Public Buildings and Grounds.

S. 4645. An act to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia; to the Committee on the Merchant Marine and Fisheries.

S. 5494. An act to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in pro-

moting the welfare of the American people; to the Committee on Public Buildings and Grounds.

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910; to the Committee on the Public Lands.

S. 5735. An act to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference; to the Committee on Foreign Affairs.

S. 5814. An act to provide for the erection of a public building at Charles Town, W. Va.; to the Committee on Public Buildings and Grounds.

S. 5935. An act to fix the terms of the District Court for the Western District of Michigan; to the Committee on the Judiciary.

S. 5991. An act to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes; to the Committee on Military Affairs.

S. 6011. An act to establish a fish-cultural station in the State of Connecticut; to the Committee on the Merchant Marine and Fisheries.

S. 6110. An act to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

S. J. Res. 62. Joint resolution authorizing and directing the Director of the Census to collect and publish cotton-ginners' statistics; to the Committee on the Census.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, with certain Senate amendments, to ask that the Senate amendments be disagreed to, and ask for a conference.

Mr. PRINCE. Mr. Speaker, will the chairman of the Committee on Military Affairs be willing to allow us an opportunity at the time that the conference report is reported to discuss the conference report?

Mr. HAY. Undoubtedly, as much opportunity as the business of the House will permit.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to disagree to the Senate amendments to the Army appropriation bill, and asks for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, with Senate amendments, and that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks to take the diplomatic and consular bill from the Speaker's table, to disagree to the Senate amendments thereto, and to ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. SULZER, Mr. FLOOD of Virginia, and Mr. MCKINLEY.

REPUBLIC OF CHINA.

The SPEAKER laid before the House House joint resolution 254, congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, with Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, on the 29th day of February last the House of Representatives unanimously passed a joint resolution, introduced by me, congratulating the patriotic people of China upon the successful establishment of the Republic of China. The Senate has changed the resolution from a joint resolution to a concurrent resolution. There is no objection to that, so far as I have been able to ascertain. I therefore move that the House concur in the Senate amendments, and in doing so indulge the hope that ere long the great Republic of the United States will officially recognize the new Republic of China. Such recognition, as is well known, is an Executive function.

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

The SPEAKER. Does the gentleman yield?

Mr. SULZER. Certainly.

Mr. MANN. Mr. Speaker, it sometimes becomes necessary to waive form in order to accomplish a fact. A short time ago the Senate passed a concurrent resolution which the House amended and made a joint resolution and returned to the Senate in that form. The Senate, instead of agreeing to the amendments made by the House to their resolution, passed a new joint resolution covering precisely the same subject as has been provided in this amendment, in order to avoid the complication of endeavoring to change a concurrent resolution originating in another body into a joint resolution. Exception was taken by the employees of the Senate, who have to do with engrossing and enrolling bills, because of the difficulty which would be involved. On this occasion, however, they propose an amendment to change a House joint resolution of a specified number into a House concurrent resolution without any number. I suppose it may be necessary to accept that amendment, but here will be a House concurrent resolution, now unnumbered, which, if anybody desires to search for at any time through the indexes of the journals or records of the House, he can not find.

Mr. FOSTER. Is this another case of the House giving way to the Senate?

Mr. SULZER. So far as the number of the resolution is concerned, I understand it can have the same number.

Mr. MANN. I beg the gentleman's pardon. The Senate amendment is to strike out the "H. J. Res." and the number and to insert "concurrent resolution No. —."

Mr. KENDALL. There may be a concurrent resolution of that number.

Mr. MANN. The Senate amendment leaves the number blank, so that if the House simply concurs in the Senate amendment this concurrent resolution will then have no number.

Mr. SULZER. So far as the effect of this resolution is concerned, the change is immaterial, and it accomplishes the purpose desired. I have no disposition to be technical in these matters. I am trying to get results and am willing that my resolution be made concurrent instead of a joint resolution. I want this Republic to be the first country to congratulate the new Republic of China, and I want this Government to be the first Government to officially recognize the Republic of China. This resolution is the basis for official recognition, which is an Executive function. I hope the President will now officially recognize the Republic of China. Congress has spoken. Let the President act accordingly.

Mr. MANN. It seems to me at first blush that the gentleman ought to move to concur in the Senate amendment, with an amendment inserting a number for the concurrent resolution, which, I suppose, if that were done, would take the next number of concurrent resolutions. If the amendment of the Senate is simply agreed to, the resolution will have no number by which it can be identified hereafter.

Mr. FOSTER. Mr. Speaker, could not the matter be avoided by giving this the next concurrent resolution number?

Mr. MANN. It can be done by amending the Senate amendment.

Mr. NORRIS. It would have to go back to the Senate, then.

Mr. MANN. It would have to go back to the Senate, then, where, of course, that amendment would be concurred in.

Mr. FOSTER. It could be done in conference.

Mr. MANN. The gentleman does not propose a conference.

Mr. SULZER. Mr. Speaker, in order to meet the suggestion I move that the House concur in the Senate amendments with an amendment inserting the proper number of the House concurrent resolution.

Mr. FOSTER. That will make it all right.

The SPEAKER. The gentleman from New York [Mr. SULZER] moves to concur in the Senate amendments with an amendment inserting the proper serial number of the House concurrent resolution, to be inserted by the Clerk. (H. Con. Res. 50.)

The motion was agreed to.

NAVIGATION LAWS AND PANAMA CANAL.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to print in the CONGRESSIONAL RECORD the engrossed resolutions of the New York Chamber of Commerce on the subject of a proposed change in the navigation laws, and also in regard to the use of the Panama Canal by steamers owned by railroads.

The SPEAKER. The gentleman from New York [Mr. LEVY] asks unanimous consent to print certain resolutions in the CONGRESSIONAL RECORD. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman how many times this resolution has already been introduced in the form of petitions by Members of Congress and referred to the committee having jurisdiction?

Mr. LEVY. I do not know; they are the engrossed copies from the chamber of commerce.

Mr. MANN. Were not these resolutions sent to all the New York Members?

Mr. LEVY. They might have been, but these are the engrossed copies.

Mr. MANN. The engrossed copies will be no different when printed in the RECORD than any other copy. They can not print the engrossment in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The following is the matter referred to:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
NEW YORK, *April 10, 1912.*

At the monthly meeting of the chamber of commerce, held April 4, 1912, the following preamble and resolution, reported by its committee on foreign commerce and the revenue laws, were adopted:

Whereas there is pending in Congress a bill relating to the operation of the Panama Canal which has been amended so as to prohibit the use of the canal by any steamship company in which any railroad has an interest; and

Whereas such action would prevent the use of the canal by the largest owners of American steamships and would prevent the further building of steamers in American yards for their service: Therefore be it

Resolved, That the Chamber of Commerce of the State of New York, believing that the Panama Canal, when completed, should be open to all tonnage, irrespective of ownership, protests against any legislation which departs in any degree from that broad and equitable policy.

Attest:

N. BARTON HEPBURN, *President.*
[SEAL.] SERENO S. PRATT, *Secretary.*

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
NEW YORK, *April 10, 1912.*

At the monthly meeting of the chamber of commerce, held April 4, 1912, the following preamble and resolutions, reported by its committee on foreign commerce and the revenue laws, were adopted:

With the near approach to the opening of the Panama Canal, if the United States is to reap the full advantage of this great work, there must be American shipping to avail of it, and the way to secure this will be by such a change in our navigation laws as wil enable us to buy ships in the cheapest market and operate them on a competitive basis with other nations.

It is confidently expected that the Panama Canal will be completed and opened for business by the end of the year 1913.

Your committee therefore presents the following preamble and resolutions:

Whereas the Panama Canal, built at the expense of the United States, is now approaching completion; and

Whereas in order to secure full benefit of same for this country there must be American tonnage to avail of this new route of commerce: Therefore be it

Resolved, That the Chamber of Commerce of the State of New York favors a change in the navigation laws of the United States that will permit its citizens to purchase tonnage in the cheapest market, own it in their own names, sail it under the flag of the United States, and operate it on a competitive basis of cost with the tonnage of other nations; also

Resolved, That copies of this preamble and resolutions be forwarded to the President, to the Secretary of the Navy, to the Secretary of Commerce and Labor, and to the Members of the Senate and the House of Representatives.

Attest:

N. BARTON HEPBURN, *President.*
[SEAL.] SERENO S. PRATT, *Secretary.*

COMMITTEE ON EXPENDITURES IN INTERIOR DEPARTMENT.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to address the House for one hour.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one hour. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, on last Friday and Saturday there was a matter under discussion in the House relating to the Committee on Expenditures in the Interior Department. During that discussion my colleague from Illinois [Mr. MANN] had before him certain files from which he read. Among others, he read from a paper which he stated was an affidavit, and from that affidavit he read statements which he claimed reflected upon me as chairman of the committee and upon the committee generally.

On yesterday my colleague kindly gave me the files which he used on that occasion. I have gone through them with some care, and I find that the paper which he repeatedly read from and referred to as an affidavit was not an affidavit at all, and that even as it was, it did not reflect upon me or upon the committee of which I am chairman.

Now, Mr. Speaker, the matter was not then sprung suddenly upon my colleague. Clearly it is a matter to which he had given considerable attention, and to which other gentlemen doubtless associated with him had also given considerable attention. In proof of that I want to call the attention of the House to the closing events on the evening before—that is, Thursday evening. The chairman of the Committee on Accounts [Mr. LLOYD] had offered a number of privileged resolutions. These resolutions went through without serious objection. Among those which the chairman of the Committee on Accounts also had to offer to the House was a resolution asking for an appropriation for the committee of which I am chairman. My colleague evidently knew of that, and when that part of the program was reached, what took place? I will read from the CONGRESSIONAL RECORD, page 4618:

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

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

Mr. MANN. Mr. Speaker, I suggest to the gentleman that it is getting pretty late.

Mr. LLOYD. Mr. Speaker, there are two other resolutions that I hoped to bring up, but the gentleman from Illinois is anxious that we conclude at the present time, and he has notified me of the fact that there is not a quorum present and that the question would be raised. I therefore move that we do now adjourn.

At that point my colleague from Illinois, evidently having this appropriation in his mind, stated to Mr. LLOYD that he would raise the question of no quorum, and so that resolution went over until Friday morning. On Friday morning my colleague came to the House fortified with the papers now in my hands and for which I say I am indebted to him. When the resolution asking for the appropriation of $7,500 came up, this matter was then opened up and these papers were used by my colleague and friend, or, at least, my whilom friend.

Mr. Speaker, I am entirely at a loss to know or to think of any reason why my colleague should have taken the course he did. I do not think he could have any personal animosity toward me. I certainly know of no cause for it, and I know that I have always entertained the friendliest and kindliest feelings toward him, and I believe now that there was nothing purely personal in it. But the exigencies of the situation, as I propose to show the House, seemed to require that an assault should be made on this committee and that it should be discredited in some way or other.

In that connection, Mr. Speaker, I want to recite some recent history. This committee has recently undertaken an investigation of the Indian Office. On the 29th of March a complaint, containing certain charges, was filed with the committee. A copy of those charges was at once forwarded to Mr. Valentine, the Commissioner of Indian Affairs. They are now printed in No. 1 of the hearings concerning the Indian Bureau. I read a few paragraphs from the printed charges, which were known to the Indian Office on the 29th of last month.

Mr. Speaker, I read from the charges filed, to which I have referred:

SIR: I request an investigation by your honorable committee into the conduct of R. G. Valentine, Commissioner of Indian Affairs, in certain matters prejudicial to public interests and the interests of the Indians.

I charge Commissioner Valentine with instigating secretly attacks on an official of his own bureau, such instigation being against the interests of good service and tending to destroy discipline and efficient conduct of important affairs.

I charge Commissioner Valentine with responsibility for willfully creating conditions which led to the suspension and removal from the Indian Service on baseless charges of Joseph R. Farr, general superintendent of logging.

I charge Commissioner Valentine with responsibility for inviting bids for the sale of standing timber on the Jicarilla and Fort Apache Indian Reservations without issuing therewith proper preliminary and detailed estimates of quantities, the bids being called under regulations of such character as to make the prospective logging operations uncertain and open to fraud of the grossest character.

I charge Commissioner Valentine with retaining in the service and promoting to a higher position an official against whom charges of drunkenness and other misconduct have been made and fully proven.

I charge Commissioner Valentine with being a party to a gross violation of the law against the introduction of intoxicating liquor on an Indian reservation.

These various charges I support by official documents, letters, copies of letters, affidavits, and references to record and documents, and furnish names of witnesses to be summoned in support of the charges.

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

Mr. GRAHAM. Mr. Speaker, I prefer not to be interrupted, in order that I may make a consecutive statement of the facts that I propose to submit.

Mr. CAMPBELL. I interrupt only for the purpose of inquiring who made those charges?

Mr. GRAHAM. Mr. Browne. These are now printed documents.

Mr. CAMPBELL. I was wondering who Mr. Browne was.

Mr. GRAHAM. Mr. Herbert J. Browne. Mr. Speaker, these charges clearly have disturbed the Indian Office. Two witnesses have already testified respecting one of those charges, and their testimony strongly sustains one of the charges. I shall not go into that, but I submit them at this time as a reason why some attempt should be made in some way to discredit in advance the work this committee proposes to do. The committee is proceeding upon the assumption that it was created for some purpose, and that the House appointed it to carry out that purpose. The committee is proceeding as best it can to do so.

Coming back to the discussion of this matter, I have before me the CONGRESSIONAL RECORD for Saturday last, at page 4720.

At that time I had just read a statement from the RECORD of Friday, and stated that my colleague, Mr. MANN, was not present, and that I regretted his absence. However, he just then came into the House, and I made this statement after he came in:

I will say to the gentleman from Illinois [Mr. MANN] that I was just calling attention to a statement in the RECORD, which I have read, while the gentleman was absent from his seat, to the effect that I had advised Mrs. Grey to keep a certain $100, which the gentleman said he saw, by an affidavit he had seen, that I had advised her to keep it.

That language is pretty specific. By an affidavit that he had seen he saw that I had advised her to keep it. I propose to read now the paper from which he read, and when I do it will be perfectly clear to every gentleman present, first, that it was not an affidavit; and, second, that the statements which he made were not contained in it.

At the time he read it he reserved a paragraph in it which made most unwarranted statements with reference to one of the most honorable gentlemen who sits in this body. I shall, of course, follow in his lead in that regard and shall not refer to that. This statement was made, it appears, sometime near the end of the last session, in the latter part of August, 1911.

The House will recall that toward the last of August we adjourned sine die, I believe on the 23d of the month. I may state, incidentally, that immediately after adjournment I left Washington for home, and was not here at all during the time that many of the things referred to in this alleged affidavit are said to have taken place. The paper I hold in my hand is a copy of the one from which Mr. MANN read, and I shall use it because his copy is more difficult to read, on account of the character of the paper upon which it is written.

Before I go into the reading of it, let me digress for a moment. One of the statements made by my colleague in answer to a specific question was that he did not get these files from the Indian Office. The one from which he read is just as he gave it to me. I shall read from it, and exhibit to the attention of gentlemen sitting near me that they may see what I read from and the correctness of it. There is on the left-hand upper corner, attached to it, a little pink label, marked "5-378." Then in large printed letters there is the word "Inclosure" and in printed figures "20064." Below that there are the words "From Office of Indian Affairs, Department of the Interior," and again, at the bottom in the left-hand lower corner, the figures "6-1201." I ask any candid gentleman where that came from, and anyone who wishes to do so is welcome to look at it. There are three bunches or packages in the file which he used. I now take another one of them, and exactly the same kind of pink slip is attached to it in the same way. The word "Inclosure" is printed upon it, and the figures "21422," and the words "From Office of Indian Affairs, Department of the Interior," with little figures also at the top and bottom; and the one which I now hold in my hand has stamped upon it with a rubber stamp the words "Office of Indian Affairs, received December 20, 1911, 109,080." It also has stamped upon it with a rubber stamp in pink the words "Department of the Interior, received December 20, 1911," and then there are some letters confused by the typewriting, which I make out to be "Secy of Mails, and Files."

That is as near as I can come to it, but I can not guarantee the correctness of it. Now, these pink slips were all attached to the papers at the time my colleague had them in his hand and as you will see by reference to the CONGRESSIONAL RECORD he said they did not come to him from the Indian Office. Now, the statement which my colleague read here and stated to this House was an affidavit is now before me. It is on this thin paper and of course is a copy, but on the margin of it is written:

This is a copy of a statement preferred by me at the request of J. H. Eckloff, cashier of Second National Bank, Washington, D. C., and handed to him on or about August 19, 1911, Washington, D. C., March 11, 1911—

which, I take it, means was handed to him on the latter date, but I do not know about that. Now, it is difficult to read and I shall follow the copy which I have and which I believe to be accurate. I hand the copy which my colleague [Mr. MANN] gave me to the gentleman from Ohio [Mr. ASHBROOK] and I hope he will correct me if there should be any discrepancy between the copy I read from and the one from which Mr. MANN read.

There is no venue at the top of it. My colleague as a lawyer knows that an affidavit must have venue. There is no venue, no sign of any venue at the top of the paper from which I read, so that any man with ordinary sense would know the moment he looked at it that it was not an affidavit. This, as I have explained, is a statement of Mr. Denomie given to Mr. Eckloff which my colleague [Mr. MANN] read here and stated to the House was an affidavit. I read:

I first met Mrs. Helen P. Grey with Mr. Thomas Sloan, her associate, in the corridor in the House Office Building, on July 14 last, and she said to me, "You are the man I want to see. I want to look at all your papers, I can help you." I answered I would let her look at my papers. I have seen Mrs. Grey before about Mr. Graham's committee room. I saw her again in the committee room where they were investigating the White Earth Reservation Indian affair, when the three Minnesota Indian girls were testifying as witnesses. On the 27th of July, when Mrs. Grey told me to bring my papers to her, and Mr. Sloan gave me her address in her presence on about August 2 last.

Believing what she said, that she could get whatever she wanted done by the Interior Department and that she had Mr. Valentine under her thumb, and for the reason of her having been jailed for two months by the department, and the investigation of the Interior Department now being on it puts Mr. Valentine in terror, and he would be glad to yield to any demand she (Mrs. Grey) might make, etc. On the 4th of August I took my papers to her home, and was there nearly all day assisting her in examining them. She then said she would go to our reservation to look over the situation and get just what we needed. She said she was working at the office of Mr. Valentine and told me where her desk was, etc., and that she had full access to all the documents and clerks she wanted, that Mr. Valentine had given her full charge. She showed me a note lying on the table which she claimed was a note to Speaker CLARK from the national Democratic committeeman of Minnesota, asking Mr. CLARK to see Mrs. Grey upon certain matters. Upon these representations I yielded and agreed to give her money, and did give her a check for $100 on August 7, as she said she was very anxious to go right away, and that I should go back to the reservation at once. After sending me on several errands, she came to my room and took a piece of cloth I had bought to take home. The piece of cloth I paid $2 for; although the cloth was taken in my presence, it was done, though, without my permission. Afterwards she requested me to meet her at Fifth and G Streets one morning about 9.45, and to be sure to meet her at the above-named time and place. I waited at the place designated until 10.50 a. m., when I spied her going in by way of F Street, and she never looked at me at all, and as she did not want me to be seen with her I did not follow. When she came to my room she apologized that she had forgotten. From this time on I became suspicious of her, and I went and inquired at the bank if she had cashed the check. Finding that she had not, I notified the bank not to pay it, as I believed that she had made misrepresentations, and the bank agreed not to pay it.

There are marginal notes, but I will not read them.

I read further:

On August 13 I wrote her that I wanted my papers back. In a letter to me she offered to give me my money back if I would come out to her house. I sent another man out to see her and she refused to see him. The next time I saw her she was going into the Indian Office, which, I think, was the following morning, August 17, when she roundly chastised me, and saying she had seen some of her superiors who advised her not to give me back my money, and that she was not going to give me one cent.

Now, that is the part to which I particularly want to call your attention. The only item in it on which my colleague could base his statement is the one which says that she had seen some of her superiors who had advised her not to give him back his money, and she was not going to give him one cent. I challenge your attention as to whether there is any other syllable of any character in this statement which could possibly by any torture of construction be construed into a reference to the committee, or to me, and there is nothing that in any way tends to show that she would speak of them as her superiors. Now, here comes the hiatus I spoke of. I skip two lines.

Then I read:

I am informed by people who are in a position to know that she is a dangerous and designing woman, who would say anything and stop at nothing to gain her ends.

The $100 which was given her was for the understood purpose of paying her fare to the reservation did we finally come to an agreement. She has never made any attempt to go to the reservation.

While negotiations were pending I also wrote her a letter to the effect that I had changed my mind.

ANTOINE DEMONIE.

That is all of the statement. That is the paper from which the gentleman from Illinois [Mr. MANN] read. It is signed, and there is some writing on the margin which I have already read and will not repeat now, which says he made this statement to John H. Eckloff, cashier of the Second National Bank, at Mr. Eckloff's request, on or about the 19th of August, 1911. That is the whole statement. There is no affidavit appended to it; it has no venue; it has no characteristic of an affidavit whatever.

Mr. FOWLER. It is not sworn to, is it?

Mr. GRAHAM. It is not sworn to; of course not. I now read from Saturday's CONGRESSIONAL RECORD, on page 4954, and I read for the purpose of identifying the paper I have read with my colleague's [Mr. MANN] reading of it.

In the first paragraph, first column, page 4954 of the RECORD, he says:

This Indian made an affidavit that he met Mrs. Grey going to the Indian Office, and that she roundly chastised him, saying that she had seen some of her superiors, who advised her not to give him back his money, and that she was not going to give him one cent.

He said:

In the same affidavit the Indian stated that Mrs. Grey said that she could get whatever she wanted done by the Interior Department, and

that she had Mr. Valentine, the Commissioner of Indian Affairs, under her thumb. The affidavit, I believe, is on file. At least, I have a copy of it.

Mr. RAKER then intervened, and asked:

Where is it on file?

Mr. MANN. I do not know whether it is on file in the Indian Office. It was obtained by the people who were seeking to obtain back the money, I believe.

Mr. GRAHAM. Does the gentleman mean that it is in some official file?

Mr. MANN. I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office.

Mark that, in view of the papers I have exposed to your view, bearing the file mark and every indicia of having come from the Indian Office, and which, of course, I got from the gentleman from Illinois [Mr. MANN] himself. My colleague says:

I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office. I will say to the gentleman that I have a very complete file, which, if the gentleman desires, I shall be very glad to show to him. I would not care to read it into the record, because it reflects unjustly, in my judgment, upon some people.

To my colleague's credit, I will say he did give me the file that he used, and I have shown it to you. Now, at the same time that my colleague was reading this paper, he being a lawyer of many years of experience, being a man of marked ability, being a man of wide experience in parliamentary affairs and in handling official papers, can it be claimed for him by anyone he did not know that that paper was not an affidavit?

Am I justified in presuming that he then believed he would not be challenged, and that he could "get away with the goods," and that this news would go out to the country as an affidavit when he had knowledge then and there that what he was saying was absolutely false and untrue?

Now, Mr. Speaker, to emphasize the matter still more, the very next paper in the file which he read from is an affidavit. There is no question or confusion about it. It begins with the words at the head of it, "District of Columbia, ss," the venue form so familiar to every lawyer—"District of Columbia, ss." Did my colleague read from it? Not one syllable, not one word, is taken from the real affidavit. I propose to read it, and I will ask my friend from Ohio [Mr. ASHBROOK] to look at the copy given to me by my colleague from Illinois [Mr. MANN] to see that the copy I read from is correct. It reads:

DISTRICT OF COLUMBIA, *ss:*

I, Antoine Denomie, being first duly sworn according to law, depose and say as follows—

That is perfectly plain, is it not? Could any man who can read and write be deceived as to the different character of those two papers? I read:

On or about August 4, 1911, I had a talk in Washington, D. C., with Mrs. Helen Pierce Grey, at her request, and showed her a number of papers relating to matters of the La Pointe Band of Chippewa Indians which I had been sent to Washington, D. C., by the business council committee to look after.

And here let me say that our committee has never had at any time any question or investigation of any sort concerning that band of Indians. They had never been before the committee in any way whatever. Continuing, I read:

She told me that she was in position to help me get what my people wanted, and would act as our attorney. On or about August 7, 1911, I gave the said Mrs. Grey at her request my check for $100, which was to cover her expenses in going to the Bad River Reservation to get our matters in shape.

On or about the 8th day of August, 1911, at her suggestion, I had a further talk with the said Mrs. Grey in Washington, D. C., in which she spoke of a contract between the La Pointe Band and D. B. Henderson to represent the band as attorney in connection with the swamp-land claims against the State of Wisconsin, and wanted me to write a letter to my people telling them to withdraw from that contract. I asked her to write the letter she wanted me to send, and she said she wanted me to see Mr. R. G. Valentine, Commissioner of Indian Affairs, and get him to prepare it for me, and she said she would speak to Mr. Valentine about it for me, and that I should go to see Mr. Valentine the next day.

I did go to see Mr. Valentine on the next day, August 9, 1911, and talked with him probably 15 or 20 minutes, during which time he handed me a letter addressed to me by himself, which had already been prepared, said letter being dated August 9, 1911, and numbered "Law, 41920–1910, E. B. M."

"E. B. M.," I take it, being E. B. Meritt, the law officer of the Indian Bureau. I continue reading:

"In response to your informal inquiry requesting to be advised regarding an attorney contract of Daniel B. Henderson with the La Pointe or Bad River Tribe of Indians"—

And so forth.

As I had never had any talk with Mr. Valentine prior to this interview, and had never myself made any such request as that referred to in his letter, and as Mrs. Grey had told me that she would speak to Mr. Valentine on this subject, and had, in fact, arranged for me the interview which I was then having with him, I understood that in this letter Mr. Valentine referred to such informal request made by Mrs. Grey in my name as my attorney.

Some time before the interview above referred to, possibly several months before that time, Mr. Valentine made an appointment for me to meet him at his office at a certain time, and I went to his office at the time appointed in company with Mr. Charles Shaw and Mr. J. V. Townsend, clerk to Congressman STEPHENS, and waited about an hour or more, but was unable to see him, and went away. I did not at any time have any interview with Mr. Valentine prior to the interview above referred to, which was brought about through Mrs. Grey, and which occurred on or about August 9, 1911.

On August 27, 1911—

Which was long after I and the members of my committee had left Washington.

On August 27, 1911, William Obern, a member of the business council committee of the La Pointe Band, showed me a letter written to him by Mrs. Grey, in which she referred to this matter in the following language, which I copied from the original letter at the time and before returning it to Mr. Obern:

"Mr. D. asked me to go with him and get his papers from Mr. Henderson, and I did so. He agreed to write immediately to the business committee the conditions surrounding your business. So I got him a chance to have a long talk with the commissioner, and he then communicated to him practically what I am writing you."

The visit to Mr. Henderson was made at Mrs. Grey's own suggestion. Many things in Mrs. Grey's conduct made me suspicious of her, and concluding that it was not wise to deal further with her, I asked her not to take any further action, as I wished to give the matter further consideration before proceeding with her as she had planned, and in the meantime requested her to return the money I had given her for the purpose of defraying her expenses in her proposed trip to the Bad River Reservation and also to return my papers. She declined to return either the money or the papers, and I believe that she assumed to act in the matter as if she were authorized by me to act as my attorney and the attorney of the La Pointe Band in these matters. But she did not have any such authority, and the arrangement which I had with her at one time, but which I subsequently revoked, was entered into by me on account of representations made to me by her, which I afterwards satisfied myself were largely false and misleading.

When I became suspicious of Mrs. Grey and decided to withdraw our matters from her, I inquired at the bank whether my check to her had been cashed, and finding that it had not been I directed that payment thereof be stopped. Through error, however, the check being presented during a rush of business, the check was subsequently paid by the bank. The bank, however, without hesitation held me harmless and credited my account with the amount thus wrongfully paid out; and at the request of Mr. John H. Echloff, cashier of the Second National Bank, upon which the check had been drawn, and for the purpose of aiding the bank in collecting back the money, if possible, from Mrs. Grey, or in securing such other remedy as it might properly seek in the premises, I made a written statement of the principal facts in connection with my acquaintance with Mrs. Grey up to that date, including substantially the representations which she made to me in regard to her relations to the Government and to the Commissioner of Indian Affairs. This statement I delivered to Mr. Eckloff at his request, and he took it, together with the paid check, to the Indian Office, where he exhibited them both to Mr. C. F. Hauke, Second Assistant Commissioner, and read the statement to him, Commissioner Valentine being at the time out of the office. I understand that Mr. Hauke caused a photograph of the paid check to be made, but what, if any, other or further action in the matter was then or subsequently taken by him or by any other officer of the Indian Service I am not informed.

ANTOINE DENOMIE.

Sworn to and subscribed before me this 8th day of February, 1912.

[SEAL.] FRED. C. GEIGER, *Notary Public.*

My commission expires February 14, 1915.

Now, there is an affidavit which any schoolboy could pick out and know to be an affidavit; but have you discovered one word in it that has the remotest reference to the committee or to me as its chairman?

The affidavit did not furnish any basis for an attack, and so, I repeat, I feel forced to conclude that in order that there might be an excuse for a foundation to rest this charge upon, my colleague transposed the two papers, and he calls the "statement" an "affidavit," and ignores altogether the real affidavit.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. GRAHAM. I do not care to yield at present. If I have time when I conclude my statement I will.

Now, Mr. Speaker, I assume my colleague read into the record from these papers everything which he believed served his purpose. I ask this House, in view of the selection and segregation of these papers in this way, marked as they are, whether there is any great probability that anything remained not produced here?

What is the purpose of this; why all this preparation; why were these papers brought together in this way?

My colleague told this House that they did not come to him from the Indian Office, or that he did not get them from the Indian Office; I forget the exact language he used. It may be literally true, and it probably is true, that they were handed to him here in the House, and that he did not go to the Indian Office himself and get them there.

I have demonstrated to you that they were the work of the Indian Bureau, and that they bear on their face sufficient evidence to convince any man who has a regard for the truth that they came from the Indian Office.

Now, the language I use is very plain and very strong language, but I put it to the judgment of the gentlemen composing this House if the language I use is stronger than the evidence upon which I base it and which authorizes me to use it.

A letter was read to you by my colleague addressed by me to the Secretary of the Interior, which I hold in my hand. It was not a part of the three files, but came to me from my colleague, who read it to the House. It simply says:

Mrs. Helen P. Grey wishes to look through some records in the Land Office and also in the office of the Reclamation Service for our committee. Will you kindly see that she is given the necessary permission?

It is signed by myself. If it be treason, make the most of it.

I now read a copy of a letter from the Indian files. I have not the original. I can not therefore testify as to its correctness, not having seen the original, but my colleague can easily get the original, as easily as he got these other papers, and if found not to be correct I shall get up before the House and apologize. It is dated September 28, 1911:

SEPTEMBER 28, 1911.

Hon. R. G. VALENTINE,
Commissioner of Indian Affairs, Washington, D. C.

SIR: Referring to our recent conversation and in pursuance of suggestion then made, I have the honor to request that you advise me the nature and extent of the authority presented by Mrs. Helen Pierce Grey under which she was, during the month of August, 1911, accorded recognition and furnished with information in relation to the affairs of the La Pointe Band of Chippewa Indians of the Bad River Reservation in Wisconsin.

I have been informed that she has claimed to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office in relation to the affairs of the Bad River Reservation were carried on by virtue of that authority.

I am particularly desirous of knowing, also, on behalf of my client, who is a member of the La Pointe Band of Chippewa Indians and a participant in their tribal rights, the extent to which Mrs. Grey may properly go in the investigation of affairs on the Bad River Reservation and of the public records at the La Pointe Agency, under whatever authority she now has as recognized by you in the event that she should visit the said reservation and agency, as it is understood that she contemplates doing.

The purpose of this inquiry is to put me in position on behalf of my client to restrict Mrs. Grey, if possible, within the limits of her proper authority, because of his belief as well as my own that any influence exerted by her upon the tribal affairs of the La Pointe Band will be pernicious.

Very respectfully,

Z. LEWIS DALBY,
Attorney for Antoine Denomie.

Now, is it not perfectly plain that the challenge contained in the second paragraph of that letter calls on the commissioner for a specific statement as to the authority she had? I will read that paragraph again:

I have been informed that she has claimed to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office in relation to the affairs of the Bad River Reservation were carried on by virtue of that authority.

And now for the commissioner's answer to that:

[Education, Law, and Order 83808–1911. Authority of Mrs. Grey.]

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, October 5, 1911.

Mr. Z. LEWIS DALBY,
621 Bond Building, Washington, D. C.

SIR: I have your letter of September 28. Mrs. Helen Pierce Grey was furnished information on any topics in which she was interested, under my general policy of allowing anyone interested to study the records of this office, except in the rare cases where, while a case is being handled, there might be some administrative reasons for temporarily not making the action of the office public.

This would be the case in any event, whether or not she possessed any particular authority from an investigating committee or from any other quarter. What particular authority she has from the investigating committee I do not know. She has filed nothing along that line in this office. I have had reason to believe, however, that she was assisting the committee in looking up documents here for them; but, from my point of view, that is irrelevant, as she would have had access to the documents in any case. Similarly, if Mrs. Grey or anyone else should wish to study affairs on the Bad River Reservation or look at the records in the local office, there would be no more objection to that than to her presence here.

It has been my undeviating policy from the beginning to run reservations as open propositions; first, because I believe that course to be right, and, second, because I believe any other course would be absolutely useless, since the fullest publicity is certain, sooner or later, to enter, as it ought, every Indian reservation; and it is better to welcome it in advance than to be obliged grudgingly to consent to it afterwards.

Respectfully,

R. G. VALENTINE, *Commissioner.*

Mr. Speaker, let me now read, or rather reread, the paragraph which challenged the commissioner and the answer to it, and put them side by side:

I have been informed that she is claiming to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office, in relation to the affairs of the Bad River Reservation, were carried on by virtue of that authority.

That is the challenge. Here is the response:

Mrs. Helen Pierce Grey was furnished information on any topics in which she was interested, under my general policy of allowing anyone interested to study the records of this office, except in certain cases. * * *

This would be the case in any event, whether or not she possessed any particular authority from any investigating committee or from any other quarter. What particular authority she has from the investigating committee I do not know. She has filed nothing along that line in this office. I have had some reason to believe, however, that she was assisting the committee in looking up documents here for them, but from my point of view that is irrelevant, as she would have had access to the documents in any case.

Mr. Speaker, Mr. Valentine corroborates exactly what I said on the floor last Friday—that the committee had the use of her services for the purpose of locating documents in the files of the Indian Office or anywhere in the Interior Department. I freely confess, Mr. Speaker and gentlemen of the House, that I am far from being well equipped for the work of investigating the Interior Department. I know nothing of its filing schemes, I know nothing of where its papers are. No man on the majority side of our committee does. We would be as helpless as children if we had to do that work, and so we have had the help of this lady, who did know, who had a tremendous fund of information concerning the workings of the office, the location of the files and the papers in them, and the nature of the papers and their contents, and who rendered us a great deal of service, valuable service, which we could not have worked out for ourselves in years, if ever.

Mr. Valentine corroborates exactly what I said to you on the floor last Friday and Saturday as to what she did for our committee. It was no secret then; it is no secret now. Not at all. She did excellent work for our committee in that regard. Her knowledge of the files, of public papers, of the hearings before the Senate and the House, of Senate documents and House documents, and of the law concerning these matters was amazing to me, and if she possessed the power to classify the facts which she knows, she would be a most remarkable person in that regard.

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

Mr. GRAHAM. I will say, Mr. Speaker, that I was not through.

Mr. MANN. Mr. Speaker, how much more times does my colleague desire?

Mr. GRAHAM. Mr. Speaker, I could hardly state exactly as to the matter of time. I could of course, knowing that I had to conclude in a short time, cut the coat according to the cloth, and quit. Let us say 15 minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may have 15 minutes more.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. GRAHAM] may continue for 15 minutes. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I thank my colleague for his courtesy.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield for a question?

Mr. GRAHAM. I will yield to my colleague.

Mr. McKENZIE. Mr. Speaker, I have listened to this discussion and to what the gentleman has just said about the valuable services of this lady. Now, if I understand the matter and the discussion of a few days ago, the gentleman said she was not in the employ of the committee.

Mr. GRAHAM. I did, and I repeat it now.

Mr. McKENZIE. Now, is it the purpose of the committee not to pay this woman for these services?

Mr. GRAHAM. The committee will not pay her one cent of money; the committee has no authority to do it.

Mr. McKENZIE. But the committee accepted her services.

Mr. GRAHAM. We are accepting the services of numberless persons every day, every day; otherwise, I say to my colleague, we could make no progress at all. When my colleague stops to consider that the Interior Department has in it the General Land Office, the Indian Bureau, the Reclamation Service, the Pension Office, the Patent Office, and a number of other services, and there is but a committee of seven persons to go into all those matters, and that, unfortunately for the country, the Democrats have not had many permanent places on committees in the past, and, also unfortunately for the country, our Republican friends have had control of every department of the Government for nearly 20 years and have run them in such a way that everything connected with its business from that time ought to be carefully investigated, I repeat, in view of the immense amount of work to be done and the lack of experience on the part of those who have to do it, we would be helpless without outside assistance.

Mr. McKENZIE. I have no objection to the investigation of the committee, but what I want to get satisfied about in my mind is whether this lady is rendering this service simply as a public-spirited citizen, or whether she is looking for something or some place or some pay or compensation.

Mr. GRAHAM. I have known my colleague from Illinois so long it would shock the House if I would tell them the time,

because they would not suspect his age or mine to be so great, and I have heard him electrify the Illinois Senate very often, and I know he is a very shrewd lawyer; but I want to inform him now, Mr. Speaker, that he is not shrewd enough to draw a red herring across the trail and get me to follow it. I am not to be switched from my position to any irrelevant side issues. [Applause.] Now, Mr. Speaker, in order to give the House an idea of how this matter has been gone into, I want to call attention to the fact that the files handed me by Mr. MANN, my colleague, go back to June 3, 1907, and in investigating this matter they come down to February 10, 1908, and from that time on to this I assume that every material thing in the files was produced and put in the hands of my colleague, and I suspect that my colleague on the committee, the gentleman from South Dakota [Mr. BURKE] was his assistant in that regard. Let me ask my colleague from South Dakota—will he answer a question for me?

Mr. BURKE of South Dakota. Why, most assuredly, and I will ask the gentleman from Illinois after I do that if he will answer one or two for me.

Mr. GRAHAM. Will the gentleman put his first, or later?

Mr. BURKE of South Dakota. No; the gentleman can put his question first.

Mr. GRAHAM. Did my colleague from South Dakota get these files from the Senator who is chairman of the Committee on Indian Affairs and give them to my colleague from Illinois?

Mr. BURKE of South Dakota. Mr. Speaker, I will say to the gentleman that the statement which the gentleman makes with reference to these files that they were delivered to me—did the gentleman say by the Senator from South Dakota?

Mr. GRAHAM. No; I did not put it so narrowly as that; I put it broadly—whether they came to the gentleman through him by one or another means of conveyance.

Mr. BURKE of South Dakota. I say the papers did come from the chairman of the Committee on Indian Affairs of the Senate, of which Mr. GAMBLE, the Senator from my State, is the chairman. Does that answer the gentleman's question?

Mr. GRAHAM. And they came to you?

Mr. BURKE of South Dakota. They came to me.

Mr. GRAHAM. And you gave them to Mr. MANN?

Mr. BURKE of South Dakota. I gave them to Mr. MANN, at his request.

Mr. GRAHAM. Now I am ready to answer my colleague's question.

Mr. BURKE of South Dakota. Now will the gentleman tell me and the House who paid Helen Pierce Grey?

Mr. GRAHAM. The gentleman stated the other day all he is going to say on that point.

Mr. BURKE of South Dakota. The gentleman does not answer the question.

Mr. GRAHAM. The gentleman would further say—let me cut out the indirect term "gentleman," referring to myself, and make it direct—I will say I saw a statement in the Post last Sunday that, so far as I know, may be correct; I do not know.

But I say to the gentleman now that she did not receive any public money, and I further say to him that there is not power enough on that side of the House to make me go further than that. [Applause on the Democratic side.]

Mr. BURKE of South Dakota. Now, I ask the gentleman another question. The gentleman stated the other day on the floor that a Mr. Fennell, an attorney at law in this city, was not employed by the Committee on Expenditures in the Department of the Interior. Does the gentleman make that statement now?

Mr. GRAHAM. I do not remember what word I used. I did say in substance, or meant to say, that he was not employed in the sense of receiving any public money or having any claim to any.

Mr. BURKE of South Dakota. But he was employed by the committee?

Mr. GRAHAM. I will not say that. He acted for the committee.

Mr. BURKE of South Dakota. I would like to ask the gentleman this question——

Mr. GRAHAM. I answer those questions in courtesy to my colleague, because he yielded to me. Otherwise I would have made the same answer to him that I made to the gentleman from Illinois [Mr. MCKENZIE]—they are irrelevant.

Mr. BURKE of South Dakota. Was not the attorney employed by the majority of the members of the committee—that is, a majority of the majority of the Committee on Expenditures in the Interior Department—and that the committee employed him believing that it had authority from the House to employ counsel?

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. That was not the case?

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. But he was employed, was he not, by a majority of the members constituting the majority?

Mr. GRAHAM. No; only in the sense that a majority of the majority knew he was acting for the committee.

Mr. BURKE of South Dakota. I would like to ask the gentleman another question. I would like to ask the gentleman if, as a matter of fact, an arrangement was not made with this attorney by the chairman of the committee, the gentleman from New York [Mr. GEORGE], and the gentleman from Missouri [Mr. HENSLEY] in the office of the gentleman from Illinois? Is not that true?

Mr. GRAHAM. Does that imply that he was to receive any public money?

Mr. BURKE of South Dakota. I am asking if that was where he was employed.

Mr. GRAHAM. I will not answer questions that do not go to public money.

Mr. BURKE of South Dakota. I will ask the gentleman another question. When his compensation was due, which was $200, I believe in the form of a retainer——

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. If, when he called upon the chairman of the committee for his pay, the chairman did not take the attorney to the Committee on Accounts in the Capitol, and if he did not there receive a check from the chairman of that committee, the gentleman from Missouri [Mr. LLOYD], for $200 and hand it to the attorney?

Mr. GRAHAM. He did not take him to the Committee on Accounts.

Mr. BURKE of South Dakota. Did he take him to the chairman of the committee [Mr. LLOYD]?

Mr. GRAHAM. That I decline to speak about. I decline to speak on those matters which are entirely outside this question and which gentlemen on the other side, because they see they are in a bad place, are trying to substitute for the issue here. About those questions I care nothing. I say to you that my shoulders are broad enough to bear those things, and I say to you that not a cent of public money has been used in this way; not one.

Now, gentlemen, I want to call your attention to another matter. You, gentlemen on this side of the House, what do you think of the situation revealed to you by the documents I have read? What do you think of the use made of them by the minority leader in this House? How are the mighty fallen when the Grand Old Party has for its leader in the House of Representatives a man who is willing to take papers in his hands and to falsify them in the presence of this House? What do you think of that condition? Is it honorable? And then in this later matter these papers were sprung when and how? Can you not see the conspiracy? Can you not see when the train was laid?

I do not know what the gentleman from Illinois [Mr. MANN] thought when he spoke the other day about Mrs. Grey having a desk down in the Indian Office. Had she corrupted the Indian Office? Had she the Indian Office so much under her thumb, as he informed us, that they had to give her a desk and give her papers and do what she said? His argument means this: That the Bureau of Indian Affairs is run in such a way that anyone who knows the condition of affairs there could go in there and make the commissioner hold up his hands; that the person who has such knowledge can compel him to give whatever he asks.

Is there any other conclusion to be drawn from his argument and his position? If so, I would like to know what it is. And in this other matter you see what has been going on. You see a Senator, the chairman of the Indian Committee in the United States Senate, in some way—I did not inquire how—in some way getting a file, carefully prepared by public servants who are paid public money for doing public work, but instead of doing the work they are paid for they are employed in compiling the records of that office for the purpose of coming on the floor here and doing what? Trying to bluff a committee that they could not control in any other way; trying to use the power of the press, for the Associated Press reports that have gone out over the country seem to have fallen into their way of thinking and presented only their side. You find this conspiracy going on—the Indian Office employing its public servants in preparing this, and in a roundabout way slipping it to a Senator, and the Senator slipped it to my colleague on the committee from South Dakota, and he, from ambush, fires a shot in the rear of his own committee.

My colleague [Mr. MANN] said the other day that the gentleman from Missouri [Mr. CATLIN] resigned from our committee and he put the gentleman from South Dakota [Mr. BURKE] on the committee because of his knowledge of Indian affairs.

The SPEAKER pro tempore (Mr. RUCKER of Missouri). The time of the gentleman from Illinois has expired.

Mr. GRAHAM. I wonder, if he had told the whole truth, whether the gentleman from Missouri was not invited to make a vacancy for the gentleman from South Dakota, who comes in now, shooting in the back the committee of which he is a member. Gentlemen, what do you think of it all? [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

Mr. GRAHAM. I hope my colleague will get it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, the papers which my colleague [Mr. GRAHAM] has just held in his hand were furnished to him by me yesterday. They came into my hands, through a request which I made, from the chairman of the Committee on Indian Affairs in the Senate.

I stated in the House the other day that I did not receive them from the Indian Office. I did not suppose that anyone was so simple-minded that he thought they could be obtained without some method of communication with the Indian Office, where necessarily most of them were on file. I did not obtain them from the Indian Office, nor did the Indian Office voluntarily prepare the papers for submission to the chairman of the Committee on Indian Affairs in the Senate, if I am correctly informed. But, growing out possibly of the Helen Grey matter and the trouble that was being encountered with her in reference to two payments which had been made to her, I suppose the Indian Office obtained the information which has been made public in this way. It is very natural, possibly, that the gentleman from Illinois, my colleague [Mr. GRAHAM], supposed that the papers which he had in his hand just now were the documents which I held in my hand in the House last Friday and Saturday, but the paper which I held in my hand and read from the other day I now hold in my hand.

It is true that my colleague sent me a note yesterday asking for the papers. I do not remember whether he asked for the paper which I had in my hand on the floor or not. But, out of proper fairness and courtesy to him, I furnished him with the complete files which had come into my hands. I have never read these files through. I do not undertake to say in reference to the affidavit of the Indian Denomie. It is quite likely, and I accept the statement of my colleague, that the statement made there, from which I quoted, was not in affidavit form. I requested a person who is familiar with such matters to go through these files and prepare a memorandum, short and brief, for me, so that I might have it if I desired to use it. In the statement which is furnished to me it reads:

In an affidavit made by the Indian Denomie he says that he met Mrs. Grey—

And so forth. He also in his affidavit says she warned him not to go, and so forth.

My colleague now says that that statement is not in the form of an affidavit. I accept his statement. I may have been misled as to whether it was in the form of an affidavit, although I notice that my colleague himself read from an affidavit of the same Indian, stating that he had made the statement. The question is not whether it was in the form of an affidavit, but whether it was true. Does my colleague deny that in the papers which I furnished to him there is a statement made by the cashier of the Second National Bank of this city, a responsible party, that Mrs. Grey informed him that she had been advised by the chairman of the committee for which she was working, the Committee on Investigation of Expenditures in the Interior Department, not to refund the amount of the check? The statements are in the files, I believe, which I furnished to my colleague. They are in the abstract which I hold in my hand. I do not care whether my colleague made the statement not to refund the check or not. I am perfectly willing to accept his statement that he did not so inform Mrs. Grey. What difference does all that make? Who denies that this woman was working for this committee, under employment, and at the same time soliciting employment from private interests who might be affected by the action and the judgment of the committee? Who denies that Mrs. Grey is being paid for her services before this committee? It would be better, in my judgment, if she were being paid out of the public funds for the services that she renders. She is working for whom before the committee? My colleague himself says, as I understand, that she has been performing these services for the committee. Does it come to this, that the great Government of the United States, this great body of Representatives, has a committee which desires to obtain information and hires somebody to do that, to be paid by private parties who may be interested in the result? Answer that. [Applause on the Republican side.]

In a statement in one of the Sunday papers on Sunday last, credited to Mrs. Grey, she is reported to have said that she was being paid, not by the Government, not out of public funds, but by the chairman of the Committee on Accounts of this House and the chairman of the Democratic congressional committee. [Applause on the Republican side.] Have you not public funds? You have already appropriated and provided for the expenditure of more than $150,000 for these investigations. If you have not public funds, we will join you in voting for the payment of the necessary services out of the public funds instead of asking you to solicit slush funds to hire people to work for you. Who contributes to the slush fund? [Applause on the Republican side.] Who provides the money out of which the chairman of the Committee on Accounts of this House, in control of the contingent fund of the House, pays for services out of private funds, out of slush funds, raised possibly by assessment on the employees of the House of Representatives?

The gentleman spent half an hour here attempting to convict me, because I read from a statement what some one had said was in an affidavit, and the gentleman said it was not in an affidavit; that it was a mere statement, although subsequently corroborated by an affidavit. I accept the gentleman's correction. It may have been a statement, but was it true? [Applause on the Republican side.] It is a matter of minor importance whether the statement was made in one form or another. It is a matter of minor importance whether the chairman of that committee said or did what the affidavit or the statement said he did, but it is a matter of transcendent importance whether the committees of the House of Representatives, engaged in investigating the expenditures of the Government and the fallacies of legislation, shall have under their control employees whose judgment and interest is warped and controlled by private, special interests, paying them for their services. [Applause on the Republican side.]

You talk about special interests affecting legislation, and yet you, who talk and sing your songs from one end of the year to the other about special interests affecting legislation, lo and behold it turns up that you are employing persons admitted to be paid by the special interests out of slush funds furnished to you. I do not understand how the Democratic side of the House can stand and face this charge without investigation, and, if the facts be as I have reason to believe, without rebuke and reprimand. Common honesty and decency demand an investigation. [Applause on the Republican side.]

TERMS OF COURT AT CORPUS CHRISTI, TEX.

The SPEAKER laid before the House the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the amendments.

Mr. GARNER. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CLAYTON, Mr. WEBB, and Mr. NYE.

LOSS OF STEAMSHIP "TITANIC."

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 496.

Resolved, That this House has heard with profound regret and sorrow of the appalling loss of life on the steamship *Titanic* and expresses its deep sympathy for the relatives of those who perished in that great disaster.

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

There was no objection.

The resolution was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. 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. 21279) making appropriations for the Post Office Department.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, and the Clerk will read:

The Clerk read as follows:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 26 inspectors, at $2,100 each; 15 inspectors, at $2,000 each; 29 inspectors, at $1,900 each; 65 inspectors, at $1,800 each; 75 inspectors, at $1,700 each; 75 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $704,450: *Provided*, That, for the purpose of inspecting and investigating rural-delivery routes and proposed rural-delivery routes, a number of inspectors not exceeding 30 shall be placed subject to the orders of the Fourth Assistant Postmaster General whenever and for such periods as in his judgment they may be needed for that purpose.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to inquire of the chairman about the proviso. This does not increase the number of post-office inspectors, but provides that 30 may be placed under the Fourth Assistant Postmaster General, if he thinks that they are needed for investigations of rural routes. Might not that leave the force short? Ought not that to be in the judgment of the Postmaster General instead of the Fourth Assistant Postmaster General?

Mr. MOON of Tennessee. The Fourth Assistant Postmaster General has charge of these matters.

Mr. MANN. I understand; but does not the Postmaster General have charge of the post-office inspectors?

Mr. MOON of Tennessee. Yes; but the Fourth Assistant Postmaster General has charge of them, too. This is a provision that was thought necessary in the interest of the rural-route inspection.

Mr. MANN. I have no objection to that part of it, but it strikes me that where you provide that officials under the Postmaster General shall be transferred from under him whenever the Fourth Assistant Postmaster General thinks it is necessary, that that is putting the cart before the horse.

Mr. FINLEY. Will the gentleman from Illinois permit an interruption?

Mr. MANN. Certainly.

Mr. FINLEY. Mr. Chairman, for the past two years the handling of the Rural Delivery Service in the matter of inspection has been delayed. It is behind from a year to a year and a half. The reason for that is that there have been a great many investigations of fraud perpetrated in the great cities of the country. It is not necessary to name those cities. I will say that there is a widespread complaint all over the rural sections of the country to the effect that the rural service has not had its fair share of attention, and after consultation with the Fourth Assistant Postmaster General in the hearings he intimated that something like 30 inspectors would be sufficient, in his judgment, to give to the Rural Delivery Service such attention as is necessary.

Mr. MANN. Why do you not carry that item under the rural service? I have no objection to it.

Mr. FINLEY. The gentleman will bear in mind that we have no Rural Delivery Service inspectors, but they are all post-office inspectors, and they are carried under the head of the inspector's force. I think I can assure the gentleman that there is no trouble about it and that it will result in no confusion. The demand is such, not in one State alone but practically in all the States, that it was thought necessary to obviate that difficulty and give some expression, and the committee after taking the matter up with the Fourth Assistant Postmaster General in the hearings placed this provision in the bill.

Mr. MANN. I thought I made myself clear about it, but the gentleman does not seem to appreciate the point I am making.

Mr. FINLEY. Oh, yes; I do. The gentleman objects to giving the Fourth Assistant Postmaster General an authority that he has not got now.

Mr. MANN. No; the objection I made is to giving the Fourth Assistant Postmaster General power to take officials from under the control of the Postmaster General now under his control. That ought to be left to the Postmaster General on the request of the Fourth Assistant Postmaster General.

Mr. BARTLETT. Are the inspectors all under the Postmaster General?

Mr. MANN. They are.

Mr. FINLEY. They are all under the Postmaster General, and so is the Fourth Assistant Postmaster General.

Mr. BARTLETT. May I interrupt the gentleman from Illinois?

Mr. MANN. I yield the floor.

Mr. BARTLETT. The gentleman made a point of order against the paragraph.

Mr. MANN. No; I reserved it, but I am not going to make it.

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

Mr. MANN. Certainly.

Mr. BARTLETT. Mr. Chairman, I want to say to the gentleman from Illinois that I am glad he is not going to make the point of order. The truth about it is that the consideration and investigation of applications for the establishment and for the change or extension of rural routes has been very much delayed, for some cause. I do not believe it is the fault of the Fourth Assistant Postmaster General, because I have in a number of cases been to see him with reference to certain applications pending in my district, and he has taken the trouble to direct them to be made special, and has himself written to the inspector in charge of that particular territory expressing to him his desire in the premises and directing him to make an investigation and report. I have in mind now an application for an important change in one of the rural routes in my district and several which the Postmaster General himself has made special, has himself recognized the emergency of the application, and I myself, through his direction, have written to the inspector in charge of that territory, and for 12 months or more I have not been able to have a report or to have an investigation made because, I am informed, the inspectors of the Post Office Department, whose duty it is also to inspect and report on applications to establish and change rural routes, had so much business to do in the matter of inspecting other business and in ferreting out violations of the law that it could not be done.

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

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield——

Mr. MANN. Certainly.

Mr. BARTLETT. Mr. Chairman, we have been unable, even with the activity that the Congressman from that district could put into the matter, to have it done, even with the insistence and urgent request and demand of the Fourth Assistant Postmaster General that those routes be inspected. It is almost futile sometimes, and has been for the past few years, to press these applications, and, of course, the only way to remedy that condition is to give the Fourth Assistant Postmaster General a sufficient force to have these applications investigated and passed upon. I thank the gentleman from Illinois for not insisting upon his point of order.

Mr. MURDOCK. Mr. Chairman, I realize what the gentleman from Georgia has said, but I want to ask him this: It seems to me that this proviso is merely an expression of a legislative desire that Congress would like so many inspectors segregated for the purpose of investigating rural routes. The gentleman has read the proviso. Does he think that the Fourth Assistant Postmaster General would take these inspectors away from other business and put them on the matter of investigating rural routes without the permission of the Postmaster General in the first instance?

Mr. MANN. I think he would.

Mr. BARTLETT. I do not know whether he would or not.

Mr. MANN. The Fourth Assistant Postmaster General will not know what the inspectors are doing in reference to other matters. He is not familiar with the work of inspectors in a large branch of the service. He finds what he needs, and the gentleman from Kansas [Mr. MURDOCK] knows that the head of every bureau and department in the Government, knowing the needs of his own bureau or department, endeavors to get the officials to perform the services which he knows about. If there are too many inspectors at the present time, very well. I do not believe, as a matter of fact, that there ought to be inspectors taken away from valuable service that they are now performing to put them at the work of inspecting rural routes. The way to meet that would be to provide an additional number of inspectors and put them on the rural routes.

Mr. MURDOCK. Mr. Chairman, does the gentleman contend that a Fourth Assistant Postmaster General would, contrary to the wishes of the Postmaster General, assign these inspectors to rural-route service? I think not at all.

Mr. MANN. Mr. Chairman, I do not contend that if the Postmaster General should direct the Fourth Assistant Postmaster General not to do it that he would do it; but the gentleman knows better than I do that, while the inspectors are nominally under the control of the Postmaster General, in fact they are under the control of a chief inspector, and that it is a matter of dealing between the chief inspector and the Fourth

Assistant Postmaster General; and under this proviso the Fourth Assistant writes a letter stating that he wants these 30 inspectors, and the law says he shall have them, regardless of the position of the chief inspector.

Mr. MOON of Tennessee. Mr. Chairman, I want to say to the gentleman from Illinois that since the abolishment of the rural inspector and the consolidation of all inspectors under the chief inspector in the office it is the duty of the chief inspector to furnish, for the purpose of inspecting rural routes, inspectors to the Fourth Assistant Postmaster General when he makes an order or requisition upon him for that purpose.

Mr. MANN. I understand.

Mr. MOON of Tennessee. It was deemed best by the committee, inasmuch as this work was so much behind, that the Fourth Assistant Postmaster General himself should have the control of some of these inspectors for the execution of that work on the rural routes. There is no conflict of authority, as I understand, between the officers.

Mr. MANN. There will be; it is bad administration. I shall not make the point of order, but it is bad administration, and it necessarily produces a conflict; and the proper way of reaching what the gentleman desires to reach is to provide inspectors of rural routes, placed under the control of the Fourth Assistant Postmaster General.

Mr. BARTLETT. I agree with the gentleman thoroughly, and I wish it could be done.

Mr. MOON of Tennessee. We do not increase the number at all in this case.

Mr. MANN. That is the trouble with it.

Mr. MOON of Tennessee. We do not need any more.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For expenses incident to the investigation and testing of mechanical and labor-saving devices, under the direction of the Postmaster General, for use in the postal service, $10,000.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment as a substitute paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 13, page 4, as a separate paragraph, the following: "The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of $10,000 is hereby appropriated."

Mr. MOON of Tennessee. Mr. Chairman, I reserve a point of order.

Mr. MURDOCK. Mr. Chairman, the amendment offered is a proposition to place in the hands of the Postmaster General $10,000, any part of which shall be paid out to any employee in the postal service who adds an invention to the service which in the opinion of the Postmaster General merits reward. The idea of the amendment is to give an incentive to the individual employees to add something to the efficiency of that service. In point of fact, there is a fascinating thread running through the story of the Post Office Department in connection with this amendment and what it attempts to effect. For instance, the whole service itself rests upon the idea of the adhesive postage stamp. But for that idea the service never would have grown to its present magnitude. Before the adhesive postage stamp came in the postal service, such as it was, extended generally over all the United States. Letters were so infrequent at the ordinary post office that when a man received one and did not offer to let his neighbors read it he was thought either to be a fugitive from justice or in love. It was the adhesive postage stamp, the idea of the little perforated plaster, upon which the whole modern system was built.

Take our City Delivery Service—one of the most magnificent services in the world. It is a part of postal history that it grew out of an idea of an Irishman over in New York, an Irishman who went to the post office daily, gathered up the mail belonging to the merchants along Broadway, and then delivered it in person. The Post Office Department took the Irishman and his idea over and gave him a place with a munificent salary of about $1,000 a year, and I think now the annual expenditure for this service is over $32,000,000. Take, too, the matter of economy in equipment. In the old days, as a great many gentlemen here will remember, the letter pouch was an enormous leather affair with multiplied iron staples at the top which increased the weight of the pouch 3 or 4 pounds. We pay for the carriage of mail by weight and we pay for the carriage of equipment by weight. For a period of a quarter of a century we paid enormous sums, ranging into the hundreds of thousands of dollars, for the carriage of these old leather pouches loaded up with these heavy iron staples. It was some man in the postal service—who was never rewarded—who first had the idea of a soft, light pouch. The old leather pouch with its iron staples weighed 11 pounds, and the modern pouch, accomplishing the same thing in carriage, weighs 3 or 4 pounds. There are a great many delicate adjustments connected with the postal service, a great field for further invention. Nearly all the gentlemen on this committee are acquainted with the trouble we have had over the matter of stamp cancellation machines—the fact that the Government is unable to purchase the better machines, but must rent them. There are other possibilities, in a mechanical way, for the Government to effect savings. For instance, the Government sells a 2-cent stamped envelope for 3 cents, and we will sell two of those 2-cent stamped envelopes for 5 cents, or we will sell two, one at a time, for 6 cents. Because of that odd matter of sale and the fractional cent involved, it has been found impossible to correctly keep account of that matter.

I have been shown a curious device, whether it be practical or not I do not know, a stamp register or a cash-registering sort of device which will enable the Government mechanically to keep account of these sales, a matter which amounts annually to thousands of dollars.

Mr. FINLEY. Will the gentleman permit a question?

Mr. MURDOCK. Certainly.

Mr. FINLEY. The gentleman is aware also of an invention of a separating table by an employee of the Chicago post office?

Mr. MURDOCK. I have heard of the invention, but I have never seen it.

Mr. FINLEY. That invention is said to save something like 20 per cent or more of the time that is necessary by a clerk. Is not the gentleman of the opinion that the members of the Post Office Committee are not unfriendly to this proposition any further than this, that there is a general law which prohibits employees of the Government from obtaining compensation and that to place this provision, which was brought up in the committee, on the bill here would be an exception in favor of the postal employees and a discrimination against all others? The law should be applicable to all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent for three minutes more.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. Now, if the gentleman will let me complete this idea, I will say that my thought in regard to this amendment is to make that extension and to offer it to the individual employee of the service, wherever he may be, as an incentive of a reward for his invention.

Mr. FINLEY. Now, I ask the gentleman if the committee did not act unfavorably because this would be an exception, and still we felt favorably toward the general proposition. If there is going to be a change made in the law, the change ought to be made in the interest of all the employees in the Government, and not simply the employees of one branch of the Government.

Mr. MURDOCK. It might be, it is true, extended to all the different departments of the Government. This service is peculiarly one in which the mind of a man, being hourly close to the service itself, is apt to be inventive along the line of the postal improvement.

Mr. MANN. The gentleman knows that if this item goes into the bill that it might not stay in another year?

Mr. MURDOCK. That is true enough.

Mr. MANN. And the men who were led to suppose they might receive this reward might lose it hereafter? Now, the House the other day passed a bill providing for the payment of awards in the same manner as the gentleman now proposes, under the Ordnance Department of the War Department, and it is a law. The Naval Committee of the House has reported into the House a similar proposition in relation to the Navy, in both cases the amount being limited to $5,000 a year. That, of course, becomes permanent law unless Congress repeals it, and would undoubtedly be followed by a permanent policy, not for one year, but right along. Why does the gentleman not now introduce a bill along the same lines, which I have no doubt he could get reported out of the Committee on the Post Office and Post Roads, and have it passed by the House by unanimous consent?

Mr. MURDOCK. I will say to the gentleman from Illinois that my idea was to follow the suggestion of the Post Office Department in this and try it out for a year. It may be that no part of this award would be given in the first year. There may not be inventions suggested which would be considered in the opinion of the Postmaster General meritorious enough to warrant the payment of any part of this. My idea is not to make this permanent at the start, but to offer it at the beginning

in the hope that it would prove serviceable, and eventually it might be made permanent.

Mr. MANN. But I take it it has practically become the policy now by the passage of one law in relation to the ordnance of the War Department, and the other bill will undoubtedly be passed to follow this course under provisions and restrictions contained in that law. There would be no restrictions and provisions in this.

Mr. MURDOCK. This would be open to discretion.

Mr. MANN. It seems to me it would be far more desirable to follow the same line. In other words, it is impossible under our Government to adopt one plan for one department of the Government and then a different plan relating to the same subject matter for another department of the Government, and keep them both going. Whichever works the most favorably to somebody we are asked then to even up, and we always do it.

Mr. MURDOCK. Now, I want to say to the gentleman from Illinois, while there may be a dangerous principle implied in this sort of legislation, I do not admit, in the expenditure for this postal service, which amounts totally to about $250,000,000 a year, the small sum of $10,000 offered as a reward to the inventive mind out in the service is of the serious import which he gives to it.

Mr. MANN. I hope the gentleman will not put me in the attitude of being against it. I was for the bill that went through the House, and the gentleman is not familiar with it.

Mr. MURDOCK. No, I am not. But I hope the gentleman will not oppose this start after he has passed a similar one for the Ordnance Department, because the latter department does not enter into the life of the people, as does the postal service.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. MURDOCK] has expired.

Mr. NORRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. MURDOCK. I do not want any more time.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MOON] withdraw his point of order?

Mr. MOON of Tennessee. I shall insist on the point of order. The committee considered this matter and thought it was not advisable.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 35, at not exceeding $3,000 each; 6, at not exceeding $2,500 each; 6, at not exceeding $2,000 each; 16, at not exceeding $1,900 each; 40, at not exceeding $1,800 each; 81, at not exceeding $1,700 each; 131, at not exceeding $1,600 each; 155, at not exceeding $1,500 each; 141, at not exceeding $1,400 each; 341, at not exceeding $1,300 each; 528, at not exceeding $1,200 each; 480, at not exceeding $1,100 each; 176, at not exceeding $1,000 each; 135, at not exceeding $900 each; 125, at not exceeding $800 each; and 100, at not exceeding $700 each; in all, $3,000,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MOON of Tennessee. Mr. Chairman, on line 6, page 5, I offer the following committee amendment, to strike out the word "thirty-five" and insert "thirty-eight."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 5, line 6, by striking out the word "thirty-five" and inserting "thirty-eight."

Mr. MOON of Tennessee. Mr. Chairman, this is simply a typographical error.

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

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

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] moves to strike out the last word.

Mr. MURDOCK. I do that for the purpose of calling the attention of the committee to this item for salaries of postmasters and their assistants, not, however, for the purpose of amending the item. This expenditure has now reached the sum of $30,000,000. The law under which the postmasters are paid is statutory, and has been on the books, I think, since 1879. It is antiquated, and it ought to be changed. But it ought not to be changed until a commission or some board of postal officials has made a careful examination of the subject and followed the examination with recommendations.

The system is antiquated because there are too few classes, among other things. As gentlemen know, there are four classes of postmasters—first class, second class, third class, and fourth class—and the first three classes are presidential postmasters.

Of the total expenditure for pay of postmasters, $30,000,000, about half of it is for presidential offices, and the other half, I understand, is for fourth-class post offices.

Mr. FINLEY. I did not catch the gentleman's remark.

Mr. MURDOCK. I say, my understanding is that half of that expenditure of $30,000,000 is for presidential postmasters.

Mr. FINLEY. The gentleman is mistaken in that. All of this $30,000,000 is for pay of the presidential class.

Mr. MURDOCK. The whole $30,000,000 is for the presidential class?

Mr. FINLEY. Yes.

Mr. MANN. Where is the other item?

Mr. FINLEY. The gentleman will bear in mind that the fourth-class postmasters are paid by cancellations.

Mr. MURDOCK. Yes; the fourth-class postmasters are paid by cancellations, not including money-order commissions. The fourth-class postmasters are paid on the basis of 100 per cent on their first $100 of cancellations, 60 per cent on their second $100 of cancellations, 50 per cent on their third $100 of cancellations, and 40 per cent on the next $200 of sales.

Mr. FINLEY. I do not think one-half of it goes to the fourth-class postmasters. They are paid by cancellations.

Mr. MURDOCK. Yes. I say they are paid on the basis of cancellations after the first $100 of sales, not including commissions on money orders. An office reaches the third class when the receipts amount to $1,900 a year, and an office reaches the second class when the receipts amount to $8,000 a year. An office goes into the first class after the receipts reach $30,000 a year.

Mr. FINLEY. Forty thousand dollars.

Mr. MURDOCK. Very well. Now, under that system the pay is not equitably divided. It is sufficient in some places, and in some places it is not. There ought to be a thorough investigation of the subject and a recommendation for new classifications, and Congress should, in a separate law, pass a new provision.

Mr. CANNON. May I ask the gentleman if fourth-class postmasters are not appropriated for? Does the law which authorizes their payment, which is so much on the basis of stamps sold, make a permanent appropriation for that?

Mr. MURDOCK. I understand not, but that their payment is based on cancellations.

Mr. CANNON. How do they get their money?

Mr. MANN. It is carried in this item.

Mr. CANNON. Is it paid out of the $30,000,000, or is there an appropriation just for the payment of fourth-class postmasters?

Mr. MANN. Of course, if there was not, they could not be paid. I understand it is in the $30,000,000.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. MURDOCK] has expired. Would the gentleman from Illinois [Mr. CANNON] like to have some time?

Mr. CANNON. I would like to ask a question, if I may be recognized for five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for five minutes.

Mr. CANNON. I ask that for the purpose of asking a question of the gentleman in charge of the bill [Mr. MOON of Tennessee] or otherwise. It seems that some years ago, during the administration of a former President, an order was issued under the law which put fourth-class postmasters north of Mason and Dixon's line and east of the Mississippi River into the classified service. I am not objecting to that, but I just wondered whether the balance of the country west of the Mississippi River and south of Mason and Dixon's line was a charmed part of the country.

Mr. PROUTY. Are they not under it now?

Mr. CANNON. Have they been placed under it?

Mr. BUTLER. No; they have not.

Mr. CANNON. I do not recollect any order of that kind.

Mr. MANN. They are in the West, but not in the South.

Mr. NORRIS. I think the order of the President included 14 States, which were specifically named. I may be mistaken about that, but I think that was the order.

Mr. CANNON. Did it go as far west as Nebraska?

Mr. NORRIS. No; I am sorry to say it did not.

Mr. BUTLER. I wonder why?

Mr. NORRIS. It took in the State of Indiana. I remember that was one of the States. I do not remember all of them.

Mr. CANNON. I am quite sure it took in Illinois.

Mr. SAMUEL W. SMITH. It took in Michigan.

Mr BUTLER. It took in Pennsylvania.

Mr. CANNON. I should like to ask the chairman whether his committee have considered the question of legislation putting fourth-class postmasters in the South and West under the civil service?

Mr. MOON of Tennessee. No; we have not.

Mr. CANNON. That is all.

Mr. NORRIS. Mr. Chairman, I want to say just a word on this classification of fourth-class postmasters. The law as it exists now, as I understand it, would permit the President to classify all fourth-class postmasters in the United States. As it exists, however, it would not permit him to classify the other three classes of postmasters. The President issued this order classifying fourth-class postmasters, and I became acquainted with it through some investigation that I was making with the Civil Service Commission on a bill that I introduced placing presidential postmasters in the classified service. The President issued this order with a view, I think, of eventually extending it to the entire country. He included in the order 14 States, and since that time the Civil Service Commission have been trying to solve the problem as to just how it could best be worked out and extended to include the entire United States. I think those Members who come from country districts will realize that it is a difficult matter to classify fourth-class postmasters, or to put them under the classified service, where such classification would include the small post offices in the country. The Civil Service Commission in trying to solve the problem and work it out on a practical basis have found that in the case of a great many thousand fourth-class post offices it is not practicable to place them under the civil service, because it is often more a question of getting some one to take the office than it is to decide as between different applicants for the office. And a rule providing for the examination of candidates for a country post office would often result in nobody making application. I think the Civil Service Commission have finally reached the conclusion that it is not practicable to classify post offices where the salary of the postmaster is less than $500, or if they are classified, that it is not practicable to insist on the same rule that would apply to post offices where the salary is sufficient to attract the attention of men who desire the position. So I think in carrying out their rule, where it has already been applied, they make a difference beween a post office where the salary exceeds $500 and a post office where the salary is less than $500, and that usually where the salary is less than $500 the appointments are made on the recommendation of inspectors.

Mr. BUTLER. Do I understand the gentleman to say that there is a distinction drawn in the appointment of fourth-class postmasters based upon the salaries they receive?

Mr. NORRIS. I think so. I think there is a difference even in the 14 States where they have been classified. The Civil Service Commission have made a different rule where the salary exceeds $500 from the one which is followed where the salary is less than $500.

Mr. BUTLER. I have known instances in my congressional district, where the salary was less than $100, the patrons of the office had great difficulty in finding anyone to take an examination for the office. They have held examinations there in every instance.

Mr. NORRIS. I know that the Civil Service Commission has been trying to work it out along that line, because I have gone over the ground fully with the commission.

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

Mr. BUTLER. Mr. Chairman, I ask that the gentleman from Nebraska have five minutes more.

Mr. MOON of Tennessee. I suggest that the gentleman take his time on another section.

Mr. NORRIS. I will say that I do not care for more time myself, but the gentleman from New York is desirous of asking me a question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Nebraska have five minutes more. Is there objection?

There was no objection.

Mr. NORRIS. Now I yield to the gentleman from New York.

Mr. AKIN of New York. I understood the gentleman to say that the appointment of the fourth-class postmasters who receive less than $500 is on the recommendation of the inspector. I would like to ask the gentleman who the inspector gets his recommendation from?

Mr. NORRIS. I do not know that he gets any from anybody. The gentleman will have to take what I said with some degree of modification. I had reference to the rules and regulations of the Civil Service Commission, as it is trying to work out a rule that will apply to the fourth-class postmasters. They have said that the same rule that would apply to post offices where the salary was $900 would not work out as a practical proposition where the salary was $100, because in one case plenty of men would take the examination—make application for the office—and in the other case it might be out in the country where only one man was in such a position, having a country store or something of that kind, to hold the office, and he would not care anything about it and would not accept it if they had stringent rules requiring him to make application and go through an examination.

Mr. AKIN of New York. I have had a number of cases in my district where there was a great deal of strife for the office.

Mr. NORRIS. That may be true; but if it happens that there is a contest where the salary is less than $100 that is the exception; it is not the general rule. I have had it happen, where I have had personal experience and observation, where the bitterest controversy might arise over a post office that no one would care about, as far as the office was concerned, but wanted it because of some local strife. That is the exception to the general rule.

Mr. AKIN of New York. Would the gentleman care to know where the inspector gets his recommendation from in my district?

Mr. NORRIS. I presume the gentleman's district is not in one of those States covered by this order.

Mr. AKIN of New York. Oh, it certainly is.

Mr. NORRIS. Well, I do not know where the inspector gets his recommendation.

Mr. AKIN of New York. I do.

Mr. NORRIS. I presume if the rule were worked out properly, and I think the Civil Service Commission is acting in the best of faith, the inspector would not get his recommendation from anybody; he would look the ground over and recommend the postmaster that ought to have the place.

Mr. MURDOCK. Will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. MURDOCK. The gentleman has a bill pending in which he provides a new method for the appointment of postmasters. What does it provide and where does he get his supply?

Mr. NORRIS. The bill I have introduced provides that the postmaster shall be appointed by promotion from men already in the service.

Mr. MURDOCK. Any particular branch of the service?

Mr. NORRIS. It puts the entire Post Office Department in the classified service. It puts the First, Second, Third, and Fourth Assistant Postmasters General in the classified service, and practically the Postmaster General himself, because it provides that his term shall be for 10 years, and that he shall not be removed on account of political or partisan affiliations, but only for cause.

Mr. DYER. Would that authorize the transfer of a man from one State to another State?

Mr. NORRIS. It would provide that the man might be transferred from the railway post-office service to a post office, and vice versa, and from the post office to the department in Washington, and from the railway service to the department in Washington, and, in fact, from every department to every other department.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post offices.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, and I wish the attention of the gentleman from South Carolina [Mr. FINLEY]. In the debate on the preceding paragraph I made the statement that one-half of the $30,000,000 was for fourth-class postmasters. The gentleman denied it. I want the RECORD correct, and I will read from the hearings from the statement of the First Assistant Postmaster General on page 6. Dr. Grandfield, First Assistant Postmaster General, says:

Mr. GRANDFIELD. Yes, sir.

Mr. MADDEN. By reason of the consolidation of offices from which you make the rural-route deliveries?

Mr. GRANDFIELD. Exactly. I think this illustrates it: The receipts of the presidential post offices aggregate $206,000,000, or about seven-eighths of the total postal revenue. The salaries paid to presidential postmasters amount to $14,216,000, which is somewhat less than the amount paid for salaries to fourth-class postmasters, whose offices bring in only one-eighth of the postal revenue.

I want to say to the gentleman from South Carolina [Mr. FINLEY] that I believe that is correct, and that is my authority; and as his statement stood in the RECORD it was not correct.

The Clerk read as follows:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question, and that is whether that provision providing for the promotion of 75 per cent of the clerks in the first-class post offices from the fifth to the sixth grade is an increase in

the number of clerks entitled to promotion? What is the existing law on the subject?

Mr. MOON of Tennessee. I understand that it is an increase of 25 per cent.

Mr. MANN. There is no law upon the subject.

Mr. BORLAND. Former provisions have been for an increase of 50 per cent?

Mr. MOON of Tennessee. Yes.

Mr. MANN. There have been no provisions. The estimate of the number of clerks has been based upon a promotion of 50 per cent. Of course this does not mean anything in here.

Mr. BORLAND. I understand that the appropriation in the past has only been sufficient to provide for the promotion of 50 per cent of the clerks entitled to promotion.

Mr. FINLEY. Mr. Chairman, I will say to the gentleman that the promotions heretofore have been based upon the amount of the appropriation, and usually 50 per cent were promoted.

Mr. BORLAND. As a matter of fact, was not that the way in which the appropriation was framed so as to provide for only 50 per cent?

Mr. FINLEY. Not in this bill.

Mr. BORLAND. In former bills?

Mr. FINLEY. Yes.

Mr. BORLAND. That is, the appropriation was sufficient only to provide for promotions of 50 per cent?

Mr. FINLEY. Yes. The promotions could not exceed the amount appropriated for the purpose of paying these clerks and carriers.

Mr. BORLAND. Certainly; and now the provision is specific, that it shall provide for the promotion of 75 per cent of the clerks in the first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of clerks in the second-class post offices from the fourth to the fifth grade.

Mr. MOON of Tennessee. The last appropriation was $35,900,000, and the gentleman will notice in the next paragraph that the appropriation in this bill for this particular thing is $37,878,250. It is supposed to provide for about 25 per cent more of promotions.

Mr. BORLAND. That is what I want to ask the chairman of the committee, whether the appropriation is sufficient to provide for the additional 25 per cent?

Mr. MOON of Tennessee. It is supposed to be.

Mr. FINLEY. While heretofore it has been 50 per cent, this is sufficient to provide for 75 per cent.

Mr. BORLAND. How much more would it take to provide for 100 per cent of the clerks entitled to promotion?

Mr. MOON of Tennessee. I do not know. That is a calculation that the gentleman can make as well as I.

Mr. FINLEY. Something over a quarter of a million dollars for clerks and carriers.

Mr. ALLEN. About $280,000.

Mr. BORLAND. Mr. Chairman, the provision increasing the number of clerks in these first and second class post offices who would be promoted is, of course, to that extent an act of justice to the clerks and a good thing for them. In the past the actual practical result has been that whereas there were 100 per cent of the clerks in a certain grade entitled to promotion by reason of their length of service and good record, provision was made only for the actual promotion of 50 per cent of them, which, of course, had the necessary practical result of giving to the postmaster or whoever was in charge of those clerks the right to designate those who would be promoted, whereas a large number of clerks were entitled to promotion as a right and not as a privilege.

Mr. MANN. Why does it entitle them as a privilege?

Mr. BORLAND. Because of the length of the service; all of the same grade.

Mr. MANN. Upon what basis does it entitle them to promotion?

Mr. BORLAND. The gentleman probably is aware that the law provides automatic promotions up to the $1,100 grade. But from $1,100 to $1,200 there is no provision for promotion except this provision I have just recited.

Mr. MANN. They ought to have promotion, but there is nothing that entitles them to it in the law.

Mr. BORLAND. There is this: Two clerks serve the same length of time in the same office and reach the $1,100 grade. Provision is only made for the promotion of one, and therefore one man is taken out of the $1,100 grade, whereas the other man would remain.

Mr. MURDOCK. The gentleman knows, does he not, there is an efficiency requirement which enters into this matter?

Mr. BORLAND. Unquestionably; and it ought to; there is no doubt about that.

Mr. MURDOCK. And that a man of a lower efficiency than is required is not promoted to the $1,200 grade.

Mr. BORLAND. Yes; but what I want to call the attention of the committee to is this: Where you make provision for the promotion of only 50 per cent of men whose efficiency record may be absolutely the same you will leave out of consideration the promotion on the efficiency record and will make a promotion merely as a matter of favoritism——

Mr. MURDOCK. Of course the gentleman understands that the diminishing per cent, in the first place, was adopted with the idea of making that the end of the promotion to $1,200. Now, would the gentleman be in favor of having 100 per cent promoted?

Mr. BORLAND. Yes; I would, if the efficiency grade is applied to all clerks equally—and I think it ought to be. Nobody is objecting to the efficiency grade, but men who have been in this service the same length of time and submitted to the same efficiency conditions should have exactly the same right to promotion to the $1,200 grade.

Mr. LLOYD. Mr. Chairman, this provision, if carried out, will provide for the promotion of every efficient man. There are numbers of persons who are not efficient; then there are other persons who are not promoted, but at some time during the year when there are vacancies and various things which occur, so this 75 per cent will provide for all, it is thought, both by the department and by the committee, that are really efficient and entitled to promotion.

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

Mr. BORLAND. Mr. Chairman, I ask for five minutes more, as I have had a great many interruptions.

Mr. MOON of Tennessee. What is before the committee, Mr. Chairman?

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. BORLAND. Now, I want to say, in reply to the gentleman from Missouri, a member of the committee, that I am convinced that the suggestion he made is absolutely correct and in accordance with the facts. I suppose it is probable with this increase of 50 to 75 per cent of eligibles for promotion they will be able to reach the number of efficient men entitled to promotion. I think this probably will be the case.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. BORLAND (continuing). But my idea is——

Mr. COOPER. The gentleman to my right suggests this case: Two clerks in an office were entitled to a promotion. Under the 50 per cent probably only one could get promoted and under the 75 per cent only one could get promoted, both equally deserving of promotion.

Mr. BORLAND. That is absoutely true, and the only variation of that is that one out of four gets it whereas it is one out of two.

Mr. MANN. There is nothing to prevent, under the 75 per cent or 50 per cent, both getting it, because that is not applied to particular offices. This is applied with reference to clerks throughout post offices in the United States. All of your efficient men in one office can be promoted——

Mr. BERGER. They can not.

Mr. MANN. The most efficient can be regardless of what offices there are.

Mr. BORLAND. It is possible all men in a particular office might be promoted, but it is not possible——

Mr. NORRIS. If that were done a great many offices who were entitled to it would be neglected.

Mr. BORLAND. There is no question of that——

Mr. COOPER. Precisely what I was going to suggest.

Mr. NORRIS. And that would work the grossest injustice.

Mr. BORLAND. No doubt in the world of that.

Mr. COOPER. That would give full promotion to all employees in certain offices and no promotions to meritorious clerks in other offices.

Mr. BORLAND. It might possibly be worked out in that way.

Mr. COOPER. That is absolutely unjust.

Mr. BORLAND. There is no question that the gentleman from Wisconsin has suggested the real difficulty in the matter. This promotion is not based on the efficiency test, where three or four men of the same grade, at $1,100, can be promoted and the least efficient left at the $1,100 grade, but the three who are promoted are not selected necessarily according to any efficiency standard. The law does not provide for any. I see no object in providing that 50 per cent of the clerks in a grade can be promoted without an efficiency test.

Mr. COOPER. It seems to me if there are to be promotions it will work serious injustice to have three or four men, equally meritorious, discriminated against.

Mr. BORLAND. That is what has been going on until this committee took hold of it.

Mr. COOPER. But you have not done away with it.

Mr. BORLAND. They have taken the right steps to do away with it.

Mr. COOPER. But it is not the right step.

Mr. BORLAND. I am talking from the standpoint of the clerks.

Mr. COOPER. Why not take the whole step?

Mr. BORLAND. I am in favor of taking the whole step, but certainly they have taken a very material step in advance. I believe, gentlemen, under the existing cost of living in the large cities, where first and second class post offices are located, $1,200 ought to be the regular grade, and men ought to be promoted automatically for good service, not in the $1,100 but in the $1,200 grade. When you come to promotion above the $1,200 grade it should be based on the efficiency test, and might be devoted to assistant cashiers and higher-paid and more responsible positions.

Mr. BERGER and Mr. ALLEN rose.

The CHAIRMAN. The gentleman from Ohio [Mr. ALLEN] is recognized.

Mr. ALLEN. Mr. Chairman, I move to strike out the last two words. I have given this matter much consideration, and I think I will make a statement here that will satisfy the gentlemen who are making inquiries as to what the 75 per cent will do. The pending bill making appropriations for the service of the Post Office Department for the next fiscal year, and for other purposes, is to my mind one of the most important bills that will be under consideration in the present session of Congress, as it deals entirely with the only branch of the Government service with which the public comes in direct contact. As a member of the Committee on the Post Office and Post Roads, I have made a careful study of the postal service, and have concluded that it is a subject to which a Member of Congress could devote his entire time and attention and in the end he could not hope to familiarize himself with all its details. Great credit is due to the chairman of the committee and also the subcommittee who drew up the bill, as they have worked hard and conscientiously in an endeavor to provide for the necessary appropriations for conducting the postal service for the next fiscal year, and at the same time they have endeavored to try and bring about certain reforms among the working force that will improve their conditions and lighten their burdens in many ways.

It is on this subject of improved working conditions for the employees in the postal service that I desire to express my views, in the hope that the knowledge gained through inquiry and investigation might be of benefit to the Members of Congress who have not had the time or opportunity to inquire into the matter. I desire, first, to call the attention of the House to the fact that the Fifty-ninth Congress enacted a law for the reclassification of the salaries of city letter carriers and post-office clerks, which was signed March 2, 1907, and reads as follows:

After June 30, 1907, clerks in the offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $600; second grade, salary $800; third grade, salary $900; fourth grade, salary $1,000; fifth grade, salary $1,100; sixth grade, salary $1,200. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

You will note that Congress divided the employees into six grades. The framers of the law very wisely made a provision that all promotions should be made only upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year, and it further provided for the reduction in grade or salary of an employee from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for the purpose of discipline.

In order to put the law into practical effect the Postmaster General devised a system to be followed in keeping efficiency records of employees, and mailed to the postmaster in every first and second class post office a copy of the instructions for keeping the records, that would be followed in all cases. The result has been that a high standard of efficiency has been maintained among the carriers and clerks employed in first and second class post offices, and the postal service is now receiving from the employees full measure for the compensation that it pays.

The first session of the Sixtieth Congress made provisions for the promotion of all the carriers and clerks to the highest grades in their respective offices, whose records for efficiency and length of service would warrant such promotion. At that time an attempt was made to prevent any appropriation whatever for promotion of the employees to the highest grades, and during the debate it was freely stated that if Congress made the appropriation that it would destroy the effect of the law and that every clerk and carrier would be promoted regardless of his efficiency.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ALLEN] has expired.

Mr. FINLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Ohio be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN. The fears and contentions of those who took this view of the case were unfounded, as no promotions were made during that fiscal year, nor have any promotions been made during any year since the enactment of the law, unless first recommended by the postmaster and later approved by the First Assistant Postmaster General. The employees who earned their promotion during the year following the close of the first session of the Sixtieth Congress received it and those whose records for efficiency did not measure up to the required standard were not promoted, and they themselves knew the reasons why. The second session of the Sixtieth Congress and each succeeding session, for some unaccountable reason, have seen fit to curtail the appropriation and have only appropriated for the promotion of 50 per cent of the clerks and carriers to the highest grades in the respective offices in which they are employed. Since this policy has been in force much contention and dissatisfaction has existed, and the charge has been repeatedly made that promotions of clerks and carriers to the highest grades have been made more on personal favor than on merit. It has also been stated that postmasters have often been placed in the embarrassing position of being forced to make a selection between two equally competent employees and had no other alternative unless he refused to recommend either, in which event no promotion whatever would be made in that office.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. ALLEN. Certainly.

Mr. COOPER. What was the objection to striking out that 75 per cent and providing for the promotion of clerks in first-class offices?

Mr. ALLEN. In answer to the gentleman I will say that, in the judgment of the committee, 75 per cent could substantially take care of every case.

Mr. COOPER. Substantially. That is the trouble, exactly. There may be some who are meritorious in some offices that would not get any promotions. The word "meritorious" is the source of the argument. If there are any employees who are discriminated against who are efficient, it ought not to be in the law.

Mr. ALLEN. I will say to the gentleman that all who earn it by efficiency will be promoted.

Mr. COOPER. Does the gentleman from South Carolina [Mr. FINLEY] suppose that among the 75 per cent there will be none in the way of promotion?

Mr. FINLEY. Assuming that the Post Office Department could expend this money provided for the promotion of clerks, it would only provide for the promotion of 75 per cent, and so it would not help in any way if we struck this provision out. This provision here is simply an expression coming from the committee.

Mr. COOPER. If the gentleman will pardon me, I did not suggest striking out the provision. I had in mind simply striking out the words "75 per cent."

Mr. FINLEY. I will say to the gentleman there is only money enough carried in here——

Mr. COOPER. The United States, instead of discriminating, is very well able to promote the 75 per cent necessary.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ALLEN] has again expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN. I will take into consideration the records of efficiency. You will find the practical working out of this proposition of 75 per cent will take care of any men——

Mr. COOPER. Is it possible under the working of the law, not going into details—as this provision would not—to see 75 per cent promoted without any promotions at all in certain offices where they were entitled to it?

In other words, could certain offices use up 75 per cent and other offices, where there were clerks worthy of promotion, go without?

Mr. FINLEY. If the gentleman from Ohio [Mr. ALLEN] will permit, I will say to the gentleman from Wisconsin [Mr. COOPER] that that is a matter of administration by the department.

The CHAIRMAN. Does the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Wisconsin [Mr. COOPER] and to the gentleman from South Carolina [Mr. FINLEY] to answer his question.

Mr. FINLEY. I say that is a matter of administration in the department, and if that were brought about in a particular case, that would be a matter of discrimination in that particular post office.

Mr. COOPER. Suppose there were three clerks in an office and two of them were promoted under this provision and the other clerk was entitled to it, but your 75 per cent was exhausted. That one man, who was as worthy of promotion as the other two, would be left.

Mr. FINLEY. I would say to the gentleman that this money is not expended among individual or specific post offices, but goes to the whole force of clerks and carriers throughout the country. That case that the gentleman cites could not very well happen.

Mr. COOPER. It could very well use up the 75 per cent. I do not see why, in a Government so rich as the Government of the United States, if you are going to make a thing absolutely fair, there should be a possibility of clerks having a service record entitling them to this additional pay not receiving it because of the use of the words in the law of "75 per cent." The Treasury is not so poor that we should put that in the law, and there is no reason why all clerks who are worthy of receiving promotion should not receive it.

Mr. FINLEY. The idea is that to promote 75 per cent would promote all the efficient clerks and carriers. If the gentleman makes that admission, then it is simply a matter of administration to distribute this fund.

Mr. COOPER. I should hate to have it stated as a matter of law and have it admitted into the law that we believe that 25 per cent of the employees in the postal service are inefficient. On the face of it, it looks bad. We should not assume that. We are rich enough to pay for all those who are entitled to promotion.

Mr. ALLEN. I will say to the gentleman from Wisconsin that I have a bill pending before the committee now, providing for automatic promotion to these two grades. I hope the gentleman will vote for that bill. That will settle any question that may hereafter come up on this score.

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

Mr. ALLEN. I will yield for a question.

Mr. BERGER. For a question only. Would not an amendment striking out the words "75 per cent" and inserting instead the words "all efficient clerks," in lines 20 and 22, do what the gentleman's bill intends to do, and do what my colleague from Wisconsin [Mr. COOPER] and I would like to see done?

Mr. ALLEN. I will say to the gentleman that if in the practical working it does not substantially promote all the clerks, then in the next appropriation bill I will vote for enough to take care of it.

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

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. ALLEN. With pleasure.

Mr. LLOYD. Is it not true that that 75 per cent is reasonably satisfactory to the clerks themselves and satisfactory to the Post Office Committee?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and I will agree not to yield any more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. ALLEN. I will say to the gentleman from Missouri [Mr. LLOYD] in answer to his question, Yes; it is satisfactory; but my bill for automatic promotions is still more satisfactory. Now I will take up the discussion where I left off.

This has had a tendency to create discord among the employees as well as suspicion in their minds regarding the good faith of the postmaster, and has had a tendency to destroy discipline, as can be judged by those who have had experience in dealing with large bodies of men. It was no doubt the intention of Congress when the law was passed to have six grades of clerks and carriers, as it provided for these grades and also provided as to how promotions should be made to each grade. There is no mention in the law of the promotion of any percentage of the men to the highest grades, and why Congress has pursued the policy of only making provisions for the promotion of 50 per cent of those who would be eligible is beyond my comprehension. When we take into consideration the difficulties that letter carriers and postal clerks labor under before they can possibly reach the highest grades in their respective offices, I believe that every Member of this House will agree with me that it is a grave injustice to deprive them of a well-earned promotion provided for by law simply because Congress fails to make the required appropriation for vitalizing the law and putting it into practical effect.

There are no drones among the letter carriers and clerks in the post offices, for the reason that the lazy and inefficient men are weeded out long before they receive a regular appointment. The apprenticeship served by substitute letter carriers varies from two to six years, and the service is so exacting that it is only the self-sacrificing man who looks forward to making a life work of the postal service and is willing to put up with all sorts of hardship and inconvenience who will stay in the service until he receives a regular appointment. After eking out a precarious existence for several years and possibly becoming involved in debt, he is appointed to a regular position at the munificent salary of $600 per annum, or $50 per month. After serving one full year in this grade, if his record for faithfulness and efficiency warrants it, he is recommended by his postmaster for promotion to the second grade.

And so it goes from year to year until he reaches the fourth grade in second-class offices and the fifth grade in first-class offices, when his automatic promotion ceases, no matter what his standard of faithfulness and efficiency might be. How long does it take a man to reach these highest grades? If he serves three years as a substitute it will be eight years from the time that he entered the service before it would be possible for him to be eligible for promotion to the sixth grade. Under these conditions is it right, is it fair, or is it just to deprive him of that which the law says should be his, simply through the short-sighted policy of not making sufficient appropriations to provide for his promotion? I have a bill now pending before the committee which, if favorably reported and enacted into law, will make these promotions to the highest grades automatic, and I believe in all fairness that they should be. If the bill becomes a law it will do away with all friction and will still leave with the department the right to refuse to an inefficient or careless employee a promotion until he earns it. The recommendation of the committee in the bill now under consideration will greatly relieve the present condition, as specific authorization is made for the promotion of 75 per cent of the clerks and carriers to the highest grades, which, added to the normal changes caused by deaths, resignations, and reductions, will, I believe, admit of the promotion of all the employees who earn their promotions and are recommended by their postmasters. [Applause.]

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

Mr. BERGER. Mr. Chairman, I move to amend this section by striking out the words "75 per cent," in line 20, and inserting in lieu thereof the words "all efficient clerks," and by striking out the words "75 per cent of the clerks," in line 22, and inserting the words "all efficient clerks" instead.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 20, strike out the words "75 per cent of the clerks" and insert in lieu thereof "all efficient clerks."

Page 11, line 22, strike out the words "75 per cent of the clerks" and insert in lieu thereof "all efficient clerks."

Mr. BERGER. Mr. Chairman, it is hardly necessary to make a long speech in support of this amendment. The gentleman from Missouri [Mr. BORLAND] made a very good speech in its favor. So did the gentleman from Ohio. They all agree that every efficient clerk ought to have a chance to earn $1,200. That is little enough nowadays, with the cost of living having gone up over 40 per cent in 10 years. It is almost impossible to support a family decently in a town like Chicago, Milwaukee, Washington, or St. Louis on $1,200 a year. Under present conditions every one of these poor clerks is afraid of losing his position if he does not please the postmaster; or if he is not afraid of losing his position, he is at least afraid holding opinions which might offend the superintendent or the postmaster, because if he does he will never get into the $1,200 class. These clerks are afraid to say that they are Democrats in some places, and in most places they would not dare to openly admit that they are Socialists. They are afraid of giving offense.

However, my amendment is not dictated by party considerations. None of us wants to take the manhood away from the employees of the Government. My amendment should be passed

simply as a question of justice. Give every clerk a chance to get into the class to which he is entitled by virtue of the examinations he has passed and by virtue of the efficient service he has rendered to the Government, after he has served the number of years required by law.

It has been stated here that the provision promoting 75 per cent will take care of all of the efficient clerks. If that is the case, then let us acknowledge that one-fourth of our postal clerks are inefficient. I do not believe, however, that such is the case. I believe that we are doing the postal clerks a great injustice and that it is really disgraceful for us to tell the world that we believe 25 per cent of our postal employees are inefficient. But this is what we are practically telling the world if we accept this section of the bill as it is before us. And if we believe that only 75 per cent of the clerks are efficient, we should make provisions to discharge the other 25 per cent.

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

Mr. BERGER. Yes.

Mr. MURDOCK. As I remember the history of this item, it was this: The $1,200 grade was created above all other grades as a special grade, and the idea first was to promote 50 per cent as a special recognition of unusual talent. In that connection I should like to ask the gentleman if he is in favor of the creation of a $1,300 grade, with a provision for the promotion of 50 or 75 per cent.

Mr. BERGER. I am more in favor of the creation of a $1,800 grade than a $1,300 grade, if the salary is to recognize unusual talent.

Mr. MURDOCK. Would the gentleman in all instances have 100 per cent get up into the extraordinary grade?

Mr. BERGER. No. I think a $1,200 salary is not a salary for an extraordinary grade of ability.

Mr. MURDOCK. That was the purpose of creating it in the beginning.

Mr. BERGER. Then, I am sorry for the men who created it. A person should not be required to have unusual talent or extraordinary ability in order to earn $1,200 a year from our Government. Divided into 52 weeks, it means a wage of about $23 per week, which is less pay than is received by the typesetters in printing offices in large cities. And these printers do not have to pass any civil service examination either. To make a long story short——

Mr. ALLEN. Does not the gentleman consider the language in the bill more definite than that in his amendment? That requires the promotion of 75 per cent, while the language of the gentleman's amendment would leave it in the discretion of the postmaster, and he might promote only 50 per cent. If it is left as a matter of efficiency, it is left to his judgment.

Mr. BERGER. But I used the words "all efficient clerks."

Mr. ALLEN. Who will determine that?

Mr. BERGER. Of course, the superintendent, who does that now. If the gentleman from Ohio will permit me, supposing there are 100 clerks in a certain post office, let us say in Chicago or St. Louis, who are efficient, under the provisions of this bill the postmaster can not promote more than 75 of them, while if you accept my amendment the postmaster will promote the entire 100 per cent.

Mr. ALLEN. If I thought he would do so, I would favor that amendment. I think the bill I have introduced in the House should pass, which provides for automatic promotions to the $1,200 class. That would take care of this situation; but to use the language of the gentleman's amendment will defeat the very purpose he seeks to accomplish.

Mr. BERGER. Well, I shall vote for the gentleman's bill when it comes up. Will the gentleman vote for my amendment now?

Mr. MANN. Mr. Chairman, I do not know whether, theoretically, the amendment proposed by the gentleman from Wisconsin [Mr. BERGER] would promote more or less than theoretically the provision in the bill, but practically neither one of them will promote anybody. The provisions in the bill with reference to promotion are not contained in that paragraph. That is inserted to please somebody's fancy. The bill carries specifically the number of clerks of the different classes, and the number can not be increased under this provision of the bill a single clerk. If you should put a provision in here to promote all of them, it would not promote any more, because the number in each class is fixed in the bill. Those items have been passed over and nobody has proposed to amend them; nor will there be under the bill 75 per cent of the clerks promoted.

The total number of clerks and other employees of that class carried by this bill is 35,812. At the salaries named the total amount would be $39,820,800. But the bill carries $2,718,000 less of appropriation, so that while nominally it proposes to promote by increasing the number in each grade they have proposed to appropriate $2,718,000 less than enough to pay the clerks.

Now, it has always been customary to appropriate a smaller sum than the total amount would be as authorized by the bill, on the assumption that all of the clerks will not serve in the grades named for the full year. Last year the difference between the total amount authorized and the total amount carried was $1,202,800, while this year it is $1,942,550, cutting off this year in this bill $739,750 more than was cut off last year.

And yet you talk about automatic promotions of 75 per cent. That is pure fancy; that is pure theory. You provide in the bill the number of clerks in each class, but you do not provide the money with which to pay them; and the Post Office Department is regulated first by the number of clerks in each class, and second by the appropriations which are made with which they may be paid.

Now, this particular item in the bill is one put there to make the clerks think that 75 per cent of them will be promoted; but no one will claim that any clerk will be promoted under that specific item because it does not provide for promotion, and the number of clerks authorized will not authorize the number of promotions that is proposed here.

Mr. BERGER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BERGER. Mr. Chairman, am I to understand that the great Democratic Party is playing a game of buncombe?

Mr. MANN. I do not claim that at all.

Mr. BERGER. Offering 75 per cent of promotions on the one hand and fixing the number of clerks so that they can not be promoted on the other is playing a game of buncombe.

[The time of Mr. MANN having expired, by unanimous consent he was given five minutes more.]

Mr. MANN. I do not charge that this is for buncombe at all. I have no doubt whatever that the committee would desire to have 75 per cent of these clerks promoted. When this bill was before the House last year I called attention to the fact then that, although there was a shortage of $1,200,000 between the amount appropriated and authorized, 50 per cent of the clerks could not have promotion because the money was not provided. It is much more true now, when the shortage is seven or eight hundred thousand dollars more in this bill than in the bill of last year.

In my judgment the present method of promotion is not entirely satisfactory. But it is fair to say that when the bill was passed two years ago classifying the clerks no one then claimed that all of the clerks should be promoted from the eleven hundred to the twelve hundred dollar class in large offices, or from the ten hundred to the eleven hundred dollar class in small offices.

When the first appropriation bill came before the House after that classification was adopted, myself, Mr. Bennet of New York, and several other gentlemen representing the large cities went before the Committee on the Post Office and Post Roads, including its then chairman, who, I think, was Mr. Overstreet, and endeavored to make an arrangement of some kind by which the bill would carry some promotion; and we finally agreed with him that upon these items of the bill we would stand with him if the bill carried additional clerks enough to make 50 per cent of promotions. And that custom has been followed since. I am glad that the Committee on the Post Office and Post Roads puts itself on record, theoretically, in favor of making promotions of 75 per cent, although if any clerk who has served long enough in these offices to arrive at the point where he could have a promotion and is not efficient enough to receive it, he ought to be dismissed from the service.

There is no escape from the constant charge now being made by employees that they are discriminated against for personal reasons—that favoritism is displayed. I doubt whether that often occurs, but I do believe that these clerks ought to have an automatic promotion up to a certain point, and then let it be understood that beyond that there is no promotion for the class as a whole.

Mr. LLOYD. Mr. Chairman, I do not think the gentleman from Illinois [Mr. MANN] intentionally misrepresents the facts in this case, but if he will examine the RECORD he will find that there was appropriated for the current year $35,900,000 to meet this service, and he will find in the estimates for the year beginning on the 1st of July next the amount recommended by the department to be $37,700,000, an increase of $1,800,000. Then, if he will examine the pending bill, he will find that we have provided not that there be $43,700,000, but $43,878,250. We have provided $178,250 more than was asked for by the

department, and this $178,250 is for the purpose of providing for this additional service.

Mr. BARTHOLDT. Mr. Chairman, that is the question I wish to ask, whether the provision which enables the promotion of 75 per cent of the clerks is taken care of in the total?

Mr. LLOYD. It is.

Mr. BARTHOLDT. That is, if these 75 per cent of promotions are made, the total is sufficient to pay the increased salary?

Mr. MANN. The gentleman surely does not dispute the figures that I gave?

Mr. LLOYD. Yes; we dispute the figures.

Mr. MANN. In what respect are any of the figures that I gave incorrect?

Mr. ALLEN. We added to the amount.

Mr. MANN. I gave the amount authorized and the amount appropriated and gave the difference between them, which was $2,700,000.

Mr. LLOYD. Mr. Chairman, I read from the RECORD. The amount appropriated for the current year—$35,900,000—and the amount recommended by the department is $37,700,000, $1,800,000 more than is appropriated for the current year. In addition to that this committee has added to the estimates of the department $178,250, in order to provide for these promotions. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, there never has been a Post Office appropriation bill since I have been in Congress, I think, where the amount carried in the bill was not greater than the estimates. That is the case here. It has always been the case, but the fact still remains that the clerks specifically authorized by this bill, with the salaries which they would receive under the bill, would require $39,820,800, while the appropriation carried in the bill is $2,718,000 less than that amount, a greater spread between the two than ever was carried in any bill before.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be again reported.

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

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

The question was taken; and on a division (demanded by Mr. BERGER) there were—ayes 33, noes 45.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 11, line 22, strike out the words "75 per cent of the clerks" and insert in lieu thereof the words "all efficient clerks."

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

The question was taken, and the amendment was rejected.

The Clerk read as follows:

In all, $37,878,250.

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

The Clerk read as follows:

Page 11, line 25, after the word "dollars," insert the following:

"*Provided*, That the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof."

Mr. MANN. Mr. Chairman, I make the point of order on the amendment. That amendment has been ruled out of the Post Office appropriation bill for a good many years. The proposition is, and the effect of it is, that although you authorize, as I have just explained to the committee, clerks to the amount of $39,820,000, and although the law provides for automatic promotions up to ten and eleven hundred dollars in the different offices, this amendment is that the amount appropriated, which is sufficient to pay all these clerks, must not be exceeded.

Now, Mr. Chairman, the law provides that the clerks shall be automatically promoted in certain offices up to $1,100. The amendment offered by the gentleman provides that the amount of appropriation must not be exceeded, although that may prevent the automatic promotion. In other words, if the amendment of the gentleman prevails, there can be no deficiency, although the automatic promotion may create a deficiency under existing law. I call attention to the fact that last year these items were in the bill reported from the committee. I made the point of order, and they went out. The year before that they were in the bill reported by the committee. I made the point of order, and they went out. The very purpose—and the department would like to have them in, I suspect—but the very purpose of putting the amendment in the bill is to prevent the automatic promotion creating a deficiency, if it would create it, by promoting these clerks in accordance with the law, and this proposition to change the law is not covered, I understand, by the Holman rule, and is clearly otherwise subject to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. MOON of Tennessee. Mr. Chairman, I do not know what the rule has been on the subject heretofore, but the gentleman is correct, however, in his suggestion that the department desires this limitation upon this appropriation, and it may properly be so treated, in my opinion. This promotion is provided for out of the fund provided for it. It is a proper thing we shall not create a deficiency in this item or any other item. The promotion itself depends upon the sufficiency of this appropriation, and the amendment is intended for the purpose of limiting it to this appropriation, and I think it is in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, lines 24 and 25, by striking out the words "in all, $37,878,250" and inserting in lieu thereof the following: "In all, $37,878,000: *Provided*, That hereafter post offices shall not be open on Sundays for the purpose of delivering mail to the public."

Mr. MOON of Tennessee. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MANN. Mr. Chairman, I do not desire to have the point of order reserved. I am willing for the gentleman to make the point of order on the amendment, and if he does——

The CHAIRMAN. The Chair is ready to rule.

Mr. MANN. I wish to be heard on the point of order. Mr. Chairman, Rule XXI provides, among other things:

Nor shall any provision in any such bill or amendments thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The amendment which I have offered proposes to reduce the amount of the appropriation by the sum of $250. [Laughter.] And that reduction is warranted by the fact that the closing of these post offices for the delivery of the mail on Sunday would be a saving much in excess of $250 and would leave an additional amount, therefore, for the promotion of deserving clerks in these different offices. But on the point of order I have offered an amendment directly within the provisions of the Holman rule of a reduction of the amount carried in the bill, and anyone can see that the closing of post offices for the delivery of mail on Sunday will actually reduce the expenditures of the Post Office Department.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. MANN. I ask for a division.

The committee divided.

Mr. MOON of Tennessee. Mr. Chairman, I agree with the gentleman about his amendment; let him have it.

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

Mr. MANN. I want to make public acknowledgment to the gentleman from Tennessee in charge of the bill for agreeing to the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. CURTIS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 244. An act extending the operation of the act of June 10, 1910, to coal lands in Alabama; and

S. 5059. An act granting school lands to the State of Louisiana.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For compensation to printers, mechanics, and skilled laborers, 10, at $1,200 dollars each; 4, at $1,100 each; 3, at $1,000 each; and 28, at $900 each; in all, $44,600.

Mr. BUCHANAN. Mr. Chairman, I want to make an inquiry. I move to strike out the last word. I would like to inquire of members of the committee here if they have taken into consideration whether the salaries provided for here for printers and mechanics, skilled laborers, and so forth, are the prevailing wages in the localities usually paid by private concerns?

Mr. MOON of Tennessee. The number and the amount is the same as fixed by law heretofore.

Mr. BUCHANAN. That is not the question with me. Is this the same that is paid by private concerns? Is this the prevailing scale of wages?

Mr. MOON of Tennessee. You mean whether we considered the question of an increase or not?

Mr. BUCHANAN. I want to ask if these are the prevailing wages for work of that nature done in these localities?

Mr. MOON of Tennessee. I think so; better, perhaps.

Mr. BUCHANAN. It seems to me printers get more than $25 a week.

Mr. MOON of Tennessee. In some places they do not begin to get that.

Mr. BUCHANAN. If I may be permitted, I am speaking of the prevailing scale of wages. It is true that some printers who are not efficient printers work in positions for less than the regular scale of wages, but I am talking about the recognized prevailing scale of wages which is usually established by the union.

Mr. COOPER. Are all of these supposed to be employed in the city of Washington?

Mr. MOON of Tennessee. No; throughout the whole country.

Mr. COOPER. Where else has the United States a printing establishment?

Mr. MOON of Tennessee. In almost every first-class post office there is a little printing establishment.

Mr. COOPER. What is the difference in the service rendered between those employed at $1,000 each and those employed at $900 each?

Mr. MOON of Tennessee. I do not know of the details of the service performed by these men. I could not tell you exactly the service of each man; but the character of service usually performed in those offices is that for which the Post Office Department provides compensation, giving to one man according to his service and capacity more than another.

Mr. COOPER. It says, "For compensation to printers, mechanics, and skilled laborers," and so forth?

Mr. MOON of Tennessee. There is no change, I will say, in this matter, so far as I recollect.

Mr. COOPER. I want to say this to the gentleman—that when I asked the question a number of gentlemen in undertone said that they are employed in various cities of the country. There are not many employed in various cities, because there are 3 at $1,000, and there are 10 at $1,200 and 4 at $1,100, and that would not cover a great many cities throughout the Republic of the United States.

Mr. MOON of Tennessee. I thought you were on the question of the compensation to watchmen, messengers, and laborers.

Mr. COOPER. This was the compensation to printers, mechanics, and skilled laborers; 10 at $1,200; 4 at $1,100; 3 at $1,000 each; and 28 at $900 each. I do not think that covers an extensive portion of the United States—from ocean to ocean and from the Lakes to the Gulf.

Mr. MOON of Tennessee. I did not understand the gentleman.

Mr. COOPER. That is the section we have under discussion. What is the difference in the services rendered by the three classes?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. COOPER. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. I do not know whether it would be in order to increase this compensation now. It seems the Government should pay above the regular wage scales in localities where they are employing men. If I find this does not do that I shall have to introduce a bill to that effect later on, because I believe the Government of the United States should pay more, and not less, than the prevailing wage scale and take the lead in bettering the conditions of the working people in this country, who seem to be suffering from the present high prices.

Mr. DYER. Why does not the gentleman present his amendment to this provision now and let us vote on it?

Mr. BUCHANAN. I have not it ready, and besides, I do not believe it would be in order at this time.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 100, at $800 each; 700, at $700 each; and 600, at $600 each; in all, $900,000. And the appointment and assignment of watchmen, messengers, and laborers hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. DYER. I move to strike out the last word for the purpose of asking the chairman of the committee a question. One provision of this section provides that 600 men shall receive a salary of $600 each. Does that mean per annum?

Mr. MOON of Tennessee. Yes.

Mr. DYER. I will ask the chairman if he thinks that is enough money to pay to a man, namely, $600 a year, $50 a month, out of which he must pay his rent, his grocery bills, and educate his children, and maintain a home?

Mr. MOON of Tennessee. That is a provision for the ordinary laborer. It has been recommended by the department. It has been in the law for quite a while. I would be glad to see the laborers get $2 a day.

Mr. DYER. Why does not the gentleman provide for that in the bill?

Mr. MOON of Tennessee. We do not provide for it in the bill because the law makes provision for this proposition. It would be subject to a point of order if I did offer it.

Mr. COOPER. Will the gentleman from Missouri [Mr. DYER] permit me to ask the chairman of the committee a question right there? How long has this class of labor been getting this salary?

Mr. MURDOCK. There formerly was a class of laborer that we gave $500 a year, but that was abolished. I believed $600 for labor is too small.

Mr. COOPER. I believe the provision of $600 is too low in these times.

Mr. MURDOCK. These places of laborers are filled in many cases by men who have grown old in some other part of the postal service, who are placed on the rolls as laborers and watchmen. As to messengers, I do not know. The old item covered the $500 class, and we abolished that, and I am completely in sympathy with the gentleman in his wish to strike out the $600 grade and make it $700 or $800, because of the circumstances that laborers and watchmen in every other part of the Government get more than the watchmen in the postal service. Why the discrimination I can not find out.

Mr. MANN. If the gentleman will yield, laborers and watchmen in the Post Office Department receive higher pay than they do in the Treasury Department.

Mr. MURDOCK. It is brought out in the hearing that the reverse is true.

Mr. MANN. The hearings are wrong. We increased the pay of laborers and janitors in the Post Office Department a year or two ago.

Mr. MURDOCK. Yes; we abolished the lower grade.

Mr. MANN. Yes; but it means an increase. The same class in the Treasury Department, in charge of the Treasury Building, are paid out of a lump-sum appropriation, where they can not be increased.

In Chicago, working side by side in the same building, engaged on the same work practically, the men charged to the Treasury Department are receiving smaller pay than is carried here for the Post Office Department.

Mr. BERGER. That is wrong, but it does not make anything else right. Two wrongs do not make one right.

Mr. DYER. Mr. Chairman, it can not be disputed that it is impossible for a man to live and try to take care of a family upon $50 a month in a city like Chicago or New York or St. Louis or any of these places where any of these men have to work.

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

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. DYER. Yes.

Mr. LLOYD. This appropriation provides for the watchmen at the various public buildings in the United States.

Mr. DYER. Yes.

Mr. LLOYD. Not only those in the large cities, but also those in the small towns; wherever they have city delivery, or wherever they have a public building, they have one of these watchmen, and the lowest salary paid to these is $600. The $600 watchmen, as I understand it, are usually assigned to the smaller towns, and not to the cities; but those in the cities are usually the $900 and $800 and $700 men.

Mr. DYER. The gentleman is mistaken, because I know there are some in St. Louis who get only that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, at this time I want to submit a few observations regarding the establishment of a general parcel post.

There is no reason in the world why the people of the United States should be deprived of the advantages of this benign legislation for a general parcel post, that will bring producers and consumers in closer touch and be of inestimable benefit to all the people, especially those who dwell in the large cities and those who live in the producing sections of the country. It has been adopted in every European country, and it ought to be adopted here. We have either made or are making postal conventions with the countries of the world, by which their citizens can send through the mails to any part of the United States packages weighing 11 pounds at the universal postal rate, and the people of the United States are prohibited from doing the same thing because of our failure to enact a similar postal parcels law. It is a great injustice to the taxpayers of this country. It is a discrimination in favor of the foreigner against the citizen of the United States which is repugnant to my sense of justice. I am opposed to this inequality, and in order to obviate it I introduced long ago a bill for a general parcel post. The Postal Progress League has indorsed it, and the representatives of over 10,000,000 taxpayers of this country appeared before the committee and urged its enactment. Why should the bill sleep in committee?

The time is now at hand for Congress to heed the insistent demand of the people for a general parcel post along the lines of my bill, the express companies and others to the contrary notwithstanding. The citizens of the United States are certainly entitled to utilize the advantages of their own post-office system the same as the people in Europe now do, and they would gladly do so if the Congress would only enact a law.

The demand for a parcel post is growing more insistent. Popular sentiment has now crystallized into a genuine desire for legislation in favor of a general parcel post throughout the country. I believe the people favor it, and I feel confident its establishment will be of inestimable benefit and incalculable advantage to all concerned. The post office is one of the oldest of governmental institutions, an agency established by the earliest civilizations, and the only limit upon the service should be the capacity of existing transport machinery.

A general parcel post once established, with reasonable rates, regardless of distance, regardless of the character of the matter transported, and regardless of the volume of the patron's business, is eminently fitted for great service to the people. That it should be extended over the entire field of postal transportation is absolutely certain; and the people will duly appreciate the aid of those who assist in its extension and development.

As far back as 1837, Rowland Hill, of England, promulgated to the world the law that once a public transport service is in operation the cost of its use is regardless the distance traversed upon the moving machinery by any unit of traffic within its capacity, and upon this law he established the English penny-letter post of 1839. The idea of charging higher postage on a letter or a parcel on account of the greater distance it travels is an absurdity.

The parcel-post provision in this Post Office appropriation bill is not satisfactory to the people and to the advocates of genuine parcel-post legislation. When the matter is reached for consideration I shall move as an amendment the terms of my bill, which are as follows: Strike out section 8 of the pending Post Office appropriation bill and insert the following:

That the common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1-cent-an-ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at nondelivery offices, 1 cent for each 2 ounces.

That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class, with rates, door to door, between the different houses and places of business and the post office or post offices on each route, as follows: On parcels up to one twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pound in weight, 1 cent; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 25 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds.

That on all unregistered prepaid mail matter without declared value an indemnity up to $10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service, and this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and on which the fee for registration, insurance, and postage has been duly prepaid, the Post Office Department shall pay the full value of any direct loss or damage that may occur through the fault of the postal service. The fees for insurance and registration shall be as follows: For registration and insurance up to $50, 10 cents; for each additional $50, 2 cents. No claim for compensation will be admitted if not presented within one year after the parcel is posted.

Now, Mr. Chairman, that provision will give the people immediately a genuine general parcel post; will give them what they want and what they expect; and I trust it will be adopted by the Members of this House.

In this connection I want to say that I appeared this morning before the Committee on Rules in favor of a rule that will make this legislation for a general parcel post germane to this bill and not subject to a point of order under our rules. I hope the Committee on Rules will act favorably on the proposition, and thus give the Members of the House an opportunity to vote for or against legislation for a general parcel post.

Some real friends of the general parcel-post legislation have requested me to submit another amendment to section 8 of the Post Office appropriation bill in case the former amendment fails to be adopted. It is as follows:

Amend by striking out lines 16 to 25, inclusive, on page 35, and by striking out lines 1 to 17, on page 36, and by striking out all of line 18, page 36, being the words "up to and including a total of 11 pounds," and by substituting the following:

"SEC. 8. That hereafter the postage rates on mail matter of the fourth class, except as hereinafter provided, shall be as follows: One cent per ounce or fraction thereof on all matter of such class weighing not to exceed 8 ounces, and on such matter weighing in excess of 8 ounces, 8 cents and 2 cents additional for each 4 ounces or fraction thereof in excess of 8 ounces, and that the weight limit of mail matter of the fourth class be 7 pounds after January 1, 1913, and 11 pounds after June 30, 1913, except as hereinafter provided:

"That hereafter the postage rates on mail matter of the fourth class, delivered to any post office or branch post office where the haul thereof does not exceed 50 miles, shall be as follows: Five cents for 1 pound or fraction thereof and 2 cents additional for each additional pound or fraction thereof, and for this service no package to weigh in excess of 11 pounds. For the purposes of this service each rural mail route shall be considered a post office for any point on such route.

"That the word 'packet' wherever used in laws relating to the postal service means all matter of every class which is by law made mailable."

Mr. Chairman, this substitute will give the people of the country a real parcel post, and would add approximately $100,000 daily to the postal revenues, or, say, $40,000,000 yearly, and while at rates lower than provided in the pending bill such rates are lower than the average express rates on similar packages carried by express. Under the provisions of the substitute the post office would be of greater service, reaching, as the mails do, to places not reached by express service.

This substitute will inaugurate immediately a parcel post confined to a 50-mile haul. This will cover all rural service and most suburban services, and at same rates provided in the bill for rural-route service. This provision will disillusion the local retailer of his bugaboo of mail-order houses using the mails to his detriment.

This substitute will enforce the present 4-pound parcel-post service at a rate of 12 cents for the first pound, and 8 cents for each additional pound; a safe rate; slightly higher than the "reciprocity treaty" between the American Express Co. and Great Britain, whereby the American Express Co. contracts to deliver British parcels from New York City to any point in the United States for 36 cents for a parcel not exceeding 3 pounds in weight; 48 cents for parcels from 3 to 7 pounds in weight; and 60 cents for parcels from 7 to 11 pounds in weight.

In order not to excessively burden the facilities of the Post Office Department, the substitute provides for an increase in weight in the general service to 7 pounds January 1, 1913, and 11 pounds July 1, 1913.

The increase in business will thus come on gradually at intervals of six months.

The substitute will further put all publications using the mails on an equal footing, so that all publications, great or small, would pay exactly the same for the out-of-town transportation of their issues, a thing which they do not now do; and this one feature will add $5,000,000 annually to the postal revenues on this class of matter.

Recent investigations of the Interstate Commerce Commission show that 34 per cent of express business is packages weighing 11 pounds and under; that the average weight is 4.4 pounds per package, and that the number of said packages approximates 100,000,000 yearly, carried at an average rate of about 9 cents per pound; that on packages now mailable, 4 pounds and under, the average express rate is 13.20 cents per pound, such rate un-

doubtedly being maintained on account of the present postage rate of 16 cents per pound.

These investigations further show the average haul of the express is about 200 miles, so on small-package business the 50-mile distant postage rate will meet the needs of much the greater portion of the community in the transportation of their small parcels.

Thirty-three years ago we had a postage rate of 8 cents per pound on this class of matter. The pending bill proposes 12 cents a pound; the substitute gets back to near 8 cents a pound on the general service.

As was said in the unanimous report of the Post Office Committee in 1844:

The recent discovery that a power which has been exercised (by the Government) from its infancy without question and without doubt may be violated with impunity renders further legislation necessary to protect the public service, and presents a question no less momentous than this: Whether the Constitution and laws of the country or a lawless combination of refractory individuals shall triumph?

The provisions of this substitute, fair, reasonable, and just as they are, are such that I think all friends of the post office can and will unite to make them a law.

Mr. Chairman, just a few words in conclusion. I submit these propositions to the careful consideration of the Members of this House, and at the proper time shall ask for a vote. The neglect of the United States Government to establish a general parcel post has so far limited the easy exchange of commodities and merchandise between the producer and the consumer that it is making our Government appear away behind the times as compared with foreign nations, such, for instance, as England, France, and Germany. It is a fact to-day that an American in Europe can send home by mail to any part of the United States a parcel weighing two and one-half times more than the United States limit for about one-third less in cost than the present home rates. In other words, the world postal union package unit is 11 pounds to the parcel, at the rate of 12 cents per pound, whereas the United States unit is only 4 pounds to the package and at a cost of 16 cents to the pound. The parcel-post rate in the United States prior to 1874 was 8 cents per pound for a package limited to a weight of 4 pounds. After that the rate was doubled, but the weight remained the same. Who did this? For whose benefit was it done? Look up the records and judge for yourself. Since 1874 the cost of transportation has greatly decreased. The question is, Why should not the people be given the benefit of this decrease by the establishment of a uniform low postal rate for parcels that will encourage the use of the post office as a medium of exchange of commodities between producer and consumer and thus greatly facilitate trade and lessen the cost of the necessaries of life?

Mr. COOPER. Mr. Chairman, I would like to ask the chairman of the committee, the gentleman from Tennessee [Mr. MOON], how long these employees have been receiving $600 each—those provided for in lines 8 and 9?

Mr. MOON of Tennessee. I understand for the last few years.

Mr. FINLEY. They were increased some two or three years ago from $500 to $600, the lower grade.

Mr. COOPER. From one starvation wage to another.

Mr. KENDALL. That simply meant the abolishment of the lower grade, and the employees took the upper grade?

Mr. COOPER. Yes. As I understand it, Mr. Chairman, there has been an average increase in the cost of living generally, since these wages were established, of 40 per cent; in some cities more, for certain vital necessities of life; and the United States Government, incomparably the richest employer the world has ever seen, proposes to have its employees in such cities as Chicago, St. Louis, New York, and elsewhere work for $600 a year and out of that sum pay for their house rent and clothing and physician's bills and everything else.

Mr. MOON of Tennessee. Has the gentleman any amendment to offer?

Mr. COOPER. Yes; I have.

Mr. MURDOCK. I will offer an amendment.

Mr. MOON of Tennessee. I want to say this to the gentleman: The committee does not make new law. It is against the law to make it. We put these items in here in accordance with the existing law.

Mr. COOPER. But you could suggest amendments to existing law.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, raising the limit to $720, which I send to the Clerk's desk.

Mr. MOON of Tennessee. So far as I am concerned personally, I would be glad to amend the law. But I do not want gentlemen to talk about increasing these matters for the purpose of talking, merely.

Mr. COOPER. The gentleman from Kansas [Mr. MURDOCK] says he is about to offer an amendment increasing that from $600 to $720.

Mr. BERGER. Mr. Chairman——

Mr. COOPER. I think it should be a living wage. The United States Government can afford to pay $70 a month to people who live in the city of Chicago and the city of St. Louis, and enable them to pay their rent and clothing bills and fuel bills, which they are obliged to pay in those large cities. That will not represent the increase in the cost of living since the wages were first established. It does not represent a 40 per cent increase over what these wages were when first established. It does not begin to. These wages have been $600 and $700 for many years.

Mr. MOON of Tennessee. No. The statement of the gentleman from South Carolina [Mr. FINLEY] is that it is only a few years since this has been raised.

Mr. COOPER. What was it before?

Mr. MOON of Tennessee. Five hundred dollars.

Mr. COOPER. That has been abolished. The others have been receiving $600 or more. That is not a living wage to-day in the city of Chicago to a man who wants to live as he should live in this day and generation. Particularly that is not a wage that ought to be paid by the richest Government the world has ever seen—incomparably the richest Government.

Mr. MURDOCK. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, page 12, strike out the word "seven" and insert in lieu thereof the word "thirteen."

Mr. FINLEY. I reserve a point of order on that.

Mr. MURDOCK. Mr. Chairman, what is the point of order?

Mr. FINLEY. It changes existing law.

Mr. MANN. I submit that there is no change of existing law. There is no law fixing the number of these employees.

Mr. FINLEY. This is an amendment to change the compensation.

Mr. MANN. Oh, no; this is not an amendment to change the compensation at all. It is an amendment to change the number of employees employed at a salary of $700 each, and if this amendment is subject to a point of order, then every line in this bill is subject to a point of order. How about these clerks that we have just passed over? There is not a single item that contains the same number as are contained in the current law. The number of post-office clerks is increased, and necessarily increased.

Mr. MOON of Tennessee. I did not understand that it was simply the number of clerks that the gentleman from South Carolina was objecting to, but the compensation. Let us have the amendment reported.

Mr. MANN. I can not tell what the gentleman from South Carolina is objecting to, but the amendment which the gentleman from Kansas offers is to strike out the word "seven" and insert the word "thirteen," relating to the number of employees, and that is not subject to the point of order.

Mr. MOON of Tennessee. No; that would not be.

Mr. FINLEY. I understood that the amendment of the gentleman from Kansas proposed to raise the compensation from $700 to $800.

Mr. MANN. All he proposed was to increase the number, and we have a right to increase the number as the service increases.

Mr. FINLEY. I ask that the amendment be read.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. KENDALL. Will the gentleman from Kansas yield?

Mr. MANN. Let us have the point of order passed on.

Mr. FINLEY. I misunderstood the amendment.

The CHAIRMAN. The point of order is overruled.

Mr. KENDALL. I want to suggest to the gentleman that the words "and 600 at $600 each" ought to be stricken out of the bill.

Mr. MANN. We can do that afterwards. One amendment at a time.

Mr. MURDOCK. I offer another amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

Mr. COOPER. Why not make it all one amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 8 and 9, strike out the words "and 600 at $600 each."

Mr. KENDALL. Let them be considered in connection with each other.

Mr. MURDOCK. The two amendments are to be considered in connection with each other.

Mr. MANN. The gentleman had better be satisfied to consider them one at a time.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on his amendment?

Mr. MURDOCK. I do not care to be heard.

Mr. BUCHANAN. What is the purpose of increasing the number?

Mr. MURDOCK. To increase their salaries.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized.

Mr. MANN. Will the gentleman from Kansas [Mr. MURDOCK] yield?

Mr. BORLAND. I believe I have the floor.

Mr. MANN. The gentleman from Kansas did not resume his seat and he had the floor.

The CHAIRMAN. The Chair asked the gentleman from Kansas [Mr. MURDOCK] if he desired to be heard on his amendment and he said he did not, and the Chair recognized the gentleman from Missouri.

Mr. BORLAND. I yield to the gentleman.

Mr. MANN. The gentleman from Kansas has offered an amendment to increase the number of watchmen, and so forth, at $700, from 700 to 1,300?

Mr. MURDOCK. That is correct.

Mr. MANN. If that amendment prevails, is it the gentleman's intention to offer an amendment to strike out of the bill the provision carrying 600 watchmen, and so forth, at $600 each?

Mr. MURDOCK. Certainly.

Mr. MANN. So as to leave the total number the same.

Mr. MURDOCK. The same number of watchmen, but to increase 600 of them $100 a year.

Mr. BORLAND. I understand the purpose of the gentleman's amendment is to abolish the $600 grade, and to provide for the appointment of the entire number of $600 and $700 watchmen at $700.

Mr. MURDOCK. That is correct.

Mr. BORLAND. I want to say that I am in sympathy with that idea. I think the $600 grade, even for watchmen, is pretty low; but before we go into such a change as that it is desirable to look at the scale of salaries being paid to other employees in the Post Office Department as well as in Washington. We have passed over a section which provides for $600 grade of clerks, who must live, presumably, on a better scale than a watchman and come up to a higher standard of qualification.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MANN. Is it not the law that these clerks receive automatic promotion at the end of a year?

Mr. BORLAND. Yes; I was just going to refer to that. We have provided for 1,500 clerks at not exceeding $600. These clerks and the carriers that correspond to the same grade must have served from one to three years as a substitute before they get an appointment at $600, and then they serve another year after having passed a rigid examination at $600. I have ascertained the fact to be in cities the size of Kansas City—a quarter of a million people—and from that up, that young men with the qualifications necessary to enter the Government service are not being attracted by the $600 grade for clerks and carriers; that the $600 grade is too low, whatever it may be for watchmen. I have the utmost sympathy for this amendment, but I do not believe that we ought, by a chance shot here and there, put the watchmen on another grade above the grade of men who enter into the clerical service. I do not believe that is going to improve the service in any direction at all. As the gentleman from Kansas said, a good many watchmen—and I know some of them personally—are men who have been in some capacity in the postal service or in the railway service until they have got old and a little stiff, and sometimes just at the point of the end of their usefulness, and then put in as watchmen, which is a suitable position for them to hold. The same is true of unskilled labor; their business is to push a truck loaded with mail around the different parts of large post offices, put them on the elevators, take them to the basement, put them on the wagons, and so forth.

[The time of Mr. BORLAND having expired, by unanimous consent he was given five minutes more.]

Mr. COOPER. I suppose that the gentleman will admit that the unskilled laborer has to support a family, a wife and children?

Mr. BORLAND. I suppose so.

Mr. COOPER. Pay house rent and incidentally clothe them. Does the gentleman think he ought to ask a white man, or a black man, for that matter, the average price of living having gone up 30 to 45 or 47 per cent, to work for $600 a year in Chicago, St. Louis, or any other large city?

Mr. BORLAND. I started off by saying that I was in entire sympathy with this amendment; that I believed in the abolition of the $600 grade, but not until we have a readjustment of the postal service, because the $600 applies to clerks exactly as the gentleman says this applies to watchmen. Then I was trying to point out that there might possibly be some reason why clerks might have some requirements that put them on a higher plane than that of watchman.

Mr. COOPER. Although others may need additional compensation—I think both of them need additional compensation—there is nothing wrong in the suggestion covered by this amendment increasing the pay of the $600 employees, as proposed by the gentleman from Kansas.

Mr. AKIN of New York. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. AKIN of New York. To bring this matter more vividly before the minds of Members of the House, does not the gentleman think it might be well to draw attention to the picture of my dinner pail which we had on exhibition some time ago? [Laughter.]

Mr. BORLAND. Mr. Chairman, in conclusion, when the postal committee charged with this duty pursues the plan that I understand they have begun upon I hope they will abolish the $600 grade in the first-class post offices for clerks and carriers and messengers and unskilled laborers, and for watchmen, too.

Mr. WEEKS. Will the gentleman permit a suggestion?

Mr. BORLAND. I will.

Mr. WEEKS. Originally there were four grades in the service, seven hundred, six hundred, five hundred, and four hundred dollar grades. I call this particularly to the attention of the gentleman from Wisconsin, because there have been increases in pay. The $700 has been increased to $800, and a large number from $500 to $600 and to $700. Several years ago—I think six or eight years ago—the $400 grade was abolished. Two years ago, without any recommendation or any request from the force, the $500 grade was abolished, and the pay was increased to $600. I do not think myself that $700 is an unreasonable rate for these men to receive. At the same time you must remember, as the gentleman from Illinois [Mr. MANN] called our attention to the fact, that there are men working alongside of them who are receiving less money than they are receiving to-day.

If there is to be an increase of pay of laborers in the Government service there should be some means of bringing about that increase of pay, a general raise, rather than in some particular case. There should be some general law which should apply to the increase in the rates of pay. Men employed in navy yards and arsenals as laborers are receiving less than $2 a day in Government service. These men are quite as well paid as other laborers in the Government service. At the same time I believe that $700 in large cities, where all of them are employed, is not an unreasonable rate of pay.

Mr. MOON of Tennessee. Mr. Chairman, this section provides for compensation of watchmen, messengers, and laborers. The policy of the law has been to regard one as a higher official and to give him a higher pay than others. That has been followed. We have here 100, at $800 each; 700, at $700 each; and 600, at $600 each; in all, $900,000, as compensation for these men. I hardly think it is quite proper to put the compensation of the ordinary laborer around the post offices at the price that is paid for the watchmen or the messenger. They have been graded differently, the character of work is different, and the compensation ought to be different. I do not believe there ought to be a change in the classification. I believe we ought to vote down this amendment. I have favored the increase in the compensation, and I had made no point of order upon that proposition. I would suggest that instead of the amendment of the gentleman from Kansas we amend the amendment so as to strike out the word "thirteen" and let the amended amendment read as follows:

One hundred, at $840 each; 700, at $750 each——

Mr. DYER. Seven hundred and twenty is the next grade, I will say to the gentleman.

Mr. MOON of Tennessee. We are changing the amount—

Seven hundred, at $750 each, and 600, at $650 each.

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

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Mr. Chairman, I would be very glad to accept that amendment if the gentleman would raise the last class to $700 instead of to $650.

Mr. MOON of Tennessee. Mr. Chairman, I do not think the laborer is entitled to as much as the messenger.

Mr. MURDOCK. If the gentleman will remember, in the hearings the First Assistant Postmaster General said that the duties of these men are much the same. I do not think that the gentleman ought to cut the last grade to $650. I believe the gentleman's amendment is better than mine, with that exception, and I hope the gentleman will raise that to $700.

Mr. MOON of Tennessee. That would put them all in the same grade.

Mr. MURDOCK. No; let us make the first grade $840 and the second grade $720 and the third grade $700.

Mr. MOON of Tennessee. I do not object to that.

Mr. MURDOCK. Mr. Chairman, I will accept that amendment to the amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by making it read, "100, at $840 each; 700, at $720 each; and 600, at $700 each."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee to the amendment of the gentleman from Kansas.

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

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Kansas as amended by the gentleman from Tennessee.

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

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that the Clerk correct all totals in the bill.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to return to page 11 of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 11. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, for what purpose does the gentleman desire to return to that page?

Mr. FOWLER. For the purpose of offering an amendment.

Mr. DYER. To what?

The CHAIRMAN. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, I do not object. The gentleman from Illinois is a member of the committee.

The CHAIRMAN. The Chair hears no objection.

Mr. FOWLER. Mr. Chairman, on page 11, line 24, there was an amendment offered by the gentleman from Illinois [Mr. MANN] reading as follows:

Amend, page 11, lines 24 and 25, by striking out the words "in all, $37,878,250," and inserting in lieu thereof the following: "in all, $37,878,000: *Provided*, That hereafter post offices shall not be open on Sunday for the purpose of delivering mail to the public."

Mr. Chairman, after the words "to the public" I desire to offer this amendment, "except for one hour to be designated by the Post Office Department." Now, Mr. Chairman, I desire to be heard upon the amendment.

Mr. MANN. Mr. Chairman, there is nothing now pending to which the gentleman can offer his amendment. We have passed that stage of the bill.

The CHAIRMAN. The gentleman asked unanimous consent.

Mr. MANN. There has been no such request put to the committee.

The CHAIRMAN. Yes; there was.

Mr. MANN. I submit, Mr. Chairman, we are entitled to have requests put so we can hear them.

The CHAIRMAN. Very well; if the gentleman did not hear it, then it is the gentleman's fault and not the fault of the Chair. The Chair put the request of the gentleman from Illinois clearly, and the gentleman from Tennessee [Mr. MOON] had some words with the gentleman from Illinois on the subject and then said he had no objection.

Mr. MANN. I was endeavoring to pay attention, Mr. Chairman. I do not question the Chair's statement, but I certainly did not hear the request.

The CHAIRMAN. That may be; the Chair is not responsible for that.

Mr. MANN. The Chair ought to have order when he submits a request to the committee.

The CHAIRMAN. The Chair had very reasonably good order.

Mr. MANN. My hearing is very good.

The CHAIRMAN. So is the Chair's.

Mr. FOWLER. Mr. Chairman, I want to say in prefacing my few remarks——

Mr. PAYNE. Mr. Chairman, let us have this amendment again reported.

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

There was no objection.

The amendment was again reported.

Mr. FOWLER. Mr. Chairman, I desire to say that I have as great reverence for Sunday, the day commonly known as the Lord's day, as any man. We are commanded to keep it sacred as a day of rest and spiritual worship. I believe all men should heed this divine injunction, but to close up the post offices throughout the country all day on Sunday and deprive the public from getting the Saturday and Sunday mail, in my judgment, is a very unwise provision. Nine-tenths of the laboring people of this country are so employed during the week in making a living for themselves and their families that they do not have time to get their mail and read it until Saturday night and Sunday. If they are deprived of the privilege of getting it on Sunday it will work a hardship upon them of doubtful propriety, which I do not believe this House can afford to indorse. The rights of the people in the country are just as sacred to them as are the rights of those living in populous cities. In the rural districts the daily papers in many instances come through the post offices and are delivered on Sunday. Now, if the post office should be closed on Sunday, these people would not have an opportunity to read them until Monday. The same logic that closes the post office on Sunday would close the telephone and telegraph offices of the land on Sunday. We all know that the news on Sunday is as eagerly sought on that day as it is on any other day. It is sought by the layman in the cross-road districts the same as it is by the politician or the professional aristocrat in the most populous district of the country, and to close the mails all day on Sunday so that the public can not have access to these avenues of ordinary information and intelligence, in my opinion, is very unwise.

I would have no objection, Mr. Chairman, to closing the mails the greater part of Sunday, and I grant that they ought to be closed for the purpose of giving the people an opportunity to attend Sunday school and church, places where everybody ought to have the privilege of going on Sunday; but I grant, Mr. Chairman, that to take away from the public the right to get the newspapers on Sunday morning, and get the other mail that is important to the individual and often to the public, is, in my judgment, a very unwise course to pursue.

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

Mr. FOWLER. In just a moment. I have had a contest in my district upon that proposition recently [laughter and applause]——

Mr. KENDALL. We can not legislate for the gentleman's district.

Mr. FOWLER. I do not want you to legislate for me; I want you to legislate for the American people of this Republic. [Applause.] Mr. Chairman, I say I have had a test of the strength of the common people on the question of Sunday closing in one of the towns in my district recently, in which an order had been given by the First Assistant Postmaster General to close the post office entirely on Sunday. A petition was circulated requesting the office to be kept open, and 191 business men and citizens of that little town signed that petition to have the post office open for one hour on Sunday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask for an extension of my time for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. POWERS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] yield to the gentleman from Kentucky [Mr. POWERS]?

Mr. FOWLER. In one moment. I have agreed to yield to some Member on this side of the House presently.

Mr. Chairman, the postmaster circulated a remonstrance to this petition and he secured only 26 names. I want to say to you, gentlemen, that if you put that question to the common people of this country I have no doubt but that the result will be in the ratio 191 to 26. The people are not dreaming now and can not be fooled. They well know that the price of liberty is eternal vigilance. They are self-armed "as a strong man to run a race."

Mr. DYER. Will the gentleman let me ask him a question?

Mr. FOWLER. I agreed to yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Does the amendment just passed involve putting the mail in boxes?

Mr. FOWLER. No; it absolutely closes every avenue on earth leading to the post office on Sunday.

Mr. TRIBBLE. That is to say, the man who is able to have a box can get his mail and a poor man can not get his? Is that right?

Mr. FOWLER. You may construe it that way.

Mr. TRIBBLE. I am asking for information.

Mr. FOWLER. Yes; and I will be glad to give you what information I may have. The amendment closes the post office all day on Sunday.

Mr. TRIBBLE. So that no mail can be delivered at the windows?

Mr. FOWLER. My amendment to that amendment provides that it can be open one hour on Sunday—an hour to be designated by the Post Office Department.

Mr. TRIBBLE. Each individual post office in the land?

Mr. FOWLER. Yes. Under the rules of the Post Office Department the post offices of the country are kept open on Sunday wherever required, but now this amendment seeks by law absolutely to close them every hour in the day and shut out every man in the Republic from the post office and his mail.

Now, I desire to yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. If I understand it, this closing of the mails on Sunday applies to all the different classes of post offices throughout the country?

Mr. FOWLER. I so understand it.

Mr. POWERS. The first, second, third, and fourth classes?

Mr. FOWLER. All of them.

Mr. POWERS. And, if strictly construed, would apply to locking the doors so that the men who have boxes could not get to their mail?

Mr. FOWLER. I so understand it.

I now desire to yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. As I understood the gentleman, he said that this change in the bill would strike at the common people. I want the gentleman to state who are the common people in this country.

Mr. FOWLER. The comon people of this country are the 90,000,000 people of this country.

Mr. BORLAND. Does the gentleman yield?

Mr. FOWLER. I yield to the gentleman from Missouri.

Mr. BORLAND. I would like to ask the gentleman whether it would not suit his purpose just as well to have the third and fourth class offices open on Sunday and let the first and second class offices close if they want to do so? The reason I make that inquiry is this: The third and fourth class offices contain a very limited number of employees, and they serve the patrons he is speaking of——

Mr. FOWLER. Yes.

Mr. BORLAND. But the first and second-class offices contain a large number of employees who will be compelled to work on Sunday.

Mr. FOWLER. Mr. Chairman, so far as I am individually concerned, if I wanted to be selfish for my own district, I would agree to that proposition, because there is not a first-class post office in my district. They are second, third, and fourth classes. But I want to be fair to the people in this Republic in whatever legislation I may take a part. And, Mr. Chairman and gentlemen, I trust that in the wisdom of this House you will pass my amendment and not close the door of the post office to every man, woman, and child in this country on Sunday. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield to me?

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

Mr. FOWLER. Mr. Chairman, before I close I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. POWERS. Mr. Chairman and gentlemen of the committee, I had not intended to say a single word upon this amendment, but after what has been said I want to express my views on the proposition. If we, by this law, close during the whole day on Sunday the doors of every post office in this country, first, second, third, and fourth class, you will hear a howl of discontent going up all over the land. I believe in people going to church on Sunday; I think the day should be held sacred, and all that; but I believe further that the laboring men, the business men, and everybody else who desire to get their papers on Sunday should have the opportunity to do that between 9 and 10 o'clock Sunday morning. Only one hour on Sunday is consumed in this way. When Monday morning comes around there are a thousand and one demands upon the time, the attention, and the energies of the great mass of the people throughout the land, and to deprive the people of the opportunity of even getting the Sunday papers and reading their mail will prove to be a very unpopular proposition, at least, and in my judgment a proposition which should not be approved by the Members of this House.

So far as I am individually concerned, Mr. Chairman, I propose to vote for the amendment offered by the gentleman from Illinois [Mr. FOWLER]. The Fowler amendment provides that the postmasters throughout the country are required to keep their offices open one hour on each Sunday for the delivery of mail to the public. One hour is not much. It will not interfere with the religious observance of the postmasters nor that of the people, but will be a great convenience to a great many of them, especially people in the country who live several miles from the post office.

Mr. MANN. Mr. Chairman, I know by personal experience that one can get along all right without Sunday mail. I believe that the House will agree that I do my fair share of work in the House, but for years I have declined to receive or open mail on Sunday [applause], not from a religious standpoint, but because I thought there was one day in the week when I was entitled to be free from any requests coming through the mail. [Applause.]

If I could have my way about it, I would take my way on Sunday where no one could reach me with any kind of request, and that which I would do for myself I would do for the employees of the Post Office Department.

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

Mr. MANN. You can not open the post office for delivery of mail to the public without requiring the presence of the employees of the office, not merely for one hour, but for many hours. I can see no reason why they should not have an opportunity to rest, and I can see no reason why delivery of mail should be made on Sunday any more than why dry-goods stores should keep open to sell calico on Sunday.

Now I will yield to the gentleman from Wyoming.

Mr. MONDELL. I just came into the Chamber, and perhaps I am laboring under a misunderstanding. The gentleman referred to the mail delivery, as I understand it, which involves the keeping of the post office open?

Mr. MANN. The amendment, which has already been agreed to, provides that post offices shall not be kept open on Sunday for the purpose of delivering mail to the public.

Mr. MONDELL. The gentleman says he does not answer or receive letters on Sunday. Does he read the Sunday newspapers?

Mr. MANN. Well, I do not see what that has to do with the question.

Mr. MONDELL. In all the country towns the people receive their newspapers through the post office.

Mr. MANN. In very few country towns do the people receive their papers on Sunday. They have their Sunday papers delivered. They do not do it in the gentleman's town. I know how papers are received in the country.

Mr. MONDELL. I know how I receive my papers better than the gentleman from Illinois does, and I know I receive them in the post office in wrappers.

Mr. MANN. If the gentleman receives his Sunday papers wrapped up, he had better wait until Monday to read them. Then he can not read the Sunday papers on Sunday in that way, I take it.

Mr. MONDELL. We have no Sunday daily in our town.

Mr. MANN. Why do you not force them to publish a Sunday daily? They have not a Sunday daily there, but you want to force the post office to keep open on Sunday so that you can read the Sunday papers published elsewhere.

Mr. MONDELL. The gentleman lives in Illinois, and he does not care what the people in the country suffer from.

Mr. MANN. I admit with a certain degree of shame that I do more or less read the Sunday papers, and I know I would be better off if I did not. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. I ask unanimous consent that my colleague may have three minutes more, or five if he desires it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague's time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. I desire to ask the gentleman if it is not a fact that this bill provides for compensatory time for all the work that is done by clerks on Sunday?

Mr. MANN. I believe it carries an item to that effect.

Mr. FOWLER. I believe my colleague says he reads the newspapers on Sunday?

Mr. MANN. To a certain extent.

Mr. FOWLER. Does the gentleman want to deprive the people in the country of the same right he claims for himself?

Mr. MANN. I wish somebody would deprive me of the chance of seeing any paper on Sunday.

Mr. BUTLER. We will put an amendment on the bill.

Mr. MANN. I will not raise any point of order against it. I am unwilling that the post-office employees should be kept at work on Sunday in order that somebody may have a Sunday newspaper, and everyone knows that the bulk of the Sunday newspapers do not go through the post offices.

Mr. FOWLER. I desire to ask the gentleman, further, if he has not the power within himself to restrain himself from reading the Sunday papers?

Mr. MANN. Well, I will say to the gentleman that in the main I do restrain myself on Sunday. I think I have not read a Sunday paper through in five years.

Mr. BERGER. No one ever did.

Mr. FOWLER. Does the gentleman know of any man who has read a Sunday paper through in 5 years or 10 years?

Mr. MANN. I have no doubt my colleague has.

Mr. FOWLER. I never read one through in my life.

Mr. MANN. Then my colleague ought not to be so anxious to give other people the opportunity to do it.

Mr. FOWLER. I select what I want to read.

Mr. MANN. How can you tell until you see it?

Mr. FOWLER. Aye, there's the rub. I want every man to have an opportunity to tell by seeing.

Mr. MANN. They will have a chance to see the papers soon enough, and enough of them. The last thing we need to do in this country is to increase the opportunity to see the daily papers. We have them on all hands, on all sides, above us and below us, around us, and every place else.

Mr. FOWLER. I desire to ask one further question, if the gentleman will yield.

Mr. MANN. Certainly.

Mr. FOWLER. I desire to ask, if my amendment does not prevail, will not the gentleman's amendment discriminate in favor of the cities where newspapers are published and circulated by newsboys, and against the country papers that depend upon the post office as a channel through which to reach their subscribers?

Mr. MANN. I do not think so. I think there are very few country papers which are published with a view to delivery on Sunday.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER] to the amendment offered by the gentleman from Illinois [Mr. MANN] which has already been adopted.

The question being taken, on a division (demanded by Mr. FOWLER) there were—ayes 20, noes 47.

Accordingly the amendment of Mr. FOWLER was rejected.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to return to the paragraph beginning on page 11, line 26, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 11 for the purpose of offering an amendment. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, I object. We must be getting along with this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $310,000: *Provided*, That the rental paid for any canceling machine shall not exceed $300 per annum, including repairs on said machines, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what one of those canceling machines costs.

Mr. MOON of Tennessee. My recollection is about $400.

Mr. COOPER. Three hundred dollars rental for a year. We are paying 6 per cent on $5,000 for a machine that is worth about $400.

Mr. MOON of Tennessee. Some of the machines do not cost that and some cost more, but about $400 on an average.

Mr. COOPER. Is the Government of the United States obliged to pay such a high rental?

Mr. MOON of Tennessee. It is obliged to pay it because they are patented machines and you can not buy them.

Mr. COOPER. How many kinds of canceling machines are there?

Mr. MOON of Tennessee. There are four or five of them. The gentleman can find that information in the hearings.

Mr. COOPER. Are these manufacturers in combination so that you can not procure them for a less sum?

Mr. MOON of Tennessee. They are owned and held under patents which are still in existence, and you can not buy them at all. The department regards them as essential to the public service, and is at the mercy of the owners.

Mr. COOPER. We are paying 6 per cent on $5,000 a year for a machine that only costs $400.

Mr. MURDOCK. May I ask the gentleman a question?

Mr. COOPER. Certainly.

Mr. MURDOCK. What would the gentleman do if he had complete control of this situation? Would he go on stamping letters by hand?

Mr. COOPER. No; but I was wondering if there was not some possible way of making a better bargain. The gentleman says there are four different makes of machines that cancel stamps.

Mr. MURDOCK. As a matter of fact, the Government is the owner of some cheap machines which do inferior service, but the higher-priced machines, the higher-speed machines, the Government is unable to buy.

Mr. MOON of Tennessee. We are at the mercy of the owners of the patents on these machines.

Mr. MANN. We made an appropriation last year of $35,000 to buy machines. Were they able to buy them?

Mr. MURDOCK. My understanding is that they have not been able to purchase them because of the excessive price of these high-speed machines.

Mr. MANN. While we pay this amount, and it looks to me as if it was an exorbitant price, yet we pay $400 a year for the use of a team that does not cost probably over $250. For a horse and a wagon to collect the mail, which would not cost probably more than $250, we pay $400 a year.

Mr. MURDOCK. But the owner keeps the team going.

Mr. MANN. So the owners keep these machines going.

Mr. MURDOCK. Yes; they keep them in repair. There is no question at all but that the rental price charged for these high-speed machines is exorbitant, but how are you going to correct it?

Mr. COOPER. The fact that they keep up the machines does not look like a great hardship when they are getting $300 a year rental for a machine that is only worth $400 when new.

Mr. MOON of Tennessee. If the gentleman from Wisconsin will examine the hearings he will find a full statement of the matter there.

Mr. FOSTER. Mr. Chairman, I move to strike out in line 23, page 14, the words "three hundred" and insert the words "two hundred and fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 14, strike out the words "three hundred" and insert the words "two hundred and fifty."

Mr. FOSTER. Mr. Chairman, two or three years ago—I have forgotten the exact time—we were paying a rental for these machines of $400 a year. That was for these high-speed machines that the gentleman from Wisconsin has been talking about. In that Congress the rental was reduced from $400 to $300. I notice by the testimony of the Assistant Postmaster General that we have made a saving in the buying of these machines and the contracts for renting of some $42,000.

Mr. COOPER. Does the gentleman say in the "buying" of the machines?

Mr. FOSTER. Yes; I think we have bought some.

Mr. COOPER. If you have bought some, why not buy all?

Mr. FOSTER. I think the gentleman from Wisconsin is entirely right in saying that this is an exorbitant price. I will state that there is a firm in Boston that makes possibly the best grade of these machines, but they, I think, refuse to sell the machines, but rent them to the Government. In the city of Chicago there is a firm which is called the Time Marking Machine Co., which is ready and, I think, is willing—I know they were a year or two ago, but since that time I have not paid much attention to it—ready and willing to sell to the Government a lot of these machines. I have taken a little trouble to go to the post office in Washington and examine the machines in use at that place.

I find some of these high-power machines, I do not recall the name, manufactured in Boston, and some of the machines were manufactured, I think, by this Time Marking Machine Co. in Chicago; and while there are some advantages about the Boston machine, and it is possibly a better machine than the one manufactured in Chicago, yet the machine manufactured in Chicago does good work, and I think that the Government can get all of the machines it desires from companies that are willing to rent these machine for less than $300.

Mr. COOPER. What is the cost of these machines which the gentleman saw in Chicago?

Mr. FOSTER. I think they cost about $1,000.

Mr. COOPER. Does the gentleman say that he saw one of them in operation?

Mr. FOSTER. Yes; I think one of them at that time was down here in the post office at Washington.

Mr. MURDOCK. Mr. Chairman, I think I can supply the information to the gentleman. Those are the time-marking machines, of Chicago.

Mr. FOSTER. Yes.

Mr. MURDOCK. With a capacity of 36,000 cancellations per hour. We have 124 of them rented, at $270 a year.

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

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. I think they could make a contract at this time for this amount of money, and I believe it is well to put this amendment on the bill, limiting the amount to $250 per year for these machines. I believe the Government can get all of the machines that it desires for that amount of money, to be used in the larger post offices of the country. I would say this to the gentleman, that in the smaller post offices, that is, post offices in cities of five to ten thousand people, the Government rents machines that are run by hand. No doubt the gentleman has seen them. I think we pay something like $90 a year rental for quite a lot of those machines. The gentleman is probably familiar with them and knows about what they might cost to manufacture in large quantities, as they would be.

Mr. GARNER. We pay as much as they are worth for one year's rent.

Mr. FOSTER. I think that possibly about the cost of them or nearly so each year we pay as rental.

Mr. COOPER. Does the gentleman say that the machine can be purchased and title given to the Government?

Mr. FOSTER. Yes; I think the Time Marking Machine Co., of Chicago, is willing to sell all of the machines that they can manufacture to the Government. They do not ask that the machines be rented, but I think they are willing to sell their machines to the Government. The other machine company is not willing to sell the machines to the Government.

Mr. GARNER. As I understood the gentleman from Kansas, they have 124 of these machines already rented at $270 per year.

Mr. FOSTER. Yes.

Mr. GARNER. It seems to me that if you can purchase these machines for $1,000, and we are paying a rental of $270 a year for them, it is not a very good business proposition to continue to pay the rental.

Mr. MOON of Tennessee. I want to suggest that the machines that can be bought are the low-priced machines, and the Government now owns a number of them, but the machines on which the patent still exists can not be purchased, and they are the machines of high rental. They are very much superior to the others and effect a very large saving. As a matter of course, I am not interested in anything other than to get the very lowest possible price. We fixed $300, at the suggestion of the department.

Mr. FOSTER. And they fixed it at $400 the other time.

Mr. MOON of Tennessee. In the hearings Dr. Granfield gives the number of machines used of each type, the efficiency of the machines, and their prices. It seems that there is a total expenditure for the rental of machines of $274,570, and the entire appropriation was $310,000. There is one machine here, of which they have 173, at a rental of $80 per annum. There are others at $54, some at $72, some at $90, some at $135, and some of them are owned by the Government.

Mr. COOPER. I would like to ask this question: How did the gentleman, in response to my question, fix the value of the machine at $400? Have they sold any of these machines?

Mr. MOON of Tennessee. No.

Mr. COOPER. Some gentleman here fixed the value of the machine at $400. Have they sold any of the machines to the Government?

Mr. GARNER. Will the gentleman from Tennessee yield?

Mr. MOON of Tennessee. Yes.

Mr. GARNER. Here is a concrete proposition. The gentleman from Kansas [Mr. MURDOCK] says that the hearings show that there are some 40 machines rented from a Chicago firm at the rate of $270 a year. The gentleman from Illinois [Mr. FOSTER] says that those machines can be bought—they are willing to sell—at $1,000. Now, it does seem to me as a business proposition that the Government ought not to pay $270 a year in rent for a machine which they can buy for $1,000, and they have rented these machines. Now, they can buy them for $1,000. If that is true, it seems to me it is a concrete proposition.

Mr. MOON of Tennessee. I think the gentleman is correct about that if true.

Mr. GARNER. I am giving the statement that was made.

Mr. FOSTER. I am not sure that $1,000 is right.

Mr. MANN. Last year we made provision of $35,000, which could be used for the purchase of these machines. That is for the current year and that is the law now.

Mr. GARNER. May I ask the gentleman from Illinois if he can tell me why it is that the Post Office Department did not see proper to purchase these machines that could be purchased for $1,000 in place of renting them at $270?

Mr. MANN. I do not know why it is; I do not know whether they can be purchased for $1,000 each or not. I am endeavoring, like the gentleman, to obtain some information on the subject.

Mr. MURDOCK. Will the gentleman from Tennessee yield?

Mr. FOSTER. I have the floor. I will yield to the gentleman from Kansas.

Mr. MURDOCK. Does the gentleman from Illinois know that the department gives as one reason for not purchasing these machines when it has an opportunity to purchase—and that opportunity is rather indefinite—the fact enters into consideration that all the time there is an increase in the efficiency of these machines; that manufacturers are putting better machines on the market; and whereas we have had on the market cheaper grades of machines with limited capacity of a few thousand an hour they are now putting on the market, according to the hearings, machines with a capacity of 60,000 an hour? Now, I think one of the arguments of the department, and it seems to me quite good, is this, That if it should purchase some of these machines on the market now with a capacity of twenty or twenty-five thousand an hour they would load up the Government with machines which in a few years would be antiquated.

Mr. FOSTER. Mr. Chairman, I want to say this: In all these machines and the different kinds of machines there are some improvements of one kind and another. For instance, with the Time Marking Machine Co., of Chicago, I understand those machines have an advantage like this: That automatically they change the time every minute when the machine is stamping letters. For, commencing at the hour, each minute it automatically changes the time it stamps the letter to that minute. Now, I think there is no doubt the Post Office Department and everyone who has investigated this subject at all will agree that the machine that is manufactured in Boston is probably a better machine than that manufactured in Chicago, but I think one will agree that a machine that will take letters through and stamp them at the rate of 25,000 or 30,000 an hour is as fast as that machine will ever be run. We talk about getting up to 60,000 an hour, but the probability is the capacity of 60,000 is not going to be used, and if you will go into all of the great post offices of the country and look at it you will find that these machines are not running to their full capacity and will not run to their full capacity.

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

Mr. FOSTER. Just two minutes more.

Mr. POWERS. How long do these machines last?

Mr. FOSTER. These machines will last, I understand, something like 10 years. Now, I am giving you some statements here that I could not vouch for the exact correctness of, because I do not know exactly some of the details, but my understanding is that some 10 years is the life of one of these machines.

Mr. LLOYD. I think you will ascertain the fact that while it is claimed that typewriting machines will last 10 years, yet the experience of this body here is that a typewriter does not last but four years.

Mr. LANGLEY. And frequently gets out of repair in that time.

Mr. LLOYD. It frequently gets out of repair.

Mr. MANN. You can not get me to use a typewriter for four years. It would not do good work.

Mr. FOSTER. I was taking what the Post Office said.

Mr. LLOYD. I imagine as a practical proposition that either one of them would be ready to be thrown away at the end of four or five years.

Mr. FOSTER. I think the gentleman is wrong about that. I think they last longer than four or five years.

Mr. LLOYD. It is the same with this machine as it is with a typewriter. One typewriter may last three or four years, and another will be out of repair in two years.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman what is the cost of the Boston machine?

Mr. FOSTER. I can not tell you exactly. But my understanding at the time was that they cost something like $1,000. However, I might be mistaken in regard to that.

Mr. SAMUEL W. SMITH. You mean the Boston machine?

Mr. FOSTER. Yes.

Mr. SAMUEL W. SMITH. I thought that was considered a better machine than the Chicago machine.

Mr. FOSTER. It is considered to be a little better perfected. It was the machine that was first on the market, the Chicago machine coming later, and they had not at that time perfected the machine in some particulars as well as the machine which is manufactured in Boston.

Mr. MURDOCK. The gentleman from Illinois said that there was no use for the high-speed machine.

Mr. FOSTER. I think not.

Mr. MURDOCK. There are some 40 of those machines run in the New York office.

Mr. FOSTER. Yes; and you will find a number of them in all the great offices, but I do not suppose they run them at full capacity.

Mr. MURDOCK. They run them as fast as they can possibly be fed when the bulk of the mail is in. Of course there are moments when they are not run entirely at their full speed.

Mr. FOSTER. My investigation was that they were not able to feed them at their full capacity, as oftentimes a letter did not get in right, and there would be a delay.

Mr. MURDOCK. After the gentleman's investigation of the subject, does he believe we can purchase them? I confess to him I have been puzzled for some years as to what he ought to do with a stamp-canceling machine.

Mr. COOPER. I think an answer to the inquiry of the gentleman from Kansas [Mr. MURDOCK] could be found in the statement of the average repairs each year. How much time is devoted by the lessors of these machines to repairs, and how frequently do they get out of repair?

Mr. MURDOCK. My understanding is they get out of repair very frequently; that the wear and tear on the stamp-canceling machine is very considerable; and the old machines that we had in the service—and have not been satisfactory—have been, as a matter of fact, relegated to the smaller offices.

Mr. FOSTER. I understand that the Boston machine formerly had a monopoly. You remember that Congress at one time put a provision in the Post Office appropriation bill providing something like this, namely, that they should not pay more than so much for these canceling machines, and as a consequence this same machine company—although I am not sure, but I thought it was on the market then—had a monopoly of the business of the Government, and as a consequence of the limitation being placed in the bill they withdrew all the machines from the Government. And that one year, in which the Government had to go back to canceling by hand, cost $1,000,000. That was the sort of treatment received from that company. I am glad to say that condition does not exist now, because I believe there are other machines on the market that will supply the Government what they need, and I believe the Time Marking Machine Co., of the city of Chicago, will be able to supply a large number of these machines if necessary.

Mr. MOON of Tennessee. I think the gentleman will find the time-marking machine is under a patent and can not be bought at all.

Mr. FOSTER. If they can not be bought, I think they could be rented for this amount of money and make quite a saving to the Government.

Mr. BOWMAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BOWMAN] moves to strike out the last word.

Mr. BOWMAN. As I read this paragraph, it states that it is for the rental and purchase of canceling machines, and it states that the machines shall be rented or purchased after advertisement for bids, and that the contracts shall be awarded on the basis of cheapness and efficiency. Now, I find, by referring to the hearings on this subject, at the bottom of page 99 and the top of page 100, the following statement:

Mr. GRANDFIELD. No, sir. I will say this in regard to the purchase of machines: The cheapest machine we have bought heretofore in recent years cost the department $175 each. Recently, some two or three months ago, an inventor showed me a machine that could be operated either as a hand-power or an electric-power machine. It is so small and easy to operate that an ordinary incandescent light will furnish sufficient power to operate it with a one-eighth or one-sixteenth horsepower motor. The proposition came in a few days ago to sell machines of this type for about $90 each, including the motor, freight, drayage, and the expense of installation in the post office.

Now, several pages here are devoted to the examination of the merits of these different machines. The department has the right to select the machine, based on its cheapness and efficiency. That is all there is to it. The post-office authorities are abundantly capable of performing the duty.

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

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. BOWMAN. Certainly.

Mr. MURDOCK. However, if the gentleman will read in the hearings just preceding the portion he has cited, he will find that most of the existing stamp-canceling machine companies have attempted to hold up the Government in this, that they offered to sell the machines, but they will not sell unless the Government takes a certain number, like 50 or 75 or 100.

Mr. BOWMAN. I understand that; but there is nothing of that kind in this proposition.

Mr. MURDOCK. Yes; but this machine is new, and, according to the Third Assistant Postmaster General, it is untried as yet. It is a small machine. Dr. Grandfield says, in speaking of the price of the machines:

The Universal Stamping Machine Co. offered to sell their automatic high-grade machine—a new machine not yet in use in the service, although it has been tested and found to be an excellent machine—for $875, provided 50 or more were purchased, and for $800 each, provided that 100 or more were purchased.

Mr. BOWMAN. One word more. I will answer the gentleman's question. Other machines were offered on a different basis. The whole proposition is up to the Government. They have men qualified to examine into the merits of these machines and find out which is the best, whether to purchase or to rent. They are abundantly qualified. They are not bound to rent a machine or buy 50. There are others. The choice is not confined to a single machine. I think they can test all of them. I think the situation is abundantly covered by the paragraph. The Post Office authorities are competent to determine whether to buy or to rent.

Mr. MOON of Tennessee. The section of the bill provides not only for buying machines at $300, but the machines are to be taken care of and repaired and kept in a proper condition during the time they are used by the department. You will find by reading the hearings that the machines that are under patent do perhaps ten times as much work as those that are not under patent. That is the reason for the superiority of the machines on which the patent exists, because they can do so much more work than the others.

I think the House should not adopt this amendment. Discretion ought to be left to the department as to the amount to be paid for this machine, or the rental of it. Heretofore they have been unable to rent them for a less figure than this, and I suppose they will not be able to do so now, or to purchase them, either.

Mr. GARNER. From past experience would it not tend to influence or persuade the Post Office Department to limit this to $250? Was it not necessary in the past for Congress to cut down the limit from $400 to $300? If we do adopt the limit, we might still be held up to that amount, whereas if we cut it down to $250 the owners of the patents would say, "Congress has set the limit, and we will let you have it for $250."

Mr. MOON of Tennessee. I think the discretion ought to be left with the department there. We ought not to assume, for a mere matter of $25 or $30 difference in the machine, that the department is going to do the wrong thing. I do not know just how these contracts are made, but my impression is that we have a contract for three or four years on these machines which the department will have to pay for.

Mr. FOSTER. I think they make them for three years.

Mr. MOON of Tennessee. I think there are contracts in existence now that will have to be paid for on this basis. In a matter of this sort, particularly a matter of so little difference as this, it should be left in the discretion of the department, especially where the repairs have to be kept up.

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

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. MOON of Tennessee. Yes.

Mr. FOSTER. The trouble was that when we fixed the limit at $400 the department went right ahead and paid them $400.

Mr. MOON of Tennessee. We authorized it at $300, and they went along and made contracts at that.

Mr. GARNER. And if you cut it down to $250 is it not likely that they will accept $250?

Mr. MOON of Tennessee. You might as well say $25 arbitrarily. There would be as much sense in that proposition as in the other.

Mr. FOSTER. Would the gentleman be willing to cut this rental down to what the Government is now paying, the highest—$270?

Mr. MOON of Tennessee. The Government is now paying $274.50, I believe.

Mr. FOSTER. No; $270.

Mr. MOON of Tennessee. I do not like to limit the discretion of the department too much, but I would not object to that.

Mr. GARNER. You have to force the companies to take it.

Mr. MOON of Tennessee. If the gentleman from Illinois wants to change his amendment to $270, I will not object.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to modify my amendment by making it $270.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, by striking out the words "three hundred" and inserting in lieu thereof the words "two hundred and seventy."

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

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

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade; City Delivery Service, $32,802,175.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee in this connection the same question I asked him about the clerks, and that is whether the amount provided here is sufficient to take care of the promotion of 75 per cent of the carriers?

Mr. MOON of Tennessee. The amount carried in this bill is $32,802,175, which is an increase over the current law——

Mr. MANN. It is an increase of about $600,000.

Mr. MOON of Tennessee. The difference is intended for promotions, as calculated by the department.

Mr. BORLAND. According to the hearings, will this provide for the additional 25 per cent of promotions?

Mr. MOON of Tennessee. Yes. The gentleman from Ohio [Mr. ALLEN] is particularly interested in this matter, and perhaps he will explain it.

Mr. ALLEN. There is no question about it. There has been an increase made over the estimate of the Post Office Department in the number of clerks to be promoted and also in the number of letter carriers. It was originally provided that 14,819 letter carriers were to be taken care of—on page 10 of the bill—and that was increased when the percentage was increased from 50 per cent to 75 per cent, the number now being 16,479. The same thing was done with reference to the clerks. There can be no question about it.

Mr. BORLAND. I can only say that I am for the bill of the gentleman from Ohio [Mr. ALLEN], which provides for the automatic increase of pay up to the $1,200 grade, and I hope it includes the letter carriers as well as the clerks.

Mr. ALLEN. It includes the letter carriers as well as the clerks. The increased amount to take care of the additional 25 per cent of promotions of letter carriers amounted to $178,250, and the additional amount to take care of the additional 25 per cent increase in promotions of clerks amounted to $102,175. We have increased the amount and increased the number in the classes to be taken care of, so that we have added $280,425.

Mr. BORLAND. I hope that the bill which the gentleman from Ohio speaks of—providing for the automatic increase for clerks—will also be made to apply to the carriers.

Mr. ALLEN. It does.

Mr. BORLAND. And that eventually they will abolish the $600 grade of carriers as well as the $600 grade of clerks.

Mr. ALLEN. I am very glad to have the gentleman's cordial support of my bill.

Mr. MANN. I move to strike out the last two words. At this place in the bill last year we carried a provision requiring not to exceed 48 hours per week by the carrier. That is left out here. I take it that the gentleman from Tennessee is relying upon a provision later in the bill to take care of that?

Mr. MOON of Tennessee. Yes; in the latter part of the bill we take care of that.

Mr. MANN. Supposing the provision in the latter part of the bill should not be agreed to, it being, in the first place, subject to a point of order, and, in the second place, subject to the will of the House. If the provision in the latter part of the bill should not be agreed to, would the gentleman have any objection to recurring to this paragraph, so as to insert the item in the current law?

Mr. MOON of Tennessee. We want to take care of the question in the way we think it should be taken care of, in the latter part of the bill.

Mr. MANN. I agree with the gentleman on that.

Mr. MOON of Tennessee. But if we can not do that, we will come back here and do the best we can.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For pay of letter carriers, substitute and auxiliary letter carriers at offices where City Delivery Service is established during the year, $50,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word in order to ask the chairman whether or not this carries the amount estimated by the department.

Mr. MOON of Tennessee. I think that is the estimate.

Mr. MANN. The appropriation for the current year is $75,000.

Mr. GARNER. And the estimate for the ensuing year is only $50,000.

Mr. MOON of Tennessee. I think that is so.

Mr. MANN. I think the estimate is the same as the appropriation for the current year.

Mr. GREGG of Pennsylvania. Mr. Chairman, if the gentleman will pardon me, I read from the hearings, page 117:

Mr. FINLEY. You did not expend the appropriation last year by $54,730.92?

Mr. GRANDFIELD. The unexpended balance on December 30, 1911, was $27,668.62.

Mr. GARNER. I understand that. The Post Office Department has been making an economic record, and in doing so they have made it at the expense of the smaller towns and rural communities. There are places in this country which under the rules are entitled to city delivery that do not get it. If you cut this appropriation the department will be able to come in and say to Members of Congress or to these cities entitled to this delivery, "We can not do it because we have not got the money." That is the reason I asked the question. I know that the Post Office Department is now conducting a so-called policy of economy which is done, as I say, at the expense of the rural communities of this country and the smaller cities.

Mr. MANN. We who live in the large cities do not think so.

Mr. GARNER. The gentleman from Illinois may not think so but we have been made to forcibly realize it in connection with the star routes and the rural-delivery routes and the smaller cities where we have felt the force of this economy of the Post Office Department. I am unwilling to deprive cities where the receipts are more than $10,000 of the service that they are entitled to under the rules and regulations of the Post Office Department.

I do not propose to offer an amendment increasing this, but I wanted to call the attention of the committee to the fact so that the Post Office Department in the next fiscal year may not be able to say that we have reduced the appropriation so that they are unable to do this. I do not want them to be able to say that we can not do this because we have not got the money.

Mr. MANN. They will be able to say it.

Mr. MOON of Tennessee. I will say to the gentleman that there are a number of items in the bill where the department has not expended the amount allowed in the last appropriation bill, and in some cases the committee thought it best to confine the new appropriation to an amount equivalent to the last expenditure.

Mr. GARNER. Let us suppose that the department has failed to do its duty in the establishment of city deliveries in cities where they are entitled to it, and therefore has expended an amount of money less than Congress authorized it to do. Does the chairman of the committee think that the future administration of the Post Office Department ought to be deprived of a sufficient fund to establish them where they ought to be established?

Mr. MOON of Tennessee. No; on the contrary, if that state of facts existed the appropriations should be altogether ample.

Mr. GARNER. The gentleman believes that $50,000 for the ensuing year is sufficient for this purpose?

Mr. MOON of Tennessee. So far as we are informed it is.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the First Assistant Postmaster General, $1,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A moment ago we agreed to an amendment offered by my colleague from Illinois [Mr. FOSTER] in reference to the rental of conceling machines, reducing the amount carried in the bill, which was the same as the existing law—$300 per an-

num—to $270 per annum. I am reminded by finding at this point in the bill a provision which we inserted last year, authorizing the Postmaster General to enter into contracts for a period not exceeding four years for the rental of canceling machines. Now, I take it that if any such contracts have been entered into at a rental of $300 per annum, no one would desire to have the faith and credit of the United States Government impugned.

Mr. FOSTER. I will say to my colleague that I would not do that; that if they have entered into contracts for four years those contracts ought to be lived up to.

Mr. MURDOCK. Would the amendment of the gentleman from Illinois absolutely prevent the carrying out of that contract?

Mr. MANN. They could bring a claim in the Court of Claims against the Government, but it would prevent the use of any of this appropriation in the payment of the contract. I do not intend to ask the gentleman to make any change now, but I hope the gentlemen of the committee or some one will find out about it.

Mr. MOON of Tennessee. I suggested to the gentleman from Illinois that we had contracts running two or three years.

Mr. GARNER. The statement was made by the gentleman from Illinois that the highest contract price was $270, and if that is true it makes no difference how long the contract runs for.

Mr. MANN. I do not know what the highest price is. I understood the gentleman from Kansas to say that the company had machines in at $270 per annum.

Mr. MURDOCK. And that was all the statement I made. I did not say that was the maximum.

Mr. MANN. I understand that. I do not know what the highest contract is, but I suggest at this time that somebody, my colleague from Illinois [Mr. FOSTER], or somebody on the committee, should ascertain in regard to the facts, the amendment having been already agreed to, and if it is necessary to make any change I think there would be no difficulty about doing that.

Mr. MOON of Tennessee. Mr. Chairman, I will say to the gentleman from Illinois that we will take care of that when the fact develops that contracts have been actually made.

Mr. MANN. It is desirable to take care of it in this House. We do not desire to pass a provision that repudiates a contract which we have just authorized. I think no one in the House wants to take that position or to put the House in that attitude.

Mr. MURDOCK. I want to say to the gentleman from Illinois before he takes his seat that the rentals for the different machines that we rent run as follows: $225, $135, $90, $72, $54, $300, $150, $80, $270, $110, and $150; so there is one machine for which we pay an annual rental of $300.

Mr. FOSTER. I think if we have any contracts running at this time they ought to be taken care of.

Mr. WEEKS. Mr. Chairman, that machine to which the gentleman from Kansas has just referred is what is known as the Hay-Dolphin Flier, and the rental of that machine was cut down by an amendment upon the floor last year, or the year before, from $400 to $300 per year. There are contracts out. I think I am correct in saying that we authorized contracts for this machine in an appropriation bill last year for a period of four years. I think in all cases contracts which are now outstanding cover a four-year period.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry as to the status of this amendment. Has it been disposed of?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words. I would like to ask the gentleman from Illinois in regard to the amendment which he proposed some time ago and which was agreed to, which provided, "That hereafter the post offices shall not be open on Sunday for the purpose of delivering mail to the public." Did the gentleman take into consideration in offering that amendment "the star-route service"?

Mr. MANN. Yes.

Mr. RAKER. I want to ask the gentleman if this provision ought not to be added to his amendment:

Provided further, That this provision shall not apply to post offices which are supplied by the star-route service.

I want to call the attention of the House to the fact that a stage starts out from the railroad and travels—some of them—100 and some of them 150 miles. The post offices are in the homes or the stores of the people that the stage goes to, and under this provision their stores will be closed and they can not be opened on Sunday for the delivery of mail. There are no mail boxes or lock boxes from which the people can go and get their mail if they want to. The owner of a store or the owner of a station runs the post office. It does not seem to me that a community, and there are many of them which will be involved in this, ought to be deprived of the opportunity of getting its mail. Many men go 20 miles on Sunday to get their mail; 10 miles or 5 miles, and do not have the time in the week days. Under this provision, when they go to town to get their mail, the postmaster, who has no assistant and whose store is closed, is prohibited from giving them their mail. Does not the gentleman from Illinois think that there ought to be a proviso exempting these post offices on the star-route service?

Mr. MANN. Mr. Chairman, I will say to the gentleman from California that I do not know whether there ought to be such a proviso or not. I do not know whether mail is delivered through the star route on Sunday, being the only day in the week in which the star route reaches the post offices. I should think that if there was a case where the contractor on the star route delivers mail on Sunday only at the post office it would be hardly desirable to have the post office open upon Sunday. I will say to the gentleman and to other gentlemen in the House that I have talked with the gentleman from Tennessee [Mr. MOON] in charge of the bill in reference to this amendment. I understand from what he has said to me that he proposes to take into consideration all of these propositions, and if there need be a change in that provision, that change will be made at some time in the proper way and presented to the House.

Mr. RAKER. If it is a question as to getting at it afterwards, very well. I did not fully comprehend the situation until the vote was taken. I see now the position in which I am placed. I am satisfied that 90 per cent of the people in my district go to the post offices on Sunday to get their mail.

Mr. MANN. Well, I am satisfied they ought to be reformed.

Mr. RAKER. Well, I do not live in a large community, but the people are scattered over the West and they are trying to get their mail and trying to see what is being done throughout the country, and I do not believe that law should apply. It might apply to people living in large centers, but you can see that these people living in the rural districts should receive their mail upon Sundays, and if the post office should be closed it would work a hardship. You might make the provision in regard to the larger cities on the railroads and on the rural routes, and it may be all right to close them—I am not saying anything in regard to that—but upon the star routes, where the stage goes on Sunday and where the office must be open for the purpose of receiving and delivering the mail, to say that those can not be open for the purpose of delivering mail will work a hardship. I shall take an opportunity, Mr. Chairman, when we reach the rural part of the bill, to try to offer this amendment and show the committee why it should be adopted, for the purpose of giving the star routes opportunity——

Mr. POWERS. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Kentucky.

Mr. POWERS. Is it not true that if this matter is carried out as it passed the committee that it will result in endless confusion in your country in the delivery of the mails through star routes and rural routes?

Mr. RAKER. Why, absolutely endless confusion, and instead of giving us a mail six times a week it will give us mail about four times a week, because they will not be able to handle and dispose of the mail.

Mr. POWERS. I want to say to the gentleman that is true in my section of the country also.

Mr. RAKER. We seem to be unfortunate, so far as mail service is concerned, in living in a rural district, although I want to say it is the finest country on earth to live in.

Mr. GRIEST. Mr. Chairman, it is desired, for a few minutes, to invite particular attention to the paragraph in the postal-service appropriation bill, now under consideration, which will permit the experimental establishment of mail-carrier service in the towns and villages having second and third class post offices. As fully 300 congressional districts embrace towns which can ultimately secure benefits from this legislation, and as almost every Member who votes for this proposition will be doing his own constituents a service as well as giving support to a genuinely meritorious measure, I hope that the entire membership of this House will support the proposition to extend the mail-delivery service to the towns and villages.

For many years millions of people residing in the great cities of the United States have enjoyed free mail-delivery service, and during the past decade we have witnessed the installation of the convenient and valuable rural mail-delivery system. These systems of mail delivery have been developed to a high standard of efficiency, and have become indispensable to the American public. But, unfortunately, there exists what is to-day recognized as a discrimination against the people residing in the towns, and these people, numbering millions,

have patiently awaited the elimination of the postal deficit so that modern postal conveniences might be afforded our prosperous towns and villages without serious embarrassment to the Government finances.

Time, as usual, has brought changes, and public opinion to-day demands that the American people shall be accorded that character of postal facilities which is recognized as essential to the domestic, business, and social welfare of the people. The gross postal revenues are constantly increasing, and business methods are being rapidly applied to the greatest of all business institutions—the United States Post Office Department. Along with the growing revenues and increased business efficiency must come extensions of the mail-delivery conveniences.

Two years ago in an address to this House an appeal was made by me for an extension of the mail-delivery service of the Post Office Department so as to provide for the collection and delivery of letters in the towns, villages, and boroughs, and as the postal deficit was very great in 1909 it was suggested that the extension should be made as soon as the condition of the postal revenues would permit. The official reports indicate that the postal receipts and expenditures have been so balanced as to permit of service improvements, and an appeal now comes to the Congress from all parts of the country for an extension of the mail-delivery facilities. In illustration of the popular demand for this legislation I need only point to the fact that since I introduced H. R. 16819, in January last, for the experimental establishment of a town mail-delivery system a number of petitions, representing a score of States of the Union, have been filed in Congress praying for its enactment.

There is an urgent appeal from the people for an extension of the mail-delivery service to the cities, towns, villages, and boroughs which have presidential post offices of the second and third classes. The people in cities having less than 10,000 population or less than $10,000 worth of annual postal business are without mail-delivery service, notwithstanding the fact that many such towns have splendid streets, sidewalks, street lighting, and so forth, and give every evidence of true American progressiveness. It is unjust and even unwise that the Government should longer deprive the residents of these communities from the enjoyment of any form of modern postal methods for which they petition. I hope that the Congress will authorize the postal department to provide the people of our American towns and villages with a mail delivery at least once daily.

It is not essential that any particular method shall be pursued or special system be adopted, but it is desirable that initial action be taken, even if the appropriation is not large for the first year. Not less than $100,000 should be provided if material results are to be promptly attained, and I think that $300,000 could be well expended for this purpose.

It is pleasing to know that the Post Office Department officials have awakened to the importance of this legislation. They concede the justice of the popular demand for it, admit its practicability and advisability, and commend to Congress the installation of experimental service. The First Assistant Postmaster General in his last annual report urged the establishment of an experimental service in the following language:

EXTENSION OF THE FREE DELIVERY SERVICE.

Under the present law, which was enacted in 1887, City Delivery Service may be established in any city having a population of 10,000 or more, or at any post office where the gross receipts during the preceding fiscal year amounted to $10,000. Owing to the increase in postal receipts per capita (in 1887 it was 83 cents; now it is $2.53) it is not unusual for the postal receipts to amount to $10,000 at an office in a city having a population of not more than 3,000. On the other hand, there are a number of cities having a population of 7,000 or 8,000 where the gross receipts of the post office are less than $10,000 annually, and the operation of the law is therefore somewhat inequitable. The law could be more fairly applied if it were amended so as to make possible the establishment of Free Delivery Service in any city where the gross receipts of the post office amounts to $8,000.

The City Delivery Service is now in operation in 1,541 cities, serving more than 46,000,000 people. On the 42,000 rural routes 20,000,000 people receive their mail from rural carriers. This leaves a considerable percentage of our people, the majority of whom reside in towns and villages, without any form of Free Delivery Service, and under the present laws there is no way by which the department can relieve this inequality. The establishment of City Delivery Service, however, in towns and villages under the present practice of the department and the law governing the employment of letter carriers is not feasible, since the expense would be altogether out of proportion to the benefits conferred. At many post offices, however, serving a population of from 1,000 to 3,000, the postmasters, with a small allowance for the employment of assistance to distribute and deliver the mail, could provide a reasonably satisfactory service for practically all of the patrons. It is believed, therefore, that an experimental service should be authorized.

And the Postmaster General is equally favorable in his report. He says:

VILLAGE DELIVERY SERVICE.

Delivery by letter carrier, except on rural routes, is confined under existing law to cities and towns having as much as 10,000 population or annual post-office receipts amounting to $10,000 or more. Thus the residents of many small towns and villages are obliged to go to the post offices for their mail, while delivery service by carrier is afforded both to the inhabitants of cities and to people residing along the rural routes in sparsely settled country districts. The carrier delivery system is now in operation in 1,541 cities, serving an urban population of about 45,000,000, while rural carriers deliver mail on 42,000 routes that reach about 20,000,000 people. This leaves about 25,000,000 people in the United States, most of whom live in small towns and villages, without any form of mail delivery. The establishment of such a service in these towns and villages under the present law governing the employment and compensation of city letter carriers would be hardly feasible because of the heavy expense involved. It is believed, however, that in many villages not now entitled to free delivery a comparatively small allowance would enable the postmasters to employ the assistance necessary to carry mail to the residences, and an appropriation to cover the expense of such a service is recommended.

Acting upon these recommendations and the public demand that has been aroused throughout the country by the advocates of the town and village mail-delivery service, the Committee on the Post Office and Post Roads has recognized the merit and desirability of the proposed legislation by incorporating it in the pending bill.

It is hoped that the amendment will become law and that with as little delay as possible all of the 6,500 towns now without free delivery will be accorded that celerity and certainty of mail delivery which obtains in the cities as well as among the residents of rural routes.

I most heartily congratulate the Democratic majority of the committee on falling in line in the year 1912 with what the Republican national platform advocated 20 years ago in the following language:

We approve the policy of extending to towns, villages, and rural communities the advantages of free-delivery service enjoyed by the large cities of the country.

Since the adoption of that resolution by the Republican national convention of 1892, fully 20,000,000 of people living in "rural communities" have been accorded "the advantages of free-delivery service" through the agency of 42,000 rural free-delivery routes. Let the good work be proceeded with so that in a very short time the discrimination now existing against the people residing in the towns will be obliterated by statute.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I withdraw my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had directed him to report that they had come to no resolution thereon.

MINORITY REPORT ON H. R. 22527.

Mr. BURNETT. Mr. Speaker, I desire to ask unanimous consent that the minority may have until next Tuesday night, one week from to-night, to file the minority report on the bill (H. R. 22527) to further restrict the admission of aliens into the United States. (H. Rept. 559, pt. 2.)

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

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

H. R. 23246. An act appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or field-pieces; and

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

The SPEAKER announced his signature to joint resolutions and enrolled bill of the following titles:

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912;

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador;

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military

Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba; and

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, 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:

H. R. 23246. An act appropriating $300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto;

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or field-pieces;

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, April 17, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Minnesota River, Minn. (H. Doc. No. 700); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Charlotte Harbor, Fla. (H. Doc. No. 699); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 22527) to further restrict the admission of aliens into the United States, reported the same without amendment, accompanied by a report (No. 559), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23287) granting an increase of pension to Emma Chapman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22679) granting an increase of pension to James B. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13744) granting a pension to Mary Colby; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4962) granting a pension to Moses A. Coleman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20242) granting a pension to Charles E. Welker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9795) granting a pension to Patrick Burke; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17509) granting an increase of pension to Celia W. Boothby; Committee on Pensions discharged; and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: A bill (H. R. 23408) establishing the Wind Cave National Game Preserve, in South Dakota; to the Committee on Agriculture.

By Mr. HARRISON of New York: A bill (H. R. 23409) to incorporate the American Hospital of Paris; to the Committee on the Judiciary.

By Mr. RODENBERG: A bill (H. R. 23410) for repeal of a part of chapter 248, approved May 18, 1910, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes"; to the Committee on the District of Columbia.

By Mr. FERGUSSON: A bill (H. R. 23411) granting public lands to the State of New Mexico for the construction and maintenance of public roads and bridges in the State of New Mexico; to the Committee on the Public Lands.

By Mr. UNDERWOOD: A bill (H. R. 23412) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. RAKER: A bill (H. R. 23413) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 23414) granting public lands to the State of California for the construction of public roads and bridges; to the Committee on the Public Lands.

By Mr. MOTT: A bill (H. R. 23415) to amend section 11 of the food and drugs act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRISON: A bill (H. R. 23416) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. OLDFIELD: A bill (H. R. 23417) to codify, revise, and amend the laws relating to patents; to the Committee on Patents.

By Mr. HARDWICK: A bill (H. R. 23418) regulating the entry and clearance of certain vessels at the ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON of Minnesota: A bill (H. R. 23419) relating to rates of postage and weights on fourth-class mail matter, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. RODDENBERY: Resolution (H. Res. 495) to amend the rules of the House of Representatives; to the Committee on Rules.

By Mr. MOTT: Resolution (H. Res. 497) to investigate the sinking of the steamship *Titanic;* to the Committee on Rules.

By Mr. LEVER: Joint resolution (H. J. Res. 294) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions as they relate to agriculture and rural conditions in other countries; to the Committee on Agriculture.

By Mr. CLAYTON: Joint resolution (H. J. Res. 295) fixing the number of presidential electors, and for other purposes; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of the General Assembly of the State of Rhode Island, recommending to Congress the passage of House bill 17731, providing for Federal inspection of seagoing barges; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANTHONY: A bill (H. R. 23420) granting an increase of pension to Michael Cavanagh; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 23421) granting an increase of pension to Abraham W. Smith; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23422) granting a pension to Henry Franck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting an increase of pension to Andrew J. Adamson; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 23424) granting an increase of pension to William D. Henderson; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23425) granting an increase of pension to Benjamin P. Levick; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 23426) granting an increase of pension to William P. Underwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23427) granting an increase of pension to Patrick E. Conley, alias Edward Farley; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23428) granting a pension to J. Walter Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23429) granting an increase of pension to Sarah J. Drummond; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 23430) granting a pension to Rachel Cole; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 23431) granting a pension to Nannie Kimbrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting a pension to Penelope Morton; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 23433) granting a pension to Sashwell Turner; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 23434) granting an increase of pension to John A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23435) granting an increase of pension to Mary A. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Ansel M. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) granting an increase of pension to John W. King; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 23438) granting an increase of pension to Adolph Rahn; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 23439) granting an increase of pension to Walter K. King; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 23440) for the relief of the estate of William Penn, deceased; to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 23441) for the relief of George Wellington; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 23442) granting a pension to Clara E. McRoberts; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23443) granting an increase of pension to James F. Walker; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 23444) granting a pension to Maria McCann; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 23445) granting an increase of pension to John M. Rhoads; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23446) granting an increase of pension to Louis Krueger; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 23447) granting an increase of pension to M. C. Collins; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 23448) granting an increase of pension to George C. Rooker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23449) granting an increase of pension to John W. Copping; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 23450) granting a pension to Elroy R. Cary; to the Committee on Pensions.

By Mr. POU: A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims for damages to and loss of private property; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 23452) granting a pension to Nathan J. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23453) granting an increase of pension to Daniel Caswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23454) granting a pension to Aaron D. Robbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23455) granting an increase of pension to George W. Abbott; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23456) for the relief of Peter R. Eddy; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 23457) for the relief of Joseph Fox; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 23458) granting an increase of pension to Joseph Hand; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of the First State Bank of Elgin, Minn., and 11 others, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Papers to accompany House bills 5158, 6753, 6762, 6763, 6764, 6766, 6767, 6768, 6770, 6779, 6780, 6783, 6785, 6788, 8478, 8487, 8680, 8683, 8992, 9339, 9398, 9770, 10025, 11185, 11386, 11663, 11887, 11888, 14499, 14500, 16854, 20292, 20357, and 22364; to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Otto Hochub and other citizens of Holton, Kans., in support of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of Rev. S. A. Rauch and other citizens of Corning, Kans., in support of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of L. M. Penwell and other members of United Commercial Travelers of Topeka, Kans., protesting against parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Papers to accompany bill for the relief of Abraham W. Smith; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of Gustav E. Hageman and 200 other residents of St. Louis, Mo., protesting against the introduction of religion into the Government Indian schools; to the Committee on Indian Affairs.

Also petition of Ross List & Letter Co., of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the University of Missouri, in favor of House bill 22871—the agriculture-extension bill; to the Committee on Agriculture.

Also, petition of Joseph Delabar and of the Liquor Dealers' Benefit Association of St. Louis, Mo., protesting against the new liquor law for the District of Columbia, and of the Order of Knights of Labor of Washington, D. C., in favor of the police and firemen retirement bill; to the Committee on the District of Columbia.

Also, petition of the Commonwealth Trust Co., of St. Louis, Mo., in favor of the appointment of an international commission on the cost of living; to the Committee on Foreign Affairs.

Also, petition of the St. Louis Railway Club, of St. Louis, Mo., in favor of passage of House bill 16450, for readjustment of freight rates; to the Committee on the Judiciary.

Also, petition of Camp Lorence B. De Witt, Army of the Philippines, of St. Louis, Mo., against the reduction of Cavalry regiments in the Army; to the Committee on Military Affairs.

By Mr. BOWMAN: Petition of citizens of the State of Pennsylvania, favoring bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Spanish War Veterans' Camp of Wilkes-Barre, Pa., for passage of House bill 17470, providing for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of members of Laurel Lodge, No. 7, Brotherhood of Railroad Trainmen, of Scranton, Pa., favoring passage of House bill 20487, the accident compensation act; to the Committee on the Judiciary.

Also, petition of Crocker Grocery Co., of Wilkes-Barre, Pa., for passage of Stevens weight and measure bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Petition of Eintracht Verein G. U. G., of Milwaukee, Wis., against the passage of all prohibition or interstate-commerce liquor measures; to the Committee on the Judiciary.

Also, petition of the German veterans of Neenah, Wis., against passage of all prohibition or interstate-commerce liquor measures; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Carl Joseph & Co., D. Ancona & Co., Scoenbrun & Co., Lamm & Co., Marks Tailoring Co., and Briede, Frye & Rogovsky, tailors, of Chicago, Ill., protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Society for the Prevention of Cruelty to Animals, for enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Steele-Wedeles Co., Meyer Grocer Co., and the Wholesale Grocers' Exchange of Chicago, all of Chicago, Ill., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Union Label Council, of Greater New York, for creation of a commission on industrial relations; to the Committee on Rules.

Also, petition of the Order of Knights of Labor, for a retirement law for policemen and firemen of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton on the exchange; to the Committee on Agriculture.

By Mr. CATLIN: Petition of the Association of Master Plumbers of St. Louis, Mo., urging the passage of House bill 17736, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the St. Louis Sales Managers' Association, of St. Louis, Mo., urging passage of House bill 17736, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of members of St. Louis Local Unions Nos. 223 and 238, of United Garment Workers of America, urging passage of House bill 20423, providing for the registering of labels for labor organizations in the District of Columbia and Territories; to the Committee on the Judiciary.

By Mr. CURRIER: Petitions of New Hampshire Conference of the Methodist Episcopal Church, and the Woman's Christian Temperance Union of North Weare, N. H., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Pittsburgh (Pa.) Councils against House bill 21292, to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Woman's Christian Temperance Union of Wilkinsburg, Pa., favoring passage of House joint resolution 163; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of the State officials of Oklahoma, against the leasing of any of the Chilocco Indian School Reservation; to the Committee on Indian Affairs.

By Mr. DIFENDERFER: Petition of the members of Abington Presbyterian Church, of Abington, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DODDS: Petitions of residents of Gratiot County, Mich., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of Gratiot County, Mich., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Petitions of the Woman's Christian Temperance Union and Presbyterian Sunday School of Beallsville, and Presbyterian Christian Endeavor Society of Shadyside, Ohio, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of St. Louis Railway Club, in favor of the passage of House bill 16450, relating to the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, etc.; to the Committee on the Judiciary.

Also, petition of Dr. H. D. Chamberlain, of Belvidere, Ill., favoring the passage of Senate bill 5792 and House bill 16843, to consolidate the veterinary service in the United States Army, etc.; to the Committee on Military Affairs.

By Mr. HAYDEN: Petition of residents of Phoenix, Ariz., protesting against House bill 17485; to the Committee on the Public Lands.

By Mr. HAYES: Petition of Central Committee, Socialist Party, San Francisco, Cal., for passage of Berger bill for old-age pensions; to the Committee on Pensions.

Also, petitions of members of Mount Hamilton Lodge, No. 744, Brotherhood of Railroad Trainmen, of San Jose, Cal., in favor of House bill 20487; to the Committee on the Judiciary.

By Mr. KAHN: Petition of Fred L. Hilmer and Hon. C. P. Cutten, of San Francisco, Cal., favoring passage of House bill 21225, to protect butter against fraud by making oleomargarine a different color; to the Committee on Agriculture.

Also, petition of the Methodist Preachers' Meeting, San Francisco, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Miles Bros. (Inc.), San Francisco, Cal., favoring House bill 20595, to amend section 25, copyright act of 1909; to the Committee on Patents.

Also, petition of Frank McGowan, San Francisco, Cal., favoring passage of House bill 15783, introduced for the purpose of fixing the salaries of criers in the district courts of the United States; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of Henry Apple, of Denver, Colo., for the free and unlimited coinage of silver dollars and half dollars; to the Committee on Banking and Currency.

By Mr. MONDELL: Petition of the officers of the Woman's Christian Temperance Union of Sheridan, Wyo., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of moving-picture theaters of the tenth congressional district of Wisconsin, favoring Townsend amendment to House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on the Judiciary.

Also, petition of citizens of Ashland, Wis., favoring Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Ashland, Wis., favoring the building of one battleship in the Government navy yard; to the Committee on Naval Affairs.

By Mr. PARRAN: Papers in support of bill for the relief of Pay Inspector Worthington Goldsborough, United States Navy (H. R. 22896); to the Committee on Naval Affairs.

By Mr. RAKER: Petition of the Chamber of Commerce of Sacramento, Cal., for enactment of Senate bill 3367; to the Committee on the Public Lands.

Also, papers to accompany House bill 23269; to the Committee on Invalid Pensions.

Also, petition of the California State Federation of Labor, protesting against Senate bill 3175; to the Committee on Immigration and Naturalization.

Also, petition of citizens of California, against House bill 20281 and favoring House bill 21225; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Diego, Cal., against free sugar; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Diego, Cal., urging passage of House bill 20044, for improvement in the foreign service; to the Committee on Foreign Affairs.

Also, memorial of New Era League of California, favoring the granting of the right of suffrage to women; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of Sacramento, Cal., favoring House bill 18227, to increase California Redwood Park; to the Committee on the Public Lands.

By Mr. REYBURN: Memorial of Charles Young Camp, No. 27, Department of Pennsylvania, United Spanish War Veterans, favoring passage of House bill 17470, providing for the widows and minor children of the United Spanish War Veterans; to the Committee on Pensions.

By Mr. SCULLY: Petition of Lodge No. 309, Brotherhood of Railroad Trainmen, of Perth Amboy, N. J., for pending legislation relative to employers' liability and workmen's compensation; to the Committee on the Judiciary.

By Mr. SIMS: Papers to accompany bill for the relief of Wesley Martin; to the Committee on Invalid Pensions.

Also, petition of citizens of Adamsville, Tenn., favoring passage of a law to prohibit gambling in farm products, etc.; to the Committee on Agriculture.

By Mr. SPEER: Papers to accompany bills for the relief of Richard Barlow, Charles E. Stamm, and Irene M. Gary (H. R. 22450, 22632, and 22633); to the Committee on Invalid Pensions.

Also, petition of the Men's Adult Bible Class of the First Presbyterian Church, of Oil City, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TAGGART: Memorial of the Wichita (Kans.) Business League, for an additional Federal judicial district in the State of Kansas; to the Committee on the Judiciary.

Also, petition of residents of Kansas City, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Lawrence, Kans., for total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of residents of Morton County, Kans., for establishing a subirrigation plant in western Kansas; to the Committee on Irrigation of Arid Lands.

Also, petition of residents of Eudora, Kans., for enactment of House bill 21225 and opposing House bill 18493; to the Committee on Agriculture.

By Mr. WATKINS: Petition of citizens of Webster Parish, La., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WHITE: Petition of C. L. Archer and other citizens of Buffalo, Ohio, protesting against persecution of Messrs. Wayland, Warren, and Phifer, of the Appeal to Reason staff; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Order of Railway Conductors of the New York, New Haven & Hartford Railroad, favoring passage of House bill 20487, workmen's compensation bill; to the Committee on the Judiciary.