the medical and sanitary relief of the natives of Alaska; to the Committee on Insular Affairs.

By Mr. MORGAN: Petition of citizens of second district of Oklahoma, favoring passage of the old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of board of missions of St. James Protestant Episcopal Church, Pulaski, N. Y., relative to relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the Chamber of Commerce, Watertown, N. Y., relative to the improvement of East and North Rivers; to the Committee on Rivers and Harbors.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of citizens of Minnesota, favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. REDFIELD: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of the Maritime Association of the Port of New York and New York Board of Trade and Transportation, both favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Brotherhood of Railroad Engineers and the Patriotic Sons of America of Harrisburg, Pa., both favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Central Labor Union of Brooklyn, N. Y., protesting against passage of the Root amendment to the immigration bill relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of 500 members of the Workmen's Circle of New Haven and New Haven Lodge, No. 21, Order B'rith Abraham, of New Haven, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Petition of Freedom Lodge, No. 501, Independent Order B'rith Abraham, of Malden, Mass., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RODDENBERY: Petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of Senate workmen's compensation bill and anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce, and the New Grand Hotel, of New York City, N. Y., favoring passage of the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TALBOTT of Maryland (by request): Petition of Christian Endeavor Society of Methodist Protestant Church, Westminster, Ind., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Resolution of 806 members of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of the House anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. TILSON: Resolution of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., and 500 members of Workmen's Circle of New Haven, Conn., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petition of Otik Mohlev Lodge, No. 78, Independent Order Ahawas Israel, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Benjamin J. Kline Lodge, No. 569, Independent Order B'rith Abraham, of Van Sickles City, N. Y., and Central Labor Union of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of The Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) relative to cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of New York, favoring passage of Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of Socialist Party, Brooklyn, N. Y., protesting against passage of bill (H. R. 22527) for restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 23, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NOTICES ON SENATE CALENDAR.

Mr. LODGE. Mr. President, I desire to call attention to a change in the form of printing notices, which I observe on the calendar this morning. The introduction of headlines of subjects is something I have never seen before. I asked the chairman of the subcommittee on the *Titanic* disaster, and he said it was not done by his request, or even with his knowledge. It seems to me, if we are to change the form of printing notices and put headlines above the notices of speeches, at least that is a matter which ought to be recommended by the Committee on Printing or some proper committee of the Senate, for if we begin to print headlines for each speech, it will extend the notices on the calendar almost indefinitely.

Mr. SMITH of Michigan. The direction to print the subhead of the notice given yesterday for myself was a surprise to me. I had no conversation with anyone about it. I move that the words "*Titanic* disaster" as a subhead be stricken from the first page of the calendar.

The VICE PRESIDENT. Is there objection to such action? The Chair hears none, and that order will be made.

Mr. BACON. We could not on this side hear one word that was said. If it is anything requiring unanimous consent, we ought to know what it is.

Mr. SMITH of Michigan. I do not desire to discuss the question of the propriety of printing the heading over the notice I gave yesterday of my intention to address the Senate on Tuesday. I move that it be stricken from the notice.

The VICE PRESIDENT. The Chair was putting it as a request for unanimous consent rather than as a motion. Is there objection? The Chair hears none, and such an order is entered. The subhead will be stricken from the calendar.

RELIEF OF APACHE INDIANS (S. DOC. NO. 695).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of an appropriation for inclusion in the Indian appropriation bill for the relief and settlement of Apache Indians held as prisoners of war at Fort Sill, Okla., $250,000, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT. The Chair announces the erasure of his signature to the enrolled 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, returned on yesterday by the President pursuant to Senate concurrent resolution No. 21. The Secretary will notify the House of Representatives of the action thereon.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17756) 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," in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Chamber of Commerce of Richmond, Va., favoring the revision of the present currency system upon a permanent, sound, and scientific basis, which was referred to the Committee on Finance.

He also presented a resolution adopted by Hebrew-American Typographical Union, No. 83, of New York City, N. Y., remon-Typographical Union, No. 83, of New York City, remonstrating the immigration law, which was ordered to lie on the table.

He also presented petitions of the congregations of the Second Baptist Church of Selma; the Friendship Baptist Church, of Pine Apple; the First Baptist Church of Selma; and the Baptist Church of Pittsview; and of the Woman's Missionary Society of the Second Baptist Church of Selma, all in the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a telegram in the nature of a petition from sundry physicians of Potter County, N. Dak., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. ASHURST. I present two memorials adopted by the Legislature of the State of Arizona. I ask that they be incorporated in the RECORD, but I feel that I should ask that they be read so that Senators may have an opportunity to make an objection, if they see fit.

The VICE PRESIDENT. The Senator from Arizona does not ask that they be read?

Mr. ASHURST. I feel that I should ask that they be read that Senators may have an opportunity to object.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. They are memorials of the Legislature of the State of Arizona; the Chair does not understand upon what subject.

Mr. SMOOT. I should like to ask the Senator upon what subject.

Mr. ASHURST. One of the memorials asks that certain relief be granted to settlers who settled in the early days before certain reservations were made. The other memorial asks for the abolition of the so-called Commerce Court.

Mr. SMOOT. All right.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

The first memorial was read and referred to the Committee on Appropriations, as follows:

House memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the First Legislature of Arizona, in session convened, respectfully represent:

Whereas by an act of the Congress of the United States, passed June 18, 1910, an additional court was added to the already complex judicial system of the United States, the said court being officially known as the United States Commerce Court, and designed to hear a particular class of cases arising under the interstate-commerce act of the United States; and

Whereas we believe that the said Commerce Court is being used by the railroad corporations for the purpose of blocking the work of the Interstate Commerce Commission and preventing relief from extortionate freight rates, a notable example of which is seen in the treatment of the intermountain cases, wherein, by the action of said Commerce Court, the railroads are permitted to continue to charge extortionate freight rates, extorting the sum of $500,000 per month from the people of Arizona in excess of the amount they would receive under equitable rates established by the Interstate Commerce Commission; and

Whereas the said railroad companies have the right of appeal to the United States Supreme Court from the decision of the Interstate Commerce Commission, and the said United States Commerce Court does not occupy any needed or useful place in the judicial system of the United States; and

Whereas a bill has been introduced into Congress of the United States by the Hon. T. W. SIMS, Member of Congress from the State of Tennessee, looking to, and having for its purpose the abolition of the said Commerce Court; and

Whereas the State of Arizona is now represented in Congress by the Hon. MARCUS A. SMITH, the Hon. HENRY F. ASHURST, and the Hon. CARL HAYDEN: Now therefore be it

Resolved by the House of Representatives and the Senate of the State of Arizona, That we hereby call upon the Congress of the United States and petition it to pass said Sims bill, or in some other way to provide for the abolition of the said Commerce Court, to the end that the people may have relief from the oppressive freight rates, which the court, by its rulings, fosters and maintains.

Resolved, That a copy of this resolution be forwarded to our Representatives in Congress, and that they be requested to do all in their power to bring about the passage of the said Sims bill, or some other measure having for its purpose the abolition of the said Commerce Court.

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

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 1, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

The second memorial was read and referred to the Committee on Public Lands, as follows:

House memorial 2.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the House of Representatives of the first Legislature of the State of Arizona, the Senate concurring herein, respectfully represent:

That between the years of 1878 and 1892 many pioneers settled in the southern part of Arizona, and with their wives and children, formed the nucleus of a community of bona fide citizens.

In the belief that they had settled upon lands that were part of the public domain, these hardy pioneers built their homes, cultivated the soil, and, always menaced by the ravages of the Apache Indians, reared their families amidst great hardships and privations.

Secure in the belief that the soil upon which their homes were built would sooner or later be allotted to them, these pioneers continued their brave struggle against the many adverse conditions and circumstances which confront the settler in a new and undeveloped country.

Now that it is too late for these worthy citizens of our new State to make a new start in life, it develops that the lands upon which they have built their homes are included in the Spanish or Mexican land grants, the holders of which have successfully maintained suits for confirmation of these grants and have dispossessed the settlers thereon and have confiscated the improvements which represent years of toil, hardship, and privation.

These people are poor, but are good citizens of this State, and great injustice has been done them, inasmuch as they settled upon these lands in good faith, not knowing that they were claimed as land grants, but believing that they were a part of the unoccupied and unappropriated public domain of the United States, open to the settlement and occupation under the laws of the United States.

In view of the foregoing facts, and in justice and equity, your memorialists respectfully petition this honorable body that a court be established in Arizona, in the vicinity of these lands, and that said court be empowered, authorized, and directed to inquire into the damages sustained by the locators upon the various land grants within the confines of the Gadsden purchase, and that when such damages have been determined and assessed the Government of the United States provide for reimbursement of these settlers to the extent of the damage actually suffered by them.

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

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona, now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 2, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

Mr. POMERENE presented memorials of sundry citizens of Massillon, Ohio, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Alliance, Ohio, praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Neffs, Ohio, 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.

Mr. SANDERS presented a petition of sundry citizens of Memphis, Tenn., praying for the enactment of legislation to regulate the method of directing the work of Government em-

ployees, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Methodist and Baptist Churches, of Copperhill, Tenn., 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. O'GORMAN presented resolutions adopted by the Chamber of Commerce of Fulton, N. Y., favoring the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Men's Club of St. Paul's Church, of Rochester, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. SHIVELY presented resolutions adopted by the Indiana State Health Officers' Conference, in session at Indianapolis, Ind., favoring the establishment of a department of public health, which were ordered to lie on the table.

Mr. CULLOM presented petitions of the congregations of the Swedish Methodist Episcopal Church, the Zion Lutheran Church, the Free Church, the Swedish Baptist Church, and of sundry citizens, all of Rockford, in the State of Illinois, 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.

He also presented a petition of members of the Stark County Medical Society of Illinois, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAYNTER presented a petition of sundry citizens of Bowling Green, Ky., 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 sundry citizens of Bowling Green, Ky., praying for the enactment of legislation to prohibit the interstate transmission of race gambling odds and bets, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas, and I submit a report (No. 786) thereon. I call the attention of the Senator from Arkansas [Mr. CLARKE] to the bill.

Mr. CLARKE of Arkansas. I desire to have the report printed. A similar bill is pending in the House, and this bill will await action on that bill for the present.

The VICE PRESIDENT. The report will be printed under the rule, and the bill will be placed on the calendar.

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

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North (Rept. No. 787);

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky. (Rept. No. 788);

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended (Rept. No. 789); and

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky. (Rept. No. 790).

Mr. OLIVER. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, and I submit a report (No. 791) thereon. I ask for the present consideration of the bill.

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

The Secretary read the bill.

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

Mr. SMOOT. I prefer that the bill should go over to-day.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it with an amendment and submitted a report (No. 792) thereon.

Mr. McCUMBER. I am directed by the Committee on Pensions, to which was referred the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 793) thereon.

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

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 794) thereon.

He also, from the Committee on Finance, to which was referred the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder, reported it without amendment and submitted a report (No. 795) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2852) for the relief of the Title Guaranty & Surety Co. of Scranton, Pa., surety for David B. Wickersham, submitted an adverse report (No. 797) thereon, which was agreed to, and the bill was postponed indefinitely.

TARIFF DUTIES ON WOOL.

Mr. SMOOT. I am directed by the Committee on Finance to report back adversely the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool. (S. Rept. 840.)

In this connection I desire to state that at an early day the majority members of the Finance Committee expect to report a wool bill to be offered as a substitute for the one that is adversely reported.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Utah if that bill is accompanied by a written report of the views of the majority?

Mr. SMOOT. There is no written report, Mr. President. The bill is simply reported adversely, and I ask that it go to the calendar.

Mr. HEYBURN. Mr. President——

Mr. SIMMONS. If the Senator from Idaho will pardon me one moment, I will state that the minority will file its views in favor of the original House bill.

Mr. SMOOT. And the opinion of the majority of the Republican members of the committee will be, of course, expressed in the bill that will be offered as a substitute, if it shall be offered.

Mr. HEYBURN. Mr. President, I do not know of any authority given to promise legislation or submit proposed legislation in the nature of a new wool bill. Until the committee has prepared and agreed upon such a bill and has by a vote of the committee authorized it to be reported, I think no such promise as that should be made.

Mr. SMOOT. Mr. President, of course there will be no bill reported as a committee bill without a vote of the committee. If the Senator would prefer, then, I will say that I reserve the right personally——

Mr. SIMMONS. We on this side can not hear what is being said on account of the confusion in the Chamber.

The VICE PRESIDENT. Senators will please cease conversation.

Mr. BACON. Mr. President, I want to suggest that our inability to hear is not due simply to the fact of the confusion, but Senators are getting in the habit of talking in so low a tone that no one can hear them 20 feet away.

Mr. SMOOT. Mr. President, if there was not so much talk in the Chamber I do not think any Senator would have difficulty in hearing what has already been said.

I was saying that I did not claim that any wool bill would be reported to the Senate as the bill of the majority members of the committee until after the committee had voted upon such a bill. I will say that the majority members of the Finance Committee reserve the right to report a bill to be offered as a substitute for the bill that has been reported adversely, namely, the House wool bill.

Mr. BAILEY. There is no necessity for reserving that right.

Mr. HEYBURN. Mr. President, I do not think that it is prudent at this time to promise to the country a bill that is not yet formulated. I do not think it is wise to send out through the press of the country a promise to report a bill that is not yet formulated. I think the effect of it will be to cause an impression among the public that the Republican Party is going to enter upon a revision of the wool schedule.

Mr. LODGE. Mr. President——

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

Mr. LODGE. I thought the Senator had taken his seat. I will not interrupt him, but I will later take the floor in my own time.

Mr. HEYBURN. I thought I could be seen. I did not know that I was invisible.

I do not intend to do more than to say that, if I understood the Senator from Utah correctly, he did say that the committee—a majority of the committee—would report a bill. There is no one authorized to say that upon this floor.

Mr. SMOOT. The committee reserves the right, Mr. President, to offer a bill and to present it as a substitute for this bill.

Mr. HEYBURN. Mr. President, the committee do not need to reserve the right; they have the right under the rules of legislation. What I object to is the sending out to the country of a statement that the Republican Party is going to enter upon the revision of the wool schedule. Until a committee has acted there should be no promise of that kind from a committee.

Mr. LODGE. Mr. President——

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

Mr. HEYBURN. I do.

Mr. LODGE. Mr. President, I do not understand that any promise whatever has been made. The Senator from Utah made an absolutely correct announcement, the usual announcement where a substitute is being considered and may be offered, that the committee reserves the right to offer a substitute later. That is the understanding of the majority of the committee.

Mr. HEYBURN. I do not like to protract the consideration of a question of this kind, which is more a volunteer statement than a responsible one. I do not know that it is within the practice either of this body or of the committees of this body to forestall action or to prophesy as to the action of a committee. My objection is to having the party placed under a pledge or a promise that they will enter upon the consideration of such a measure.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. HEYBURN. The Senator from Utah made the promise—and I think a reference to the stenographer's notes will verify my statement—that the committee would do this, and then he modified it by the suggestion that he would do it on his own responsibility.

Mr. SMOOT. Mr. President, of course——

Mr. PENROSE. I believe I have been recognized, Mr. President.

The VICE PRESIDENT. The Senator from Pennsylvania was recognized.

Mr. PENROSE. I simply desire to state that the Senator from Utah is entirely correct, from what I know of the attitude of the committee. It is the hope of the majority of the members of the Finance Committee that we shall be able, if the limited time at our disposal will permit, to bring in a wool bill based on the report of the Tariff Board, and it is at least the hope of most of the Republican members that we shall be able to unite on a measure for the consideration of the Senate. Whether such a bill is likely to pass in the present condition of both branches of Congress, of course, is another question; but the Republican members will feel that they have discharged their duty in submitting a measure on the wool schedule based on the report of the Tariff Board.

Mr. HEYBURN. Of course it is obvious that there is some difference in opinion in regard to the action to be taken in reference to this measure. The Senator from Pennsylvania has just fortified the statement made—that is, the last statement made—by the Senator from Utah [Mr. SMOOT] by bringing into the consideration the report of some board and the credence or the credit that will be given to its action. Of course I am speaking upon the assumption that Congress is going to legislate and that we have no master nor have we any agent authorized to direct us how we shall legislate or upon what subjects we shall legislate.

Mr. PENROSE. Will the Senator permit me to interrupt him?

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

Mr. HEYBURN. Yes.

Mr. PENROSE. I do not understand that the Republican members of the Finance Committee will be in any way controlled as to rates by the report of the Tariff Board. That board has been scrupulous and careful in not making any recommendations on that vital feature of tariff legislation. When I said that the bill would be based on the report of the Tariff Board I intended to say that the data showing the difference in the cost of labor and the cost of conversion and the other elements entering into the growing of wool and the manufacture of woolen goods between this country and Europe will be duly weighed and considered by the Republican members of the committee. They will supplement the omissions of the Tariff Board report, if any exist, by knowledge available and at hand, and they will use their own judgment, I take it, as Republicans to frame a bill which will be amply and adequately protective to the woolgrower in the West and the woolen manufacturer in the East.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Will the Senator from Idaho permit me to interrupt him?

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

Mr. HEYBURN. Yes.

Mr. BAILEY. I think a word will clarify this whole situation. The truth of it is that a majority of the Republicans of the Finance Committee are ready to confess that the Payne-Aldrich bill needs revision and the Senator from Idaho is not willing to join them in that confession. That is about the situation.

Mr. HEYBURN. Nor do I propose to be spoken for by anyone undertaking to make a statement in the nature of a promise as to the action to be taken by a committee upon a subject not yet acted upon by the committee.

Mr. BAILEY. But the Senator from Idaho does not, if he will pardon me——

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

Mr. HEYBURN. I do.

Mr. BAILEY. The Senator from Idaho does not agree that the Payne-Aldrich tariff bill, with respect to the wool schedule, needs revision.

Mr. HEYBURN. The Senator from Texas states my position accurately. [Laughter.]

Mr. BAILEY. I was sure of that, and I also state the position of the other Republicans accurately when I say they confess that it does need revision by promising to revise it.

Mr. HEYBURN. Mr. President, I am consistent with the position which I took in voting upon the Payne-Aldrich bill. I do not change my mind on the policy or wisdom of legislation over night merely because some outsider suggests that we might possibly have acted more wisely at that time. [Laughter.]

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

DISTRICT POLICEMEN'S AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. Mr. President, on the 11th day of May the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was passed. Subsequently it was recommitted to the Committee on the District of Columbia. I desire to report the bill, having omitted the paragraph to which the Senator from Kansas [Mr. BRISTOW] objected and simply restoring one fund that had been inadvertently omitted from the former bill, and I submit a report (No. 796) thereon. The bill has been once read and acted upon, and I trust it may be passed without being read again. I ask unanimous consent that that may be done.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill, having once been read in full and he having stated what changes are now made in it, may be put upon its passage without further reading. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an

amendment to strike out all after the enacting clause and to insert:

That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members, on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 2 per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society; receipts from dog licenses; and receipts from insurance licenses; all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $100 per month; deputy chief engineer, a sum not to exceed $95 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $75 per month; deputy fire marshals and captains, a sum not to exceed $65 per month; lieutenants, a sum not to exceed $50 per month; assistant superintendent of machinery, a sum not to exceed $50 per month; engineers and drivers, a sum not to exceed $50 per month; assistant engineers and assistant drivers, a sum not to exceed $50 per month; inspectors and privates, a sum not to exceed $50 per month.

And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $100 per month; inspector and assistant superintendent, a sum not to exceed $100 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $100 per month; lieutenant, a sum not to exceed $100 per month; sergeant, a sum not to exceed $50 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 5. That a retiring board, to be composed of the surgeons of the police and fire departments, two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, and the health officer of the District of Columbia shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition or death is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 6. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

SEC. 7. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

GETTYSBURG NATIONAL MILITARY PARK.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3218) providing for the dedication of the Gettysburg National Military Park, at Gettysburg, Pa., to ask that the committee be discharged from its further consideration and that it be referred to the Commission on the Fiftieth Anniversary of the Battle of Gettysburg.

The VICE PRESIDENT. Without objection, an order will be made carrying out the desire of the Senator from Delaware.

Mr. HEYBURN. Mr. President, there is no committee on the fiftieth anniversary of the Battle of Gettysburg. That is a commission, and I do not know that we can refer anything to a commission.

The VICE PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Gettysburg Commission, if there be no objection.

Mr. HEYBURN. Perhaps I did not make my point plain. I suggested that we had not the power to refer a bill to a commission. A commission can not report a bill. It must come from a committee.

The VICE PRESIDENT. Does the Senator from Idaho object to the disposition made of the bill?

Mr. HEYBURN. Yes; on the ground of want of power to do it. The bill ought to lie on the table.

The VICE PRESIDENT. Without objection, the bill, then, will lie on the table.

MISSISSIPPI RIVER INTAKE TOWER AT ST. LOUIS.

Mr. REED. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River, at St. Louis, Mo., to report it without amendment, and I submit a report (No. 784) thereon. I ask unanimous consent for the present consideration of the bill. It is purely local.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., to report it without amendment, and I submit a report (No. 785) thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. HEYBURN. I ask that the by-laws of the association be printed in the RECORD in connection with the passage of the bill.

Mr. CLARKE of Arkansas. I am not advised as to whether they can be obtained at this time. This is an association which consists of a number of Jewish people——

Mr. GALLINGER. I know it is.

Mr. CLARKE of Arkansas. Who intend to erect a building at this place.

Mr. HEYBURN. I wish to avoid a question of sectarianism, and therefore I suggest that the by-laws be published.

Mr. CLARKE of Arkansas. If I can secure possession of them, they will be printed.

The VICE PRESIDENT. Without objection, when the by-laws can be obtained, they will be printed in the RECORD.

BILLS INTRODUCED.

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

By Mr. McCUMBER:

A bill (S. 6929) for the relief of the Wales Island Packing Co.; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 6930) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. CULLOM:

A bill (S. 6931) granting an increase of pension to Jesse A. Moore; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6932) increasing the cost of erecting a United States post-office building at Fairmont, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS:

A bill (S. 6933) for the relief of Reese K. Henderson; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 6935) for the relief of Frances Gurley Elderkin; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 6936) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE:

A bill (S. 6937) granting an increase of pension to Emma L. Tappan; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6938) granting an increase of pension to James Moynahan; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. PENROSE 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 ordered to lie on the table and be printed.

Mr. JOHNSTON of Alabama submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations 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 ordered to lie on the table and be printed.

EIGHT-HOUR LABOR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

UNITED STATES DISTRICT COURTS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

DEPUTY COLLECTORS OF INTERNAL REVENUE.

Mr. CRANE submitted an amendment proposing that the positions of deputy collectors of internal revenue of the United States shall not become vacant by reason of a vacancy in the collectorship, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF NAVAL BOARD.

Mr. LODGE submitted the following resolution (S. Res. 318) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to transmit to the Senate the report of the board appointed March 13, 1903, to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor.

ECONOMIC ASPECTS OF IMMIGRATION (S. DOC. NO. 696).

Mr. PENROSE. I ask to have printed as a public document a pamphlet on the economic aspects of immigration, by Isaac A. Hourwich, which I am informed is a very important contribution to the subject.

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

LAND AT MAGDALENA BAY (S. DOC. NO. 694).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, submitted in response to the Senate resolution of May 16, 1912, calling upon him "to send to the Senate copies of letters from the attorney or others for the American syndicate interested in Magdalena Bay, and copies of letters written in reply to the same by the department officials, referred to in the letter of the Secretary of State as published in Senate Document 640."

WM. H. TAFT.

THE WHITE HOUSE, *May 23, 1912.*

HOUSE BILL REFERRED.

H. R. 17756. 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," was read twice by its title and referred to the Committee on the Philippines.

TERRITORIAL GOVERNMENT FOR ALASKA.

Mr. JONES. Mr. President, I should like to ask for some information from a member of the Committee on Territories. At the last session of this Congress I introduced a bill (H. R. 38) providing for a Territorial form of government for Alaska. Quite awhile ago the bill passed the House of Representatives by practically a unanimous vote. That bill has gone to the Committee on Territories. I should like to know whether the committee is giving these bills any consideration and what the prospects are for a report, either favorable or unfavorable, at an early date.

Mr. NELSON. In the absence of the chairman of the committee, I desire to say that the chairman of the Committee on Territories is chairman of the subcommittee of the Committee on Commerce which has been investigating the *Titanic* disaster. Since that investigation begun he has been exceedingly busy with the matter, but the committee is now considering its final report, and after that this matter will be taken up.

Mr. JONES. I certainly hope so, because I think this is one of the measures that Congress should act upon one way or the other before it adjourns. While I want to give the committee an opportunity to consider the matter, I hope action will be taken within a very short while. If not, I shall take whatever steps are necessary to have the measure passed.

ORDER OF BUSINESS

Mr. HEYBURN. There is a measure on the calendar which might be considered at this time——

Mr. BRISTOW. The Senator from South Dakota [Mr. CRAWFORD] gave notice that he would address the Senate at the close of the routine morning business to-day.

Mr. HEYBURN. I did not want to bring in anything ahead of him.

Mr. BRISTOW. It is not morning business, but it is not giving due courtesy to a Senator who has given notice that he would speak as soon as the morning business was concluded.

Mr. HEYBURN. I am quite capable of judging of the question of courtesy involved, and it seems to me unseemly that

there should be any Senator who would directly or indirectly——

Mr. BRISTOW. I object.

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate take up the bill (H. R. 18642) to amend an 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.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate resume consideration of the unfinished business. Is there objection? The Chair hears none.

Mr. HEYBURN. I merely want to remark, in order that it may not be overlooked, that the same objection would apply that is made by the Senator from Kansas.

Mr. SIMMONS. I do not understand the Senator to make any objection.

Mr. CRAWFORD. I object.

Mr. HEYBURN. I do not want to object, but I want to call attention——

Mr. SMOOT. The Senator from North Carolina will not insist upon asking for unanimous consent in view of the fact that the Senator from South Dakota gave notice that he would begin his speech immediately after the close of the morning business.

Mr. SIMMONS. I have no disposition to interfere with the speech of the Senator from South Dakota, and I did not understand it would interfere with him. The Senator can go on with his speech after this bill is before the Senate. I am not desirous of displacing him at all.

The VICE PRESIDENT. The Chair understands the Senator from South Dakota objects.

Mr. CRAWFORD. I am not going to address my remarks to that subject at all. I am going to speak to the joint resolution which I introduced and which lies on the table, and I ask that it be laid before the Senate, because my remarks will be directed to that joint resolution.

Mr. LODGE. The Senator's remarks are to be addressed to another matter, and he ought to have the privilege of proceeding. It has never been refused.

Mr. SIMMONS. For myself I will not object; but I will state that I conferred with the Senator from South Dakota this morning, and I understood him as not objecting to going on with his speech. Of course, if he objects, I will withdraw the request.

The VICE PRESIDENT. The Senator from North Carolina withdraws the request, and, without objection, Senate resolution 109 will be laid before the Senate for the purpose of discussion only.

THE JUDICIARY.

Mr. CRAWFORD. I ask that Senate joint resolution 109 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the joint resolution, which will be read.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the States, namely: Amend said section 1 to read as follows:

"SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

Mr. CRAWFORD. Mr. President, in that most remarkable opinion written by James Wilson, Associate Justice of the Supreme Court of the United States, in which he gave the reasons upon which the court based its decision in the case of Chisholm against the State of Georgia, rendered in 1792, he said the real question before the court was, "Do the people of the United States form a Nation?" He observes also that in all our study of government we should not forget that it is not the artificial persons called states, but it is men who think, and speak, and act. He further curiously observes that when Homer enumerates the other nations of Greece whose forces acted at the siege of Troy, he arranges them under the names of their different kings or princes, but that he distinguished the Athenians by always referring to them as "The People of Athens," and that Demosthenes stirred his countrymen most when he began his orations with the words, "O Men of Athens!"

The Constitution was ordained and established by the people of the United States, as declared in its preamble, and not by a group of artificial public corporate bodies called States. James Wilson, looking through these artificial structures, saw beyond them, and recognized that at the foundation of the great superstructure were human beings—men and women with warm, human blood in their veins—and that the Government was of them, by them, and for them.

He understood that the Constitution and laws of the new Republic were made for society and that society was not to be sacrificed by a construction which might follow the letter but which would destroy the spirit. Notwithstanding the fact that the decision in this early case was "recalled," in a sense, by the people by the adoption of the eleventh amendment, declaring that—

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or subjects of any foreign State—

The observations of the great jurist whose language I have just quoted are as true to-day as when he made them in 1792.

It is apparent to all that we have just entered upon a fierce struggle, which is to be waged between contending forces, not for the few months of a political campaign only, but for years—it may be for a generation—a struggle and controversy in which the American people will reexamine and pass upon questions of far-reaching importance involving the foundations and the structure of their Government. During this period of contention and controversy we shall all have occasion to recur again and again to the great charter of our Government and to those historic settings in which it was placed by our fathers. In approaching what I wish to say, I may be pardoned for dwelling for a minute, in passing, upon this familiar subject.

At many points the Great Charter of our Government was the result of compromise. The situation at the time of its making was full of difficulty. The small States were jealous of the large States. The slave States were jealous of the free States. Many people in all the States were jealous of centralized Federal power, while the believers in a strong Federal Government were jealous of the power of sovereignty claimed by the individual States. These difficulties were adjusted by concession and compromise. To win the support of the slave States that ill-fated clause was adopted under which representation in Congress was apportioned according to population, ascertained by adding to the whole number of free persons three-fifths of the slaves; also that other provision for the return of a fugitive slave to his owner. Thus recognized as a right of property by the Constitution itself, slavery in all its worse forms flourished in this land of liberty for more than 70 years—from 1789 to 1865—when the thirteenth amendment was ratified.

That amendment was a long time coming, and followed as the immediate consequence of one of the bloodiest wars in human history; and as the result of more than 70 years of controversy and contention, during which one party maintained that the Federal Union was a mere league, which could be terminated at any moment by the voluntary withdrawal of one or more of the States, while another party maintained that the Constitution was ordained by the people of a Nation and that the union which it created could not be dissolved except by force, violence, or revolution. It was, indeed, an angry and bitter controversy, which soon became sectional in character. Patrick Henry, Thomas Jefferson, John C. Calhoun, and Jefferson Davis on one side; Hamilton, James Wilson, John Marshall, Daniel Webster, and Abraham Lincoln on the opposing side; these, and others whom I can not take time to name here, are great figures standing in the foreground of any picture which truthfully represents that controversial and momentous period in the history of this Republic.

Although the question remained for so long a time unsettled, we now see clearly that the attempt to establish a permanent Federal Union of the States must have ended in utter failure within the first two decades which followed the adoption of the Constitution if the views so stubbornly urged by Jefferson, Calhoun, and Davis had found sanction in the decisions of the Supreme Court of the United States. It was, indeed, fortunate that the fathers established that court as a coordinate and independent department of the Government and made it the depository of its judicial power with provision that the tenure of office held by the judges should depend entirely upon good behavior and duration of human life; because in those earlier years of superheated and angry debate and division over questions relating to the power and jurisdiction of the Supreme

Court, in construing statutes and provisions of the Constitution, to nullify a statute, whether enacted by Congress or by the legislature of a State, whenever it clearly appears to the court that such statute is repugnant to the Constitution, judges, whose tenure of office depended upon public sentiment, would not have dared to meet the storms of denunciation and criticism and the howls of rage and bitterness which Chief Justice Marshall encountered with calmness and serenity after each of the great decisions by which, with supreme courage and convincing logic boldly expressed in clear and specific language, he established the supremacy of the Constitution so completely that nothing less than civil war could hope to overthrow it. Or had they been equal to the great responsibility and decided as Marshall did such judges would have paid the penalty by dismissal from office .

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from South Dakota yield to the Senator from Arizona?

Mr. CRAWFORD. I yield.

Mr. ASHURST. I esteem it a great privilege to listen to this learned address. I understood the distinguished Senator to make some reference to the Constitution of the United States, or some provision thereof, which authorized the courts to hold certain laws unconstitutional. Did I hear aright?

Mr. CRAWFORD. No, sir; there is no specific provision except that they are invested with the judicial power. I said they were made the depository of judicial power.

Mr. ASHURST. There is no specific provision?

Mr. CRAWFORD. No, sir; there is no specific provision, nor did I so assert.

Mr. President, our fathers wanted an independent judiciary. They created a system of government essentially different from that of Great Britain from which they had so recently declared their independence. In England there was no Federal union of States; no division of powers; all power—executive, legislative, and judicial—was vested in an omnipotent Parliament; there were no written constitutions, either State or Federal. The British constitution was a mass of unwritten precedents and traditions, subject to change by a simple act of Parliament—the result of an appeal to the country. Executive ministers and judges of courts were members of one or the other of the Houses of Parliament and subject to its supreme control. The whole fabric of British Government rested upon custom and practice not defined nor limited by any written charter. It was an evolutionary growth, described in this fashion by Lord Macaulay:

> To think nothing of symmetry and much of convenience; never to remove an anomaly merely because it is an anomaly; never to innovate except so far as to get rid of the grievance; never to lay down any proposition of wider extent than the particular case for which it is necessary to provide; these are the rules which have, from the age of John to the age of Victoria, guided the deliberations of our 250 Parliaments.

From that system of government by Parliament our fathers broke away and erected another, based upon written constitutions underlying the several States, and upon a *written Constitution* binding all the States into a Federal Union—a system which divided the power of government into three separate and specifically defined divisions, making of each a distinct, separate, and coordinate department—placing limitations upon it and permitting it to exercise no power except that expressly delegated to it. They declared that this written Constitution, ordained and established by the American people—and the laws made in pursuance thereof, and all treaties entered into by the United States—shall be "the supreme law of the land," and that the judges in every State shall be bound thereby, "anything in the constitution or laws of any State to the contrary notwithstanding."

They placed limitations upon the power of Congress by prohibiting it from passing bills of attainder or *ex post facto* laws; from levying a duty upon articles exported from any State; from enacting laws interfering with the free exercise of religion; from abridging freedom of speech or of the press; from depriving any person of life, liberty, or property without due process of law; from interfering with the right of the people peaceably to assemble and to petition the Government for redress of grievances.

They also placed prohibitions upon the States by declaring that no State shall coin money or emit bills of credit; or, without the consent of Congress, lay any imposts or duties on imports or exports; or enter into any agreement or compact with another State or with a foreign power. How were these prohibitions to be made effective if not by the courts?

I ask the question again: Here are limitations upon the States; here are limitations upon Congress; how are these limitations to be made effective if not by the courts? There is only one other way, and that would be by the exercise of military force.

Yet in those earlier years a great many people contended with much vehemence that the courts had no power or authority to declare a legislative enactment void even though that act were clearly repugnant to the Constitution or to a treaty of the United States with a foreign power.

Some people, even in our day, suggest that this power be taken from the Supreme Court. They apparently fail to realize that its withdrawal would mean the dissolution of the Union. Mr. Justice Wilson and Chief Justice Marshall saw clearly how necessary it was that the Supreme Court firmly recognize the supremacy of the Constitution over legislative and executive as well as judicial action if the United States was to become a *Nation*. Wilson took the first step when he announced the decision of the court in the great case of Chisholm against the State of Georgia. Marshall completed the work so well begun by Wilson when, in a series of ever-memorable decisions, he declared in behalf of the court that an act of Congress or an act of the legislature of a State or a decision of the highest judicial tribunal of a State is void when clearly repugnant to the Federal Constitution or to any treaty between the United States and a foreign nation. Had the court failed to so decide any one of these three propositions in favor of the supremacy of the Constitution and treaties, the union of the States under that Constitution would have gone down. Disunion would have come while Abraham Lincoln was yet a barefooted boy in the woods of his native Kentucky; but men can be found who will assert that John Marshall was a usurper. Let us suppose for a moment that the Supreme Court had played the coward and—quailing before the violent assaults made upon it—had declined to assume the great responsibility of upholding the paramountcy of the Federal Constitution. What would have been the result?

The State of New York would have successfully maintained exclusive control over navigation on the Hudson and Federal control of commerce between the States would have been defeated. New York could have closed her ports to New England and imposed duties upon imports from New Jersey and Pennsylvania; Maryland could have taxed the Bank of the United States and issued bills of credit and coined money; Rhode Island could have successfully enacted a State bankruptcy law, by which the obligations of contract could have been annulled and debts legally repudiated; Virginia and the Carolinas could have made agreements or compacts with each other or with a foreign power. On the other hand, Congress could have passed laws levying duties upon articles exported from one or more of the States; or interfering with State autonomy; or with the purely domestic affairs and local police regulations of the States; it might have passed bills of attainder or *ex post facto* laws, or laws which would deprive citizens of their lives, liberties, and property without due process; or laws which would take away the power and destroy the efficiency of the executive and judicial departments.

In other words, had it not been for the check put upon it by the Supreme Court in upholding the spirit of the Constitution, Congress might have usurped all governmental power.

These decisions made the Constitution a living instrument, expanding under the enlightened construction of the court and keeping pace with the needs of a growing nation. Otherwise it would have been a mere idle declaration upon paper, such as the constitution of Mexico is to-day; or like those paper constitutions of the French Republic in the days of the Revolution. Indeed, nothing less than the exercise of this power by the Supreme Court could have brought into harmonious relation all these State laws, State constitutions, and acts of Congress. It is idle to talk about the British system, in which Parliament is above the courts. To return to that system would be to abolish or abandon our own; it would mean nothing less than revolution and a wholesale destruction of the American scheme of Federal government. The British system may be better than ours—I do not think so—but it is only the wildest and most impractical dreamer who would seriously propose such a revolution, as the adoption of that system would cause in our form of government, which depends so largely upon the independence of the judicial department as the check and balance between the executive and legislative departments, and which provides the way by which to maintain the coordination of the States. Mr. Lincoln found ample justification for the use of force in preventing seceding States from withdrawing from the Union in the language of Chief Justice Marshall in Cohens against Virginia, where the great jurist declares:

> It is usurpation whenever a part undertakes to do what the whole can not be kept from doing. * * * The *people* made the Constitution and *they* can unmake it, but this power resides only in the *whole*

body of the people, not in any subdivision of them. The attempt of *any of the parts to exercise it is usurpation and ought to be repelled by those to whom the people have delegated their power.*

This was a clear declaration in favor of the power under the Constitution to coerce a State and against the right of a State to secede from the Union. Could the "recall of judges" have been invoked against Mr. Marshall at that time of intense feeling he would probably have been turned out of office.

In contending for the independence and fearlessness of the judiciary I do not wish to be misunderstood. There is much which calls for criticism in the administration of our courts. There are many defects in judicial procedure, both civil and criminal, which all admit should be remedied. While, as a rule, our judges have been and are men of the highest integrity and honor, singularly free from undue influence, there are exceptions, of course, where, unfortunately, powerful and selfish influences reach the judge and secure unfair advantage; but such cases are rare. When the court is a State tribunal and the term of the judge elective, the people can easily correct abuses if they earnestly desire by reforming the judicial procedure, shortening the term of the judges, and refusing to reelect the unworthy ones.

The written constitution of every State in this Union, in my opinion, should provide simple and comparatively easy means for proposing and submitting constitutional amendments to a vote of the people. The amendment of the constitution of a State is quite a different thing, both in character and effect, from an amendment of the great charter which binds together 48 States in bonds of Federal union.

The free exercise of police powers by the people of a State through the enactment and execution of State laws should not be hindered and delayed by narrow and technical restrictions imposed by State courts. It is easy to understand why a strong and vigorous demand is made for relief against the barriers which decisions of that kind put in the way of progress and the public welfare, and why it is proposed that some method be devised under which an amendment to a State constitution may be proposed and submitted to the people for approval which will have the effect of so construing or amending the constitution as to remove the evil effects of the decision complained of. But that, of course, is a matter for the several States to deal with. It does not concern the Congress of the United States. The States can deal with it effectively any time public sentiment is aroused sufficiently to really and earnestly desire to make such a change. But the remedy is more difficult where the judge is a Federal officer holding his position during life and good behavior, and where he can not be removed except by impeachment. The inferior Federal courts, however, are creatures of statute. Except as to tenure of office, Congress can control them. It may in its discretion abolish them or reduce their powers or limit their jurisdiction. The irritation and the uneasiness of the people and their hostility to the courts are directed largely against these inferior Federal courts, and should an amendment such as I have proposed, fixing the term of the judges of these courts at a period of 10 years, be submitted, it would, in my humble opinion, be ratified by three-fourths of the States because of a prevailing opinion that some of these Federal judges are too indifferent to the rights of the people and not sufficiently responsive to present-day needs and present-day conditions when passing upon issues between the people and special interests. The fact that at the expiration of a fixed term his conduct as a judge would come under review by the President and the Senate, both of them, when determining whether or not he should be reappointed, acting under the scrutiny and watchful eye of the public, would not destroy his independence, but it would operate as a wholesome restraint upon the judge, while the expiration of his term would furnish the opportunity to dispense with the service of an unworthy or incompetent man. I for one am inclined to believe that an amendment of this kind would improve the Federal judiciary. Congress has, perhaps, created too many inferior courts and been too liberal in granting to them powers of injunction, particularly in proceedings against the officers of a State attempting to enforce the statute of a State. It is a matter of doubt whether the new courts of customs and of commerce were wisely established.

These inferior and intermediate courts, anxious to enlarge their jurisdiction by interfering frequently with the orders and findings of administrative boards and commissions of the Government, are often the means of delaying rather than promoting justice; but Congress may abolish them whenever in its wisdom it chooses to do so. Our courts and the administration of justice must command the confidence and respect of the people if the Government is to endure.

It behooves us to heed the complaints that are being made on every hand in regard to glaring defects in the civil and criminal procedure of both the State and Federal judiciary. Mere technicalities, appeals based upon quibbles and taken for delay, unnecessary peremptory challenges of jurors and immaterial objections to their competency, adherences to worn-out precedents, and ancient rules not adapted to needs of the present must all be swept away if our courts are to retain their hold on the affections of the people. An effective and speedy method, judicial in character, but more simple and surer of results than proceedings by impeachment should be provided by which bad and unworthy judges may be dismissed from office. But, on the other hand, let us beware that in our eagerness to correct existing evils we do not adopt methods exposed to far greater evils than those we would remove. This, I fear, would be the case if the judiciary were subjected to what is known as the recall, and should that "sword of Damocles" be held over the heads of the judges? The honest and fearless judge must often decide cases against strong public prejudice and hostile public sentiment if he does his duty and applies the rules of law and justice. The tenure of office held by him should never be made to depend upon the decision of the majority of the voters in his district, expressed by ballot at the close of a heated campaign, *forced upon him by a minority petition signed ex parte;* a campaign in which the issue is whether or not he correctly weighed the testimony and applied the law in causes tried by him. We should commit a grave and serious error if we were to adopt so questionable a remedy as that. We should be equally unwise, in my judgment, if, because we disagree with the conclusion reached by the Supreme Court of the United States that a certain act of Congress is void because repugnant to the Constitution or because that court construed some other act of Congress differently from the way we would have construed it, we should deprive the court of its power or greatly cripple its power to declare those acts void which clearly violate the provisions of the Constitution. It is a matter of surprise that any reasonable and loyal citizen of the United States should propose the use of such revolutionary and destructive weapons as these. But suggestions of this kind are abroad in the land and must be met with courage by all who oppose them because they are dangerous and unsound. Everyone concedes that the decisions of the court should be and are open to the freest criticism. Judges are human, and to err is human. The judges as individuals are not entitled to special favor. They have not been set apart as more sacred than other human beings. The effect of fair and even sharp and merciless criticism of their decisions is wholesome. There is, however, a wide difference between free criticism of the courts and their decisions and the curtailment or destruction of the independence and vital power vested in them and necessary to the preservation of the Government itself. Some people do not seem to have discovered this truth. Abraham Lincoln criticized Chief Justice Taney and the decision of the court in the Dred Scott case unsparingly, but no man was more zealous than Mr. Lincoln in upholding each and every department of the Government created by the Constitution and in the preservation of the Union established by it, or who more firmly supported those canons of construction declared by Chief Justice Marshall.

You know what he said about his wish to save the Union without slavery if that could be done, but to save it even with slavery, and yet he is sometimes quoted as an authority to justify the attack upon the power of the court.

It is sometimes said that the Federal judges, holding office for life or during good behavior, are not subject to the will of the people, and that in our form of government no public officer should be entrusted with power who is not in some manner accountable to the people.

The Federal judges are accountable to the people. The Constitution was ordained by the people, and it provides that his tenure of office shall depend upon the good behavior of the judge, and that he may be impeached for wrongdoing. This makes him accountable to the people in the way which they themselves have provided in a Constitution which they ordained and established. So it is not true to say that these judges are not accountable to the people. If the method of procedure by which a bad judge may be impeached is too difficult, a way has been provided by which to amend that Constitution, and it should be resorted to for the purpose of adopting some easier and more effective method, but it should be by judicial inquiry and speedy trial with an opportunity to be heard, not a mere expression of public opinion after an excited and spectacular campaign for votes and by limiting the term of the judicial office to fixed periods of time. Mr. Hamilton correctly observed

that the judiciary, from the nature of its functions, will always be the least dangerous to the political rights guaranteed by the Constitution. He said:

The Executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. * * * The judiciary may be said to have neither force nor will, but merely judgment. * * * Though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislative and executive.

Hamilton was right. Judges can not take the initiative; they can not go into the forum and advocate political doctrines as partisans, as executive and legislative officers are permitted to do.

When attacked in the public press and on the platform by bitter partisans, when their decisions are assailed, the lips of the judges are closed. The dignity of the judicial office does not permit them to reply. They do not make issues; they decide only the questions that the parties before them have raised. As Mr. Hamilton has said, they have "neither force nor will, but merely judgment." The courts can not go out and seek, nor can they create controversies; they can simply hear and determine the issues brought before them and enter judgment. The enforcement of their decrees and writs follows because there is universal respect for the majesty of the law—not because the courts command fleets and armies. When the authorities of the State of Georgia refused to obey a writ of habeas corpus in the case of the Cherokee Nation against that State, President Jackson refused the aid of the Executive Department, and declared that "John Marshall has made his decision, now let him enforce it;" the Supreme Court of the United States was powerless to proceed further. Jackson, as the Chief Executive, held the Nation's sword and Congress controlled its purse, without their cooperation the court could go no further.

This fact in the history of the Supreme Court proves how idle are the fears of those who manifest concern lest the courts endanger the liberties of the people by an abuse of its power, and vindicates the statement of Mr. Hamilton that the judiciary, from the nature of its functions, is the least dangerous to the political rights guaranteed by the Constitution. Congress, and not the Federal courts, is to blame for the present situation in which those courts have been placed in suits brought to enforce the Sherman Antitrust Act. Without their seeking it, the burden and the duty have been put upon these courts of not only dissolving vast combinations in restraint of trade, such as the Standard Oil Co. and the American Tobacco Co., and of permanently enjoining them from continuing in business and directing the division of their assets and the distribution thereof to shareholders in the several constituent and subsidiary corporations, but, in addition, the almost impossible task and the enormous responsibility have been put upon them of supervising, reviewing, directing, and consenting to some proposed plan under which several smaller concerns, owned chiefly by the same old stockholders, may severally and independently of each other conduct the vast business theretofore conducted by the unlawful combination.

If the Government is successful in the pending suits against the Harvester Trust and the Steel Trust, the courts will again be called upon to perform this task. It is work which no court should be asked to do. It properly belongs to some administrative tribunal. The nature and character of the work make it practically impossible for a court or judge to do it. It is put upon the courts because Congress has neglected to provide some other and more efficient method of regulation and restraint in the conduct of interstate business by corporations. The work which should be done by an administrative tribunal is forced upon the courts by the neglect of Congress to provide for such tribunal, and these courts are unjustly criticized for doing the best they can to render a service which, under no circumstances, should have been required of them. But a more efficient remedy will be provided soon, let us hope. The attention of the people is now directed to this problem, and they will not fail to find its solution. It is half solved when clearly and correctly stated. The point aimed at is special privilege. The American people have determined to destroy that. They have determined that the law shall not permit one class of citizens, as individuals or as corporations, to practice extortion or lay excessive burdens upon other citizens and make it harder for them to live; not only that the law shall not permit this thing, but that it shall go further and prevent this thing; that those in charge of the execution of the law shall enforce it. They have determined that special privilege shall be destroyed in this generation as slavery was destroyed in the last generation; that the wrongdoer, whether he be a malefactor of great wealth or a dynamiter pretending to represent organized labor, shall suffer the pains and penalties of the law; that special privilege shall be destroyed under the Constitution as it stands, or, if found necessary, that the Constitution shall be amended so as to permit it to be done.

In any event the die is cast. The personality, the iron will, and the resistless energy of an individual leader are only incidents—the issue is larger than the men engaged in the contest going on to settle it. The people have entered their decree. Because corporate wealth, amassed under special privilege, was not bearing its share of the public burden, Congress has already imposed an excise tax upon its right to transact interstate business, based upon net earnings. Because those who receive enormous incomes—far beyond their needs and the needs of those dependent upon them—do not bear their share of the expenses of maintaining the Government, and because that burden falls too heavily upon the man of small means—least able to bear it—the people will soon ratify the proposed amendment giving clear and unquestioned power to Congress to levy a tax upon incomes.

The people are also determined that the transmission of great inheritances shall be made to pay a toll to the Government under whose protection they are accumulated, thereby removing to some extent the burden now borne upon the backs of the poor. They are also determined that the *general welfare*, and not *special interests*, shall be the governing motive in determining the amount which shall be raised by duties on imports and the extent to which such duties shall protect the American market place.

More and more it is becoming necessary to invoke the use of the powers granted by our Federal Constitution to Congress in the solution of the growing problems which arise in our complex industrial and commercial life. These problems can not be solved by the States, because they are interstate problems.

Under modern conditions commerce knows no State lines. Yet many of the States, by unwise and improvident statutes, have permitted the organization of companies which, without restraint by the laws creating them, have proceeded to prey upon the people in all the States through the avenues of interstate commerce. They have allowed companies to be organized for any sort of business without reference to where it is to be carried on and without any limitation upon the capitalization; the charters granted are perpetual or may be renewed over and over again; consolidations and mergers are permitted; ownership in the stock of competing corporations may be acquired without limit; there is no requirement that any part of the capital shall be paid before the corporation begins business or afterwards; stock may be issued for property and for service and labor, the value of which may be arbitrarily fixed by the board of directors; the meetings of directors and of stockholders may be held beyond the limits of the State; no official report to the State is required; directors are not required to be residents of the State, and the same person may act as a director in two or more companies engaged in the same kind of business.

All the States do not grant all these privileges, but most of them are permitted by the majority, and none of them is prohibited in all.

It is under these lax *State* laws that trusts and combinations are formed which seek to monopolize and restrain trade and commerce between the States. It is very clear that the only adequate remedy we can hope for must be obtained from the Federal Government by the exercise of its power to regulate commerce between the States. As the Interstate Commerce Commission has brought the railroads engaged in interstate commerce under control, so should an administrative commission of the Federal Government bring all these industrial and commercial concerns engaged in interstate commerce under the control of the Federal Government. It should be complete and effective control based upon the firm purpose to protect the American people from the unjust burdens of special privilege and monopoly. Ours is a representative government. It is only representative in the true sense when the agencies selected by the people give expression to the well wrought out and temperate conclusions of the people. The man in public life who closes his ears to the appeals of the masses and listens only to the demands of those who seek for some personal and selfish advantage through the agencies of the Government is an enemy of representative government.

It is to dislodge him that more effective methods of securing the execution of the popular will, such as the direct primary, the initiative, and the referendum are devised; it is not for the purpose of changing the Republic into a pure democracy, but for the purpose of placing effective weapons of defense against special privilege in the hands of the people to be used when

the emergency requires. As a weapon in reserve to be used only when regularly chosen representatives have been guilty of a betrayal of their trust these innovations are a useful and wholesome restraint. Back of them all are the good sense and the permanent devotion of the American people to the principles of justice.

Mr. President, my view of these questions relating to the Federal judiciary is that along with perhaps some more effective remedy in the nature of impeachment, but still more simple and effective, we should be able to get rid of an unfaithful judge of one of these inferior Federal courts by having his term end some time; and that is the purpose I have in view in suggesting this amendment to the Constitution, fixing the tenure of the judges of these courts at terms of 10 years.

I ask that the joint resolution which I have presented and which is now on the table be referred to the Committee on the Judiciary, and I earnestly hope that the members of that committee will give it most serious consideration with a view to taking action upon it at some day within a reasonable limit of time.

I thank the Senate for its indulgence.

The PRESIDING OFFICER. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate resume the consideration of House bill 18642, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an 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.

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina 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	Clarke, Ark.	Jones	Perkins
Bacon	Culberson	Kern	Pomerene
Borah	Cullom	Lea	Rayner
Bourne	Cummins	Lippitt	Reed
Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	McCumber	Root
Bristow	Fall	McLean	Sanders
Bryan	Fletcher	Myers	Shively
Burnham	Gallinger	Nelson	Simmons
Burton	Guggenheim	Nixon	Smith, Ga.
Catron	Heyburn	Oliver	Smoot
Chamberlain	Hitchcock	Overman	Sutherland
Chilton	Johnston, Ala.	Page	Works

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH] has been called from the Chamber on account of public business.

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Senate by important public business.

I also desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called out on important business temporarily, but will soon be in the Chamber.

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

Mr. OLIVER. Mr. President, before proceeding to the discussion of the measure before the Senate I want to say a few words of a personal nature. While the Senator from Iowa [Mr. CUMMINS] was addressing the Senate upon this bill the junior Senator from Missouri [Mr. REED] made a statement concerning something that I was supposed to have said during the course of that debate. The language of the Senator from Missouri was as follows—I read from the RECORD:

> Mr. REED. The statement was made by the Senator from Pennsylvania, who ought to be as well informed as the Senator from Utah upon the cost of iron and steel, because he comes from one of the great iron and steel producing States of the country. The statement was to the effect that the testimony two years ago was now utterly unreliable, because the cost has changed in the two years so greatly that the testimony of two years ago could no longer be used as a basis for determining to-day the difference between the cost of production abroad and the cost of production at home.

Mr. President, I never in the Senate or elsewhere made any such statement. The Senator from Missouri, either for want of sufficient attention to what was said misunderstood something that I did say, which I can not understand, or possibly something may have been said by another Senator which the Senator from Missouri mistakenly attributed to me.

I am a little careful, Mr. President, about statements of fact that I make, particularly with regard to conditions in the iron and steel business, with which I have all my life been somewhat familiar. I am disposed to resent the action of the Senator in attributing to me statements which I never uttered and which I not only never uttered, but which are without any basis of fact, because the conditions in the iron and steel trade to-day do not differ materially from what they were two years ago. In addition to which, I never, directly or indirectly, intimated that the testimony taken two years ago was unreliable; and I am at a loss to understand how the Senator from Missouri could attribute such a statement to me. I want to say here that I cheerfully acquit the Senator from Missouri of any intention to misrepresent me, but he has unwittingly done so, and I take this opportunity of placing myself right upon the record.

Mr. President, the platform of the Republican Party adopted at Chicago in 1908 contained the following words:

> The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the step already taken to this end in the work assigned to the appropriate committees of Congress, which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

This declaration has been the subject of much discussion, and it has been strenuously contended by the advocates of low duties that it meant nothing but a revision downward. For my part I have never been able to see that this plank was intended to be anything else than a firm and emphatic declaration in favor of a continuance of that protective policy which has been favored by the Republican Party from the day of its birth, and has been the chief cause of its many victories. It is probably true that in the minds of many of our people the change in conditions from those prevailing in 1897 seemed to warrant a reduction of duties in many of the schedules, but that the majority of the Republican voters in 1908 expected or wished for such a reduction as to enable foreign producers to compete in our markets with our own products I do not believe.

The law of 1909, which is now in force, was enacted in response to this tariff declaration, and was looked upon by its friends as a fulfillment of that promise. Whatever may be said of other schedules, no man who reads the schedule now under consideration and compares it with the law which preceded it can fail to acknowledge that in this schedule at least the revision was radically downward; for almost every item it contains carries a lower duty than the corresponding item in the Dingley law, and on many of them the duty was practically cut in two. It is strange, therefore, and utterly illogical that the first schedule selected for further downward revision by this Congress should be the one that was confessedly cut the lowest in the law enacted only three years ago, and this in spite of the fact that the Tariff Board, created by Congress for the express purpose of obtaining information concerning the cost of production at home and abroad, has reported its findings concerning two other important schedules, while it has not yet concluded its investigations as to Schedule C.

Mr. President, as a Republican and a protectionist I stand upon the platform declared by my party four years ago. I voted for the laws creating the Tariff Board and enlarging its powers and duties. I am ready to vote for a revision of all schedules just as fast as the Tariff Board furnishes us with the necessary information concerning them. Having created this board we should at least postpone action until the board furnishes us with the information necessary to form our conclusions. They have already reported on two schedules, and I contend that we should at least dispose of these schedules before we proceed to the consideration of others. This is the only logical position for a Republican and a protectionist to take.

I am opposed to this bill, because I do not believe it was conceived in good faith, or that it was ever intended to become a law. I have confidence enough in the patriotism of our Democratic friends to think that if they really believed that what they propose would be finally enacted they would never submit a measure so illy thought out and so full of menace to the greatest of our industries as this; and I venture to predict that if the entire responsibility of government ever comes to them, the measure they finally adopt will be far different and far less burdensome than the one now before us.

The great difficulty about this bill is that its proponents in reality have no kind of understanding about the subject in hand. The bill itself shows how little they understood the task that was assigned them. When they think of the steel industry they see nothing before them but the United States Steel Corporation. They forget that, while the steel corporation looms large in the public mind and while it originates nearly one-half of the tonnage of steel produced in the United States, its busi-

ness amounts in dollars and cents to less than a fourth part of the total value of the country's steel products. They also forget that while the bill proposes large reductions in the duties imposed upon the heavier steels, which are produced by the steel corporation, it hits still harder the man who with a small factory works the steel down into the smaller shapes and sizes which it takes when it goes to the ultimate consumer. I am speaking now of the bill as it came from the House. Later on I will have something to say of the substitute measure proposed by the Senator from Iowa.

As I have said, in their desire to weaken the steel corporation the fathers of this bill have lost sight of the man with the small shop and of the men whom he employs, but at the same time they are playing directly into the hands of the trust at which the measure is aimed. This bill in reality should be entitled "An act to confirm and perpetuate the power and dominance of the United States Steel Corporation in the steel business of the United States," for if we follow the arguments of those who have spoken in favor of this measure and of the substitute proposed by the Senator from Iowa to their logical conclusion, that corporation can survive its enactment, while many of its competitors must perish.

The Senator from Iowa, in his speech delivered some days ago, demonstrated to his own satisfaction that steel rails could be produced from pig iron at a labor cost of $1.86 per ton. The Senator's statement was based upon a report furnished by the Commissioner of Corporations, and I admit that, except that he allows nothing for waste in conversion, which amounts to considerable, his statement is borne out by what is contained in that report. That there is some flaw in it, I am absolutely certain. What it is, I confess that I can not discover. But I do not hesitate to say that, given a plant with the most modern equipment, with unlimited capital, and with every advantage known to modern times, if the Senator from Iowa or any other man would ever attempt to manufacture steel rails upon the basis of that report he would go bankrupt within six months.

There is but one isolated plant in the United States whose only finished product is steel rails, and that is the Edgar Thomson Steel Works at Braddock, near Pittsburgh. Feeling certain that there was something wrong with the Senator's statement, I asked the officials of the Steel Corporation, to which the works belong, for a statement of the pay roll of the Edgar Thomson works for some given period, and also for the tonnage of rails manufactured during that period, and I received in reply the statement that during the calendar year 1910 the total pay roll of the Edgar Thomson works was $3,301,031; deducting from this the amount paid for labor for and on account of pig iron produced in excess of that used for rails and all other products produced other than in the manufacture of rails, $978,000, leaves a balance of pay roll, including labor going into the manufacture of rails, of $2,323,031. There was produced during the year 460,000 tons of rails. On the basis of the amount of pay roll as above applicable to this production the average labor per ton of rails would be $5.05. According to the report of the Commissioner of Corporations the labor cost in producing a ton of pig iron is 77 cents. Deducting this from the above would leave the cost of labor entering into the conversion of a ton of pig iron into rails $4.28. Now, I give this statement simply as it was given to me. There may be something wrong about it, but I am certain that it is very much nearer the mark than the amount allowed by the Senator from Iowa.

I have listened with great interest to the argument of the Senator from Iowa, and I am free to confess that I agree with some of the conclusions he draws as applied to the Steel Corporation. There is no doubt whatever that so far as the corporation itself is concerned it would suffer but little from a reduction of duties on some of the heavier products it manufactures, and there is also no question but that it has an enormous advantage over many of its competitors and a considerable advantage over all of them in the manufacture of what is known as tonnage steel. It produces all of the ore and practically all of the coke which goes to its blast furnaces. I do not think this is true of any one of its competitors. It transports its own ore to the Lakes and a large part of it from the Lakes to its furnaces, an advantage enjoyed by no one else. Its plants are located in different parts of the country, so that it can deliver its products to all points at much less expense than those with single plants, thereby entailing a great saving in freight; and what is greater than all, its unlimited financial resources would enable it to survive a fierce competitive war, which would overwhelm individual manufacturers with disaster. So that while this bill, if enacted, will subject the steel corporation to foreign competition in many of its products, in the end it would probably survive, while most of its competitors would perish.

Mr. President, in the discussion of this measure I want to be absolutely fair; and in a spirit of fairness I admit that, so far as the United States Steel Corporation and perhaps one or two of its greater competitors are concerned, they have little to fear from this bill. In fact, the steel corporation officials are looking with great complacency upon this proposed legislation. I have seen none of them about Washington to oppose it, as was the case three years ago. If enacted, it will undoubtedly take away from them some, at least, of the markets which they now control; but at the same time it will force such a reduction in prices as to drive their smaller competitors out of business and give them that monopoly which from the first they have aimed at. With their integrated profits and their enormous resources they can drive the individual from the field. Having done this, they can and will arrange with the foreign syndicates for a division of the world's markets. This is no dream. It has happened before, and it will happen again. The whole steel business abroad is syndicate controlled, and the managers of the syndicates will be only too ready to join with the few who will then control the American market for the exploitation of the American people.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Is it not a fact that the reports show that the Steel Trust, so-called, is doing a decreasing percentage of the total steel business in the United States——

Mr. OLIVER. That is true.

Mr. HITCHCOCK. That year by year it is losing to its smaller competitors?

Mr. OLIVER. That is true.

Mr. HITCHCOCK. Now, if that be true, how can the Senator justify the statement he has just made as to their superior opportunities and advantages?

Mr. OLIVER. It is very easily explained, Mr. President. The policy of the United States Steel Corporation since its organization has been a very liberal one toward its competitors. It has followed the policy of sustaining the market rather than driving out competition. The very able men who control it have figured that it is much better for them to reap large profits and allow independent manufacturers to do the same than to exercise that power which they undoubtedly have of driving not perhaps all but many of their competitors out of the field.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania further yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Which means that the Steel Trust has pursued a policy of maintaining prices at such an exorbitant figure that not only is it able to make large profits, as the Senator says, upon the business it does, but its other competitors by its grace are enabled with their deficient resources also to make profits—all this at the expense of the American consumer under the protection of the American tariff.

Mr. OLIVER. Mr. President, if the Senator from Nebraska proposes to suggest that as my opinion I take issue with his conclusion. I will say that so far as my observation goes I would eliminate the word "exorbitant." I do not think that the prices charged for steel during the past 10 years could reasonably be called exorbitant. They have been such as to afford to a manufacturer with the advantages that the steel corporation has very large profits. There is no gainsaying that fact. Also I think many of its competitors have had very considerable profits. That it has been done at the expense of the American people I doubt very much. I believe, on the whole, taking the average of the 10 years, the consumers of iron and steel and iron and steel products have not paid more for what they bought than they would have done under competitive conditions, for the reason that during periods of scarcity prices have not gone up to the same extent that they did when there was unquestioned competition amongst manufacturers. In other words, the steel corporation has endeavored to maintain prices at a level. Some may call it a high level, and I am rather disposed to concede that, but it has been at a level, and they have prevented violent fluctuation upward as well as downward. That, I think, is a very fair statement of conditions.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. OLIVER. With pleasure.

Mr. SIMMONS. I understand the Senator, then, to say that under the present arrangement provided by the steel corporation the independents are not subject to competition.

Mr. OLIVER. Oh, no; I did not say that at all, Mr. President. I did not say anything about independents. I have not mentioned the word "independent." If the Senator from North Carolina desires to quote me, I want him to quote what I said, not what he thinks I might have said under certain conditions.

Mr. SIMMONS. Then, I will ask the Senator if the meaning of his statement is not that there is not under present conditions any competition in this country in the steel industry?

Mr. OLIVER. I said nothing from which that meaning could be taken.

Mr. SIMMONS. Then, I will ask the Senator if there is competition in prices in this country in the steel and iron industry?

Mr. OLIVER. There is at present, Mr. President. I would not term it fierce competition, but there is very hearty competition amongst all manufacturers. I do not believe that to-day——

Mr. SIMMONS. I was asking with reference to prices—if there is any competition in prices.

Mr. OLIVER. I am talking about prices. There could be no competition in the true sense if there was no competition in prices. If there is no competition in prices, there is no competition in anything.

Mr. SIMMONS. I have no doubt of it. I am trying to reach the point of the question I wish to ask the Senator. It is whether there is any competition in prices; that is to say, whether the prices that are arbitrarily fixed by the steel corporation are not the same prices charged by all the other steel manufacturers in this country?

Mr. OLIVER. Mr. President, that is a very frank question. So far as my observation goes I state that I think there is fair and open competition to-day between the steel corporation and all its competitors. As far as I can observe the situation, that is the case.

Mr. SIMMONS. Does the Senator mean to say that they charge different prices for the same article?

Mr. OLIVER. I should like the Senator to elaborate that question.

Mr. SIMMONS. Take any of the basic products—steel rails, for instance. Is there any difference between the price which the steel corporation charges for steel rails and the price other manufacturers of steel rails charge in this country?

Mr. OLIVER. I do not know anything about the steel-rail market, but I have had something to do within recent times with the purchase of other material. I have had something to do with the purchase of structural material, and I found a difference in the prices quoted by the steel corporation and its competitors, and a very considerable difference at that.

Of course, Mr. President, any man who has been engaged in the business knows, and those who have not been engaged in the business can easily understand, that where people are doing a competitive business prices will sooner or later seek the same level, because a man engaged in business, whether manufacturing or merchandising, finds out almost in a moment what his competitor is doing and he immediately proceeds to meet it. So if the Senator from North Carolina were about to put up a steel building and would ask for bids, while he would find a considerable variation in the bids, as a general proposition the variation would cover a very limited range, because these men have their salesmen and representatives out and it is their business all the time to find what their competitors are doing.

Mr. SIMMONS. I understand the Senator says there has been no difference in the price charged by the steel corporation and other manufacturers of steel rails.

Mr. OLIVER. It is common report that the price of steel rails is practically uniform. I have no doubt that is the case

Mr. SIMMONS. The Senator says there is a difference in the price of structural steel.

Mr. OLIVER. Yes; and all great lines of steel.

Mr. SIMMONS. I will ask the Senator if that is a substantial difference or is it just a slight difference?

Mr. OLIVER. Now, Mr. President, the Senator knows just as much about that as I do, because I have not come into personal contact with the business. I have not had occasion within recent months to buy anything or to be connected with any interest that was buying anything in that line, and I can not answer that question any more than the Senator from North Carolina can.

Mr. SIMMONS. I asked the Senator the question because, coming from the State of Pennsylvania, I supposed that he had great familiarity with these matters. I understood him to say in the beginning of his speech that practically all of his life he had had some familiarity with the iron and steel industry.

Mr. OLIVER. I have had.

Mr. SIMMONS. And I knew that the Senator would make a frank statement about it, and, I thought, a statement based upon knowledge. So I was anxious to find out whether or not, in the Senator's knowledge, the difference which he says exists in the price of structural iron and steel and some other products was a substantial difference or merely a slight variation in price?

Mr. OLIVER. I understand, Mr. President, that for a year past, perhaps more, there has been active and earnest competition amongst steel manufacturers, not only on structural steel but upon all other lines of iron and steel. I do not know whether or not that extends to rails, but I do not believe it does.

Mr. SIMMONS. I think the general impression is that there has been very little domestic competition in prices of any of the basic products of steel and iron in this country. The Senator says, however, that there is some in certain products.

Mr. OLIVER. I know that there is very active competition in pig iron.

Mr. SIMMONS. Following that statement, I understood the Senator to say that if this bill should pass the steel corporation would be able to survive, and I understood him to say further that they would be likely to enter into combinations or arrangements with foreign syndicates, and in that way keep up the price.

Mr. OLIVER. What I said, Mr. President, was that, in my opinion, after having exercised the power which they would have if protection were taken away from their competitors of decreasing the number of those competitors, they would then be in a position to enter into arrangements with foreign syndicates for the control not only of the markets of this country but of the markets of the world.

Mr. SIMMONS. Then, Mr. President, I ask the Senator what harm could come, if that is so, to the independents or other manufacturers who fear prices will be reduced by the result of this bill, if, in case it should pass, the steel corporation should make, and probably would make, such arrangements with foreign competitors as to prevent any such result following the passage of the measure?

Mr. OLIVER. No harm would come to them, except that they would be out of business; that is all.

Mr. SIMMONS. Now, I should like to ask the Senator how would they be put out of business if the steel corporation made these arrangements with foreign competitors, so that prices would be maintained in this country, notwithstanding the reduction of the tariff?

Mr. OLIVER. Because the steel corporation, by exercising the power which the Senator from North Carolina and his compatriots in their good will toward the corporation would give them, would have driven their smaller competitors out of business; and once out of business it is a very hard thing to get back again.

Mr. SIMMONS. Does the Senator mean that the steel corporation would not make this arrangement with the foreign syndicates to maintain prices in this country until they had first destroyed the independents?

Mr. OLIVER. I mean that the steel corporation would make their arrangements with whomsoever was competing with them, and by that time, by reason of the reduced duties which the Senator proposes, their competitors would not be the ones at home, but those abroad, represented by the German and English syndicates.

Mr. SIMMONS. But that arrangement, to be effective and to accomplish the purpose that the steel corporation would have in view in making it, would have to be an arrangement by which the foreign producer would keep out of this market.

Mr. OLIVER. Very likely; but leave that to the United States Steel Corporation.

Mr. SIMMONS. How long does the Senator think it would take the United States Steel Corporation to make that arrangement?

Mr. OLIVER. Mr. President, the United States Steel Corporation holds a charter which runs perpetually, and I am only outlining what I think would happen under this most vicious legislation, which is advocated by the Senator from North Carolina. I may be wrong in my prognostications. I am saying what I think and what I believe; and if unfortunately this legislation be enacted, I hope that I shall turn out to be a poor prophet.

Mr. CUMMINS. Mr. President——

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

Mr. OLIVER. I yield to the Senator from Iowa.

Mr. CUMMINS. Does the Senator from Pennsylvania mean, in comparing the United States Steel Corporation with the other companies engaged in the same business, that if the steel corporation were to be content with the same profits that are enjoyed by the independent companies it could very materially, very largely, reduce the price of its products?

Mr. OLIVER. Mr. President, if the steel corporation—and I think the Senator from Iowa will acknowledge that this is correct—were content with the same measure of profits that is enjoyed by the ordinary independent manufacturer, the ordinary independent manufacturer would not be in business.

Mr. CUMMINS. So that the ordinary manufacturer, or independent manufacturer, lives at the will of the United States Steel Corporation, and the latter is willing that its so-called rivals shall live, because the United States Steel Corporation thinks it is better to take a very large profit on half of the business than to excite the indignation of the people by absorbing all the business. That is about the situation, is it not?

Mr. OLIVER. Divesting the Senator's language of some of its phraseology, Mr. President, it is pretty nearly a good statement of the case, in my opinion.

Mr. CUMMINS. I only wanted to remind the Senator from Pennsylvania, who has up to this time treated the subject very frankly, that in the costs which I gave the other day of producing the various commodities with which I dealt, I did not take the costs of the United States Steel Corporation alone.

Mr. OLIVER. I understand that.

Mr. CUMMINS. But I took the average of costs of all the companies engaged in the business. The Senator from Pennsylvania recognizes that, I believe?

Mr. OLIVER. I understand; yes.

Mr. CUMMINS. One other thing, and I will not interrupt the Senator more at this time. The Senator from Pennsylvania began his speech by the suggestion that there was in 1909 a very great reduction in the duties of the metal schedule. I hope that before he has finished he will call the attention of the Senate to the fact that, although there was a great reduction in some of the items of the metal schedule, as a whole the metal schedule was reduced, I think, a little less than 1 per cent. So that the Senator may have that in mind, I will read from a publication prepared by the Senate Committee on Finance in 1909, in which, referring to Schedule C, being metals and manufactures thereof, it is said that the average duty, reduced to an ad valorem, under the Dingley law was 32.59 per cent—that is, upon imports for the previous year; that the average duty of the bill as it passed the Senate was 32.13 per cent; that the average duty of the conference bill, which was adopted by the Senate as well as by the House, was 31.35 per cent, about three-fourths of 1 per cent reduction, taking the schedule as a whole.

Mr. SMOOT. Mr. President——

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

Mr. OLIVER. I will yield to the Senator from Utah in a moment.

Mr. President, the percentage of reduction in duties is not to be measured by the percentage of reduction in the different articles which happen to have been imported. A great many of the items in the iron and steel schedule are manufactured exclusively in the United States and are not the subject of import duties at all. Very large reductions were made in those articles, which do not show in the report cited by the Senator from Iowa. With regard to that I will say that if you take the schedule item by item and show the percentage of reduction or increase in the different items there will be found a very different showing from that contained in the report of the imports. Now I yield to the Senator from Utah.

Mr. CUMMINS. Will the Senator from Utah allow me to respond to the suggestion just made by the Senator from Pennsylvania?

Mr. SMOOT. Yes.

Mr. CUMMINS. I recognize the accuracy of the statement just made by the Senator from Pennsylvania. It corroborates precisely what I said the other day when I was trying to convince the Senate of the fallacy of an argument which was then being made by the Senator from Utah. For instance, under the Dingley law—as we have spoken of steel rails I will mention them—the duty on steel rails in the paragraph containing rails was $7.84 a ton, and during the year of 1908, preceding the enactment of the Payne-Aldrich tariff law, the imports of commodities under that paragraph bearing a duty on steel rails of $7.84 a ton and upon fishplates of $10 a ton, were in value about $450,000. In 1909 we reduced the duty on steel rails to $3.92 per ton and upon fishplates and the like to $6 per ton, and in 1910 the imports of those commodities, under this duty cut in two, were only about $100,000. So one could easily see that the lower the duty the less will be the import upon the same theory that some of my friends reduce specific duties to ad valorems.

Mr. OLIVER. I now yield to the Senator from Utah.

Mr. SMOOT. I can not follow the logic of the Senator from Iowa [Mr. CUMMINS], nor do I think the Senator's comparison is a fair one. I desire to call the Senator's attention to a fact, and, after I do so, I believe he will agree with me. The comparison that he has made is made upon the amount of importations in a certain year—I believe the year 1908. The comparison would be reliable provided the imports were exactly the same in amount.

Now, let me illustrate: If there were no imports at all, we could have cut the duty from 100 per cent to 1 per cent, and in the comparison offered by the Senator no difference whatever would be shown. The comparisons I gave the other day in relation to transferring a specific duty to an equivalent ad valorem duty were upon actual importations, not as compared with any other year, but for the particular year of those importations. So, Mr. President, if I had compared them with the same amount of importations under the rate the Senator may have proposed then, of course, the comparison would have shown exactly what the difference was as to the items; but if there had been no importations at all, then the comparison of the whole schedule, as the Senator is doing here, would not give an accurate idea of the reductions; in other words, Mr. President—and I believe the Senator will bear me out in this statement—steel rails and many other items, such as bar iron, were reduced 50 per cent, and a great quantity of the heavy steel products were reduced from 25 to 50 per cent, but there were no importations of them.

Mr. CUMMINS. And have been none since.

Mr. SMOOT. I will admit, Mr. President, that there have been none since, and because of that fact a comparison of the equivalent ad valorem duties of the tariff act of 1909 and the duties proposed by the Senator would not show the result at all.

Mr. CUMMINS. The Senator from Utah is expressing in a better way just precisely what I said at a former time. When he attempts to take a whole bracket, comprising a half dozen commodities or the same commodity divided into classes by price, and attempts to convert a specific duty upon that bracket or those commodities into an ad valorem, it is an impossibility, and it must necessarily be inaccurate. I only wanted to show that, taking the whole metal schedule as passed in 1909, and applying it to the importations of the previous year, there was a reduction, converted into ad valorems, of less than 1 per cent.

Mr. SMOOT. Well, Mr. President, if there had been no importations at all——

Mr. OLIVER. There would not have been any reduction shown.

Mr. SMOOT. If there had been no importations at all on the items on which the duty was reduced, then, according to the Senator's logic, there would have been no reduction of the ad valorem duties at all; but, of course, we can plainly see that that would not be the case. As to the question that we were discussing the other day in relation to the brackets, putting two or three of them together and finding the equivalent ad valorem duty, the Senator's contention in that regard would be absolutely true, providing we did not know just exactly what the shipments were, the unit value of the shipments, and the amount of duty collected. With those items known, then without question the difference between the equivalent ad valorems can be ascertained.

Mr. OLIVER. I think the Senator from Iowa will acknowledge that the ratio of the reduction or the increase in duties in Schedule C is not necessarily to be measured by what the import records show. While I have never made it the subject of examination or study, my own impression is that the average reduction in duties in this schedule under the act of 1909 was not less than 20 per cent. I may be wide of the mark, but that is my impression. I am very glad to see, Mr. President, that there is some chance of the Senator from Iowa and the Senator from Utah getting together.

Mr. President, I join with many other thoughtful Americans in deploring the fact that so great a proportion of this, our greatest industry, has been concentrated into one management. I would much prefer to see the steel business as it once was, under the eye of the old ironmaster, who lived near his plant and spent his days and nights in watching its development—who came into daily contact with the men he employed and had a stake in the community in which he lived. In what may

be termed "the greater steel industry" the old ironmaster is but a reminiscence. His place has been taken by the high-class hired man, who acts under the direction of the financier; but in the finishing trades and the lighter lines, which involve thousands of plants instead of scores, and whose business aggregates many times that of the steel corporation, the individual proprietor still stands at the helm, and it is at him that this legislation is aimed and in his defense that I now speak.

Having said this much about the bill in a general way, I will now take up a few of the more glaring of the many mistakes it contains and which show the utter incompetency of the hands that framed it.

Mr. GALLINGER. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Senator from New Hampshire 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:

Bacon	Dillingham	Lea	Pomerene
Bailey	du Pont	McCumber	Rayner
Borah	Fall	Martine, N. J.	Reed
Bourne	Fletcher	Myers	Richardson
Bradley	Foster	Nelson	Sanders
Bryan	Gallinger	O'Gorman	Shively
Burnham	Gronna	Oliver	Simmons
Burton	Guggenheim	Overman	Smith, Ariz.
Catron	Heyburn	Page	Smith, Ga.
Chilton	Hitchcock	Paynter	Smith, Mich.
Cummins	Johnston, Ala.	Penrose	Smoot
Curtis	Jones	Perkins	Sutherland

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called from the Chamber temporarily on public business.

I also desire to announce that my colleague [Mr. POINDEXTER] is temporarily detained from the Chamber on important business. I desire that this announcement stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. OLIVER. I will first refer to the article called ferromanganese.

Now, ferromanganese is an alloy used in the manufacture of steel. It is made in a blast furnace, in precisely the same manner as pig iron. It is, in fact, nothing but pig iron of a very high class. Owing to the scarcity of manganiferous ores in the United States most, if not all, of these ores are imported from abroad. Ferromanganese is manufactured in this country by just one concern, and that concern is the United States Steel Corporation. In the Payne bill the duty levied on ferromanganese is the same as on pig iron—$2.50 per ton. The framers of the Underwood bill reduced the duty on pig iron to 8 per cent ad valorem, amounting to about 90 cents per ton; but for some reason which passes human comprehension they place a duty on ferromanganese of 15 per cent, which amounts at the market price to-day to about $6 per ton. So that out of abundance of love for the United States Steel Corporation they have advanced the duty on this article, of which it is the only American manufacturer, from $2.50 to $6 per ton. There is only one explanation for this amazing provision, and that is that the framers of the bill did not know what they were doing. The Senator from Iowa knew too much to be led into this ambush, and his bill places the duty at $1 per ton on both pig iron and ferromanganese. For my part I see no reason why ferromanganese should not be admitted free of duty. The ore which forms the basis of its raw material comes from abroad, and it can only be made here under difficulties which are almost prohibitory. If any duty is imposed for revenue purposes, it should under no circumstances be higher than that which now prevails.

BAR IRON.

Thirty years ago, before it was supplanted by soft steel made by the Bessemer and open-hearth processes, bar iron was the basis of iron manufacture the world over. It should not be confounded with bar steel; it is a different article, made in a different way, and used largely for different purposes. Steel is made by melting the pig iron and casting it into ingots, while iron is made by reducing it to only a semimolten state, squeezing out the impurities, rolling it into a flat bar called muck bar, which is then allowed to cool, sheared up into small pieces, reheated, and rerolled into what is known commercially as bar iron. Steel is granular in its texture, while iron is fibrous. In its process of manufacture iron is made to-day in precisely the same manner as it was 50 years ago. The labor is all hand labor. Machinery has not supplanted it as it has in the manufacture of soft steel, and the wages paid for such labor in this country are uniformly just about double those paid in Europe. As an example, we find from Mr. Pepper's report that the maximum weekly wages at Dusseldorf for puddlers is $13.68. In this country puddlers are paid by the ton, and the present wage scale of the Amalgamated Association of Iron and Steel Workers calls for the payment of $5.37½ per ton for puddling. The product of a puddling furnace is 2,800 pounds, or 1¼ gross tons, per working day. The puddler's wages would therefore amount to $6.72 per day. Out of this, under the workingmen's scale, he pays to a helper one-third plus 5 per cent of his own two-thirds. Figuring the day's wages on this basis, the puddler in the United States would receive $4.25 per day, while the man who performs the same work at Dusseldorf receives $13.68 per week, or $2.28 per day—a difference between the two countries of $1.97 per day. It will be noted that in this country the puddler's helper receives $2.47 per day, or 19 cents more than the daily wage of the German puddler. I have not the detailed information which will enable me to analyze the wages of the other workers in the mill, but I am satisfied that they will bear the same proportion to each other as in the case of the puddler. The labor performed in each case is identical and there is no material difference in the equipment of the mills. Wrought iron is made in substantially the same way the world over. It is largely the product of manual labor, while in the manufacture of soft steel the man is only an incident and machinery performs most of the work.

Mr. James Lord, an iron manufacturer of Lebanon, Pa., testified before the Finance Committee of the Senate as follows:

> I am representing to-day, in company with eight gentlemen who have come from different parts of the East, 25 rolling mills that manufacture bar iron east of the Allegheny Mountains and that stretch from Knoxville, Tenn., to Portland, Me. These companies sell their products for the most part east of the mountains and largely to the Atlantic coast and Gulf points. Consequently this bill, if passed, would put the burden of foreign competition largely on these eastern mills, because the freight from our different mills to coast points is just about equivalent to the freight from European competing points. For instance, our freight to New York would be 10 cents, while practically the same rate could be obtained from Liverpool or from Antwerp.

The duty in the Payne bill on bar iron is three-tenths of 1 cent per pound, or $6 per net ton. The Underwood bill reduces this to 10 per cent ad valorem. The Cummins amendment places the duty at $3.50 per ton on square bars and $3.75 per ton on round; but I call the attention of the Senator from Iowa to the fact that in the latter clause, relating to round iron, he has inserted the word "steel," which might be construed as admitting round steel of high carbon and high value, which I do not think he intended to do. I have no hesitation in saying that the enactment of the Underwood bill into law would utterly destroy the mills turning out this product east of the Allegheny Mountains, and most of this iron is made in eastern Pennsylvania, New Jersey, and New England. The mills west of the mountains to a very large extent have abandoned the manufacture of iron and work exclusively on steel. And I further say that none of this iron is turned out at any of the plants of the great steel-producing companies. So far as I am aware, not a ton of it is made in any of the plants of the steel corporation, the Jones & Laughlin Steel Co., the Republic Iron & Steel Co., the Cambria Steel Co., nor, as I believe, in any other of the great plants.

But the most glaring case of injustice to a deserving industry, that to-day is literally struggling for life, occurs in paragraph 9 of the Underwood bill, corresponding to paragraph 131 of the Payne law, commonly known as the basket clause. Of all branches of the iron and steel industry the most difficult one to establish in the United States has been the manufacture of the finer grades of steel known as crucible cast steel. Since Huntsmen, of Sheffield, discovered the art of making crucible steel, in 1740, that city has been known as the center of the industry and has been noted the world over for the excellence of its product. It retains that supremacy to-day.

It was, I believe, more than a century later before any attempts to produce this kind of steel were made in the United States, and the pioneers in these attempts went down to repeated failures. By degrees, however, the American manufacturers obtained a foothold in this business, and for years preceding 1900 a very large part of the crucible steel—otherwise known as tool steel—used in this country was of home manufacture. But about 1900 or 1901 there appeared on the market a new product of English manufacture known as high-speed steel. It was so named because, owing to its peculiar composition, a tool made of this steel retains its temper even when red hot, so that the machine in which it is placed can be rushed at a high rate of speed instead of very slowly, with the result that the machine is capable of turning out many times as much work in the same time and with the same labor as it would when the ordinary steel was used. This steel was sold at first at 75 cents per pound and was cheaper at that price than the ordinary steel would be at even one-tenth of the price, as it outlasted the other and enabled a given machine to turn out an enor-

mously greater quantity of work with the same amount of labor. The introduction of this steel threatened to destroy the industry in the United States. Its merit was so apparent and its introduction into this country was so rapid that the imports of fine steel, valued above 16 cents a pound, the highest classification known to the Dingley law, which in 1898 had amounted to only 250,540 pounds, in 1901 reached 778,736 pounds; in 1902 jumped to 2,133,461 pounds; in 1903, 2,299,239 pounds; in 1904, 1,550,313 pounds; in 1905, 1,724,612 pounds; in 1906, 2,897,682 pounds; in 1907, 3,535,707 pounds; in 1908, 1,999,255 pounds; and in 1909, 2,083,672 pounds; and I may add that, notwithstanding the very liberal increase in duty allowed by the Payne law, the imports during 1911 were 2,870,267 pounds.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Yes.

Mr. SHIVELY. As I understand the Senator, this is a particular kind of steel out of which machinery is made to work exclusively in iron and steel.

Mr. OLIVER. Yes; generally for that purpose. Its use has since been extended to the making of cutlery and other articles of that sort.

Mr. SHIVELY. The Senator says that the process of making this particular kind of steel is an English process.

Mr. OLIVER. Originally it was a secret process.

Mr. SHIVELY. A secret process?

Mr. OLIVER. When invented or discovered. It first made its appearance in 1901 or thereabouts, and if the Senator will follow the figures I have given he will see that it has made very rapid progress.

Mr. SHIVELY. The figures are of the imports?

Mr. OLIVER. Yes. None of it was made in this country at the beginning.

Mr. SHIVELY. Those imports were induced by reason of the superior quality of the steel for this particular purpose.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was used in this country in the general iron and steel industry.

Mr. OLIVER. It was used in this country, yes; by all users of fine steel.

Mr. SHIVELY. That is, it was used in this country in the manufacture of machinery for use in the iron and steel industry.

Mr. OLIVER. Generally speaking; yes.

In the meantime, however, the American crucible steel manufacturers discovered the formula or mixture which was employed in producing this steel. It is composed of a mixture of the best class of Swedish bars, with about 18 to 20 per cent of tungsten, about 3½ per cent of chromium, and 1 per cent of vanadium. The tungsten enables the steel to retain its temper while at a red heat, while chromium imparts toughness and vanadium greater tensile strength and greater resistance to strains and shocks. The combination produces a steel of which one pound will do as much work as five or ten times its weight of any steel that was known fifteen years ago. The first effect of the American competition was to bring down the price of the English steel from 75 cents a pound to about 40 cents, at which price the home manufacturers could not compete, owing to the great additional labor involved in its manufacture and the expensive nature of the materials used.

As a result of the showing they made, the duty upon this grade of steel was advanced by the Payne bill on a sliding scale, based upon an ad valorem of about 20 per cent, and I am proud of the fact that I was to some degree at least instrumental in obtaining this advance. When the amendment proposing it was offered by the chairman of the Finance Committee it raised at once a storm of protest. Some of the Senators here will remember the debate that ensued. But so convincing were the facts that upon a fair presentation of the case the amendment was carried without a division. Since the act of 1909, notwithstanding the advance in duty, the American manufacturers have been barely able to hold their own. That the duty imposed by the present law is not too high to allow reasonable competition from abroad is shown by the increase of imports from $2,083,672 in 1909 to $2,870,267 in 1911.

I tried to get the imports for 1910, but was unable to do so. To give some idea of the nature of this business, and of the kind of men who are engaged in it, I will quote from the testimony of Mr. William Metcalf, jr., president of the Braeburn Steel Co., of Braeburn, near Pittsburgh. Mr. Metcalf, whom I know very well, inherited this business from his father, the founder, one of the pioneers in this branch of the industry. His plant is a small one, owned entirely by his family, and he says, and I believe, that if this bill becomes a law it will go directly to the scrap pile. I will quote liberally from Mr. Metcalf's testimony:

Our product is the finer grades of steel, known as tool steel. It is a product into which the element of labor enters very largely and one that requires the utmost of skill, and it is a product that can not be made rapidly. The mere melting of the raw material in itself must be done slowly and carefully. The heating of the ingots after they are made is exceedingly important, and must be done slowly, or they will be destroyed. * * *

Referring to the matter of mill labor, the average wage per day of all of the men in our employ during the year 1911 was $3.33⅓. That includes skilled and unskilled labor. The average wage per day of our skilled men, or what we call tonnage men—the rollers, hammer men, and others who work by the ton and employ their own labor—was $4.01 per day. These figures were taken from our pay-roll books, and are absolutely accurate as far as it is possible to make them. * * *

During the year 1911 we had an average of 111 men employed. Of the 111, 56 were skilled men. There were 19 of what we might call intermediate men—that is, not common labor, but of the class of firemen, gas makers, and so on. * * *

During the year 1911 the cost of labor in our mill was 50.7 per cent of the entire cost of production. The material charge was 31.1 per cent. This makes a total of 88.2 per cent, leaving only 11.2 per cent for all other expenses—the distribution of goods, the warehousing of goods, the salaries of the executive and administrative officers, and superintendence. * * *

As to our material and supplies, the basis of all high-class tool steel is pure iron, and the maker of the best steel is the man who gets the purest iron into his steel. For that purpose we use two kinds of iron—the American-made iron and the Swedish iron. We are obliged to use the Swedish iron on account of the greater purity of that iron over the American iron. * * *

It is better than our iron in this respect: It is lower in phosphorus and sulphur and it is freer from other impurities that are generally disregarded in the analysis of iron. * * *

In addition to the iron we use metals for making our alloy steels, such as tungsten, vanadium, chromium, molybdenum, titanium, aluminum, etc. Of those elements there are two of which we use very little and one that we have practically discarded. * * *

The plumbago for the manufacture of these crucibles comes from abroad. * * *

The raw material is of such a nature that when it arrives at our plant the unloading of it is done by hand. If we are going to make good steel, the raw material must all be inspected—and it is all inspected—and that is done by hand by our own men. In addition to that, it must be analyzed in our laboratory. There is labor again. After it is put away in the bins in which it is kept the weighing up of the material for the crucible furnace is all hand labor. That material is hauled—and I am speaking only about our plant—by a little power dinky into the mill building, and the entire charge is lifted from the dinky up to the melting floor. Then the material must be packed in the crucibles by hand; otherwise we could not get it in. It must be properly distributed to get the best melting results. * * *

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Certainly.

Mr. SHIVELY. Do I understand that the material must be delivered by hand? I observe that in reciting the different processes it is always necessary to do it by hand. Is that true abroad as well as here?

Mr. OLIVER. What Mr. Metcalf means by delivering by hand is unloading and placing and distributing; that whereas material in the works involving larger tonnage is very largely handled by machinery—cranes and the like of that—the material for this tool steel must be handled by hand because each piece has to be inspected before it is used.

Mr. SHIVELY. Does the witness, from whom the Senator has been quoting, indicate what proportion of the annual product made in the United States is made in this factory?

Mr. OLIVER. No; but it is in reality not a very large proportion because it is a small mill. In fact, most of the mills in which this steel is turned out are small mills.

Mr. CUMMINS. We can not hear the Senator from Pennsylvania at this point in the Chamber.

Mr. OLIVER. I say I do not know what proportion of what is made in this country is turned out in this plant, but probably rather a small proportion, because it is only a small unit.

Mr. SHIVELY. I observe the Senator quoted this witness as saying that a very necessary article in the manufacture of this kind of steel is the product of that Swedish iron.

Mr. OLIVER. Yes.

Mr. SHIVELY. In what form does that come?

Mr. OLIVER. In the shape of bar iron.

Mr. SHIVELY. In the shape of bar iron from Sweden?

Mr. OLIVER. And it possesses peculiar qualities which render it especially fit for this use.

Mr. SHIVELY. And a quality that does not appear in the American product?

Mr. OLIVER. There are American-made irons that are also suitable for this purpose, but when manufacturers want to get a peculiarly good product they use the Swedish bars.

Mr. SHIVELY. Is that true generally in the manufacture——

Mr. OLIVER. Yes; in the making of this kind of steel.

Mr. CUMMINS. Mr. President——

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

Mr. OLIVER. I do.

Mr. CUMMINS. Does the Senator from Pennsylvania remember the domestic production of tool steel so that it can be compared with the importations of tool steel?

Mr. OLIVER. The domestic production of tool steel is from 75,000 to 100,000 tons.

Mr. CUMMINS. I think the Senator is in error about that. I think he said we imported several million pounds.

Mr. OLIVER. Yes; from 2,000,000 to 3,500,000 pounds.

Mr. CUMMINS. And we manufacture something like 100,000 tons.

Mr. OLIVER. Not of this very high-grade steel.

Mr. CUMMINS. There are, of course, many grades of tool steel; but it is true, is it not, that we manufacture in this country so large a proportion of it that the imports are really negligible?

Mr. OLIVER. No. I think the Senator is entirely in error in that. Of this fine steel, I think the proportion we manufacture is not a very great deal more than—not, say, more than two or three times as much. In all probability not as much as that, because it goes a long way, and if produced in large quantities the country could not use it.

There is another thing, Mr. President, about this grade of steel. It must be remembered that of this fine steel, each ton of it or each pound of it—because it is quoted in pounds and sold in pounds and used in pounds and not in tons—each pound of it displaces 5 to 10 pounds of the product that was made in America before its introduction.

Mr. CUMMINS. I understand there are many grades of what is known as tool steel.

Mr. OLIVER. Yes.

Mr. CUMMINS. And the value, as of silk or any other commodity, runs over a range.

Mr. OLIVER. Tool steel would run over a range of from probably 4 cents a pound to at least 50 cents.

Mr. CUMMINS. Taking the grades all together, it is true, is it not, that we make in this country nineteen-twentieths of all the tool steel we use?

Mr. OLIVER. I would not think so much as that, but we make a great deal of it. In fact, judging from the actual work of the Senator from Iowa, as shown in his amendment, to which I am coming later, I do not think there is much difference of opinion between him and me on this particular paragraph.

Mr. SHIVELY. Will the Senator allow me?

Mr. OLIVER. Certainly.

Mr. SHIVELY. What is the annual proportion of the steel to which the Senator is now referring to the cost of the product?

Mr. OLIVER. Mr. Metcalf says, taking his entire works, the cost of labor is 50½ per cent of the cost of the product. Taking the average of the works, the entire range, the pay rolls amount to 50½ per cent. The finer grades would amount to 60 per cent or more, because the finer steel requires much more careful handling and more labor than the coarser grades.

Mr. SHIVELY. Evidently I did not make myself clear to the Senator from Pennsylvania. The Senator has doubtless correctly represented this grade of steel as being peculiarly necessary in the general iron and steel industry, especially in making iron and steel tools. What I should like to know is what proportion the entire amount of this steel in this country bears to the annual output of the tools into which it is worked?

Mr. OLIVER. I can not tell the Senator that; I do not know. Anything I would say would be mere guesswork.

Mr. SHIVELY. If it is absolutely necessary to accomplish the highest results in some departments of iron and steel manufacture, then we raise the question how far we will go in sacrificing the general iron and steel industry to what the Senator himself admits is a rather slender proportion of the iron and steel industry.

Mr. OLIVER. I am not asking that any portion of the iron and steel industry shall be sacrificed. When the supply was entirely in the hands of the importers and foreign manufacturers this steel brought 75 cents a pound, and immediately upon the introduction of American competition it was reduced to 40 and 45 cents a pound. That is the inevitable effect of the protective tariff, and that is what I am arguing for.

Mr. SHIVELY. Was it possible that you needed a protective tariff against the product if the price was so high abroad? The Senator is stating a condition of affairs indicating that the price of this particular kind of steel was extortionately high abroad. If it was, did you need any protection against that price?

Mr. OLIVER. I beg the Senator's pardon. I said nothing of the kind. I said the price of this steel produced abroad was 75 cents a pound at home, and as long as they had a monopoly and were not faced by our competition they extorted that price from the American people.

Mr. SHIVELY. The Senator says at home——

Mr. OLIVER. I say at home, in the United States of America, where I live and where you live.

Mr. SHIVELY. It cost the manufacturer 75 cents a pound.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was so high?

Mr. OLIVER. It was.

Mr. SHIVELY. And afterwards it cost only 40 cents a pound?

Mr. OLIVER. Yes; after it was faced with the competition of our own people.

Mr. SHIVELY. Did you require a protective tariff to induce the American people to invest against such an extortionate price abroad?

Mr. OLIVER. But the minute we began to produce it and offer it in our markets, the importers reduced the price until they got it to a point where our manufacturers could not compete without additional protection, which was granted them under the Payne bill, by an amendment introduced in the Senate.

I am very willing to be interrogated by the Senator on any such subject. But to resume Mr. Metcalf's testimony——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Oklahoma?

Mr. OLIVER. I do.

Mr. GORE. I should like the Senator to state the value of the total output of this particular mill annually.

Mr. OLIVER. I can not. I have no testimony here to show it. To resume Mr. Metcalf's testimony, he said:

After these pots are charged with 100 pounds of steel they are lifted from the floor and dropped into the furnace by hand. When I say "dropped" I do not mean that they are let go, either. The man has to straddle the furnace and let them down very gently to avoid breaking the crucible. During the melting process we have one gas maker for each of our two furnaces—a 24-pot furnace and a 36-pot furnace. We have one gas maker for each of those furnaces. * * *

After the material is melted the pots are pulled out of the furnace by hand. That is not common, cheap, ordinary labor. It takes a very powerful and a very skillful man to do it. He has got to straddle the furnace, which is practically 3 feet wide, and reach with tongs almost down to the floor level, and get hold of the pot and pull it up; and he has got to get his tongs away up as high as his head to clear the floor, and then the crucible is swung aside. That is entirely hand labor. The skimming of any impurities off the top of the steel and the pouring are also hand labor. * * *

After the ingots are taken from the furnace, after they are poured, they are shaken down by hand. In other words, the molds are taken apart and the ingots are taken out by hand. They are assorted, and they are then inspected. They are taken to an inspecting floor, and there they are very carefully inspected for imperfections in the casting of them, and inspected to determine the temper of the steel, as we call it. By "temper" I mean the hardness or the softness of it. * * *

After these ingots are inspected they are assorted and marked and piled. That is largely hand labor, with the assistance of the crane. * * *

When the orders are issued to the millmen for the material to be rolled, the ingots are taken to the furnace by crane, but the heating and charging and rolling over and the pulling out of the ingots from the furnace is all done by hand. We can not dump our crucible ingots into a furnace helter-skelter and trust to their heating evenly. They must be very carefully laid in the bottom of the furnace, in even rows, in order that we may get the same temperature all through the furnace. * * *

After that is done it is not a question merely of shutting the furnace door and waiting until the furnace gets red hot. Our heater has to be continually opening the door, and if there is one ingot that is not getting its proper amount of heat, that is not heating fast enough or is heating too fast, we have to turn it over and put it in some other part of the furnace. * * *

We must have a man who knows accurately the temperature of the steel from the color in the furnace. Then, when it is up to the proper temperature, the heater and the roller between them decide when they are ready to roll, and they go ahead with the rolling operation. The ingots are taken out of the furnace by hand labor, and the man who takes them out swings them onto a little trolley, that he pushes by hand—it is not a power trolley—and pushes them to the mill. * * *

In such a mill as ours they change the rolls and the size and shape of the product very frequently, so that in addition to heating his ingots properly the roller must heat test pieces in the furnace, and run them through and try them out and carefully gauge them, to be sure that his mill is properly lined and that his guides are properly set, and that after the rolling is done he is going to get just what his order calls for. * * *

Until the Payne bill was passed a very large proportion of the high-speed steel was made abroad. In our own business we attempted to make high-speed steel about 1902 or 1903, I think. The results were not satisfactory and it was abandoned. We took it up two years ago, and we have been making high-speed steel very successfully since. * * *

This, Mr. President, will give some idea of the manner in which this steel is made, and of the great amount of care and labor involved in its manufacture. Now, the Underwood bill proposes to allow all this steel to come in at a duty of 10 per cent ad valorem. The average invoice price of high-speed steel

imported during the year 1911 was about 33 cents per pound—that is, the foreign price—and the rate of duty averaged about 19 per cent. Under the provisions of the Underwood bill this steel would pay a duty of about 3.3 cents per pound. Now, in the manufacture of this steel there is used 18 per cent of tungsten, 3½ per cent of chromium, and 1 per cent of vanadium. All, or practically all, of these metals are imported. The Underwood bill levies a duty of 15 per cent on all of them. Therefore, on 100 pounds of this steel the American manufacturers will be compelled to pay duty on 18 pounds of tungsten, 3½ pounds of chromium, and 1 pound of vanadium. The market price of tungsten—I allude to the foreign price—is 55 cents per pound, of chromium 6 cents per pound, and of vanadium $3 per pound. Computing the duty on this basis, the duty on the tungsten used in the manufacture of 100 pounds of this steel would be $1.48½, of the chromium slightly over 3 cents, and of the vanadium 45 cents, making a total of approximately $2, or 2 cents for every pound of steel, without making any allowance whatever for waste in manufacture. In addition to this, the duty on the Swedish iron used in the manufacture of the higher grades, which takes up the remaining 77½ per cent of the mixture, would be at least one-fourth of a cent. making the total duty actually paid on the ingredients entering into the composition of a pound of high-speed steel a trifle more than 2¼ cents.

The duty on the steel itself under the Underwood bill would be from 3 cents to 3¼ cents per pound, leaving from three-quarters of a cent to a cent per pound as the only protection for the American manufacturer and the American laborer. None of the above ingredients is dutiable in England, from which country comes the chief competition in this steel. As I have before stated, notwithstanding the advance in duties provided for by the Payne bill, the imports of this kind of steel have increased in quantity—the amount imported last year being 2,870,267 pounds, as against 2,083,672 pounds in 1909. Even on the basis of a revenue tariff there is no excuse for a reduction of the duty upon this steel, while from the standpoint of even the most moderate protection it is altogether indefensible.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. At that point, where the Senator states the importations, will he state the American consumption?

Mr. OLIVER. I have no statistics relating to that.

Mr. HITCHCOCK. Can you state the American production?

Mr. OLIVER. I do not know that, either.

Mr. HITCHCOCK. It is rather important, to be able to gauge the relative importance of the imports, to know that.

Mr. OLIVER. I have carefully read the testimony before the Finance Committee, and that question does not appear to have been asked. I could find out something in the course of a week or two by an inquiry as to the approximate production. I say that from what I know of the demand for this very high grade of steel, the 2,800,000 pounds, or 1,400 tons, must be a very considerable part of the amount used in this country. It is not a negligible factor by any means. It is very considerable, and that is shown by the fact that the imports in 1907 and 1908, which ran from about 2,000,000 to 3,500,000 pounds, were heavy enough to drive a lot of our manufacturers out of business.

The Senator understands what I mean. The 3,500,000 pounds of importations in 1907 and those of the preceding years were so great as to discourage our manufacturers from proceeding with it. The 2,800,000 pounds now imported must be a very considerable part of the total amount consumed, notwithstanding the natural growth of use which would come with years.

Mr. HITCHCOCK. It seems important to have the statistics both as to the production and consumption in this country on most of these items, and I have wondered why those have not been furnished.

Mr. OLIVER. If the Senator will examine those statistics he will find that they are all in gross. He can find probably the production of open-hearth steel, he can find the production of crucible steel in some of the statistical reports, but where the matter of tool steel itself involves so many different sizes and kinds and uses, as a rule the production of any one of these particular kinds or sizes is not given.

Mr. HITCHCOCK. The Senator is not able to state what it is?

Mr. OLIVER. I have not the information. So that ends it as far as I am concerned.

The burden of the attacks made upon Schedule C of the Payne bill by the Senator from Iowa is based upon the assumption that, notwithstanding the reduction of duties, the tariff was still prohibitory and did not interfere with a monopoly of the business on the part of the American manufacturers. That this was not the case, so far, at least, as this one commodity is concerned, was apparent to the acute mind of the Senator, for in his amendment he interferes with these duties only just enough to show that he has been on the job.

Mr. CUMMINS. I could not hear the last statement.

Mr. OLIVER. I say, Mr. President, that so far at least as this one commodity is concerned, it was apparent to the acute mind of the Senator from Iowa that the duties provided for in this paragraph are reasonable, for in his amendment he interferes with these particular duties just enough to show that he has been on the job. Did the Senator hear that?

Mr. CUMMINS. I heard that, Mr. President, and I desire to reply to it just now. So far as the reduction of duties upon the heavier forms of duties is concerned, my amendment reduces them more than the Democratic bill.

Mr. OLIVER. The Senator is talking about one part of a horse's anatomy and I am talking about another. I am talking about this finer steel just now. In justice to the Senator from Iowa I will say that I believe he honestly thinks he is a protectionist. The difference between us is that I am always afraid that we will give too little protection, while he is afraid we will give too much, and in his zeal he is likely to take it away altogether.

Mr. CUMMINS. Mr. President, I admit that when the Senator from Pennsylvania thinks of this subject he always thinks of the man who is producing the commodity and the profit he is to receive. When I think of the subject I am thinking of the man who uses the commodity and must pay for it.

Mr. OLIVER. Following that argument out to its ultimate conclusion would make the Senator a free trader, and I know he is not a free trader.

The best way to judge of a tree is by its fruit, and we can best judge of the character of this bill by inquiring into its results as shown in the volume of imports since its enactment. Taking this paragraph 131 as an instance, we find that, lumping all the articles enumerated therein, the imports, which in 1909 amounted to only 28,285,124 pounds, in 1910 were 83,388,781 pounds, and in 1911, 85,716,478 pounds. In other words, in each of the years immediately following its enactment the imports were three times as much as in the year immediately preceding it. This increase in imports is not confined to the higher grades of steel which I have just been discussing, but extends to the lower grades as well. For instance, on the second item in the paragraph, articles valued at from three-fourths of a cent to 1.3 cents per pound, the imports, which in 1909 amounted to only 5,070,253 pounds, in 1911 were 48,947,148 pounds. And applying this test to other paragraphs of the schedule we find many instances of the same kind of result. Take structural steel, which is the favorite subject of attack on the part of the Senator from Iowa. The imports of structural steel for the last four years are as follows:

	Pounds.
1908	3,605,630
1909	11,905,034
1910	23,879,101
1911	24,907,259

And yet, if we take the fanciful figures presented by the Senator from Iowa as a basis, structural steel is manufactured in this country cheaper than in any other place in the world.

Mr. CUMMINS. Mr. President——

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

Mr. OLIVER. I do.

Mr. CUMMINS. I call the attention of the Senator from Pennsylvania to the fact that while we imported in 1911 structural iron and steel of the value of $325,018, we exported structural iron and steel in 1910—I have not the information for 1911—of the value of $5,800,551; in other words, we exported about 15 times as much as we imported. That seems to me to be a fair premise for the conclusion that we make it about as cheap as any other country in the world.

Mr. OLIVER. Mr. President, that may be so. I will allow the Senator all the comfort he can get out of that argument; but it does not at all disturb what I say, that the imports of this kind of structural steel increased very materially.

Mr. GORE. Mr. President——

Mr. OLIVER. I will yield to the Senator in a moment. The imports of this kind of steel increased after the imposition of these duties. That is one of the fruits of the Payne bill, and it shows that those duties were not prohibitory. Now I yield to the Senator from Oklahoma.

Mr. GORE. I wish to call the Senator's attention to the fact that the importations in 1908 were about 3,000,000 pounds, I believe, and in 1909, 11,000,000 pounds, as I remember the fig-

ures, an increase of threefold in one year, both years being higher than under the Payne-Aldrich Act.

Mr. OLIVER. Then they more than doubled the two following years.

Mr. GORE. There was an increase of 100 per cent instead of 200 per cent.

Mr. CUMMINS. May I, at this point, make a suggestion? I know the Senator from Pennsylvania will recognize that while we did import in 1911, solely on account of certain freight rates that could not be overcome, 24,907,259 pounds, we produced in this country during the year 1910, 2,124,000. If I can compare those two hastily, I would say that our imports were about one-tenth of 1 per cent, or less than that, of our production.

Mr. SIMMONS. Mr. President——

Mr. OLIVER. I will reply to the Senator from Iowa first, and then I will yield to the Senator from North Carolina.

I can not sympathize with the theories of Senators who argue that because our imports are a small proportion of what we produce, therefore legislation should be enacted that will enable us to increase them. That is what it means. I now yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, just for the purpose of emphasizing the statement that has been made, I think it would be well to reduce the imports and production to dollars and cents.

Mr. OLIVER. The Senator can do that when his time comes. I do not choose to put it in dollars and cents. I am putting it in pounds.

Mr. SIMMONS. Has the Senator any objection to my reading the imports in dollars and cents and the production in this country in dollars and cents?

Mr. OLIVER. At this time I do object, Mr. President, for I can not see that it affects the question and I want to proceed with my argument.

The schedules of the tariff bills, so far as phraseology is concerned, have followed the same line of construction since the act of 1883. They are the outgrowth of 50 years of experience. They are something that it is exceedingly dangerous to trifle with, and whatever may be the theory upon which bills are framed, whether on a protective or a revenue basis, changes in the construction of these schedules should not be idly entered upon and should only be made after a careful and intelligent investigation. Experience has shown that times without number advantage has been taken of ambiguous expressions used in the construction of these bills and has led oftentimes to frauds upon the revenue and to changes in duties, which were only corrected when the time came for the enactment of a new tariff. These paragraphs, as they now read, have for nearly 30 years been the subject of expert investigation and have been repeatedly construed from time to time by both the Treasury Department and the courts, so that their intent and meaning are now well understood; and their language and their classification should not be changed unless the necessity for such change be clearly shown and its effect be clearly understood. Both the Underwood bill and the Cummins amendment err greatly in this respect. They have shifted different articles from the places where they naturally belong, and in so doing have produced results which perhaps even the framers themselves did not intend and which would probably lead to results that would surprise their authors. A glaring instance of this is found in the recasting of this paragraph 131, about which I have talked so much, in the amendment proposed by the Senator from Iowa. This paragraph covers an enormous variety of subjects, running from the ingots to the highest-priced steel. The duties levied therein are graded according to the value of the product. The Underwood bill practically retains the language of the existing law, its intent evidently being to reduce the duties by half, but making them ad valorem instead of specific.

In the Payne law, which is substantially the same as in other laws preceding it, so far as language is concerned, it begins as follows:

> Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process of operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools—

and proceeds to levy duty on all of them graded according to value, the values beginning at less than three-fourths of a cent per pound and running up to steel valued above 40 cents per pound, which carries a duty of 20 per cent ad valorem.

In the Underwood bill the same general language is used, except that the duty levied is a uniform one of 10 per cent ad valorem, except upon crucible plate steel and saw plates, upon which the duty is 15 per cent ad valorem. The classification in both of these laws remains substantially the same. The Senator from Iowa, however, in the light of his superior knowledge, has located these articles in three separate paragraphs:

> First (par. 4). Steel ingots not advanced beyond casting, in all forms, $1.60 per ton.
>
> Second (par. 5). Billets, blooms, slabs, and other forms of iron and steel not herein specifically described and less advanced in manufacture than iron and steel in bars, $2 per ton: *Provided*, That if charcoal is used as fuel in their manufacture they shall pay an additional duty of $1 per ton.
>
> Third (par. 28). Tapered or beveled bars, etc.

From this point the wording and classification remain substantially the same as in the Payne bill with some change in duties.

Now, the Senator from Iowa in making this change was doubtless impressed with the idea that a steel ingot, being but little advanced in value beyond pig iron, should pay only a nominal rate of duty. In fact, he stated in his speech upon this subject that the ingot, so far as sales and shipment are concerned, was a negligible quantity, and in this he was correct as far as the term applies to the ingot turned out by the Bessemer and open-hearth processes and used in the manufacture of rails, billets, structural iron, and so forth. But the Senator forgot, or possibly he did not know, that all steel is the product of an ingot, and, in fact, the term was first applied in steel manufacture to the ingot or casting used in the production of crucible tool steel. These ingots weigh only from 90 to 100 pounds, and if this bill were enacted into law and the language retained as proposed by the Senator from Iowa, it would not be a month before the mills in Sheffield would be shipping to this country crucible steel ingots, varying in value from $50 to $500 a ton, all of which would pay a duty of only $1.60 per ton. These ingots could readily be rolled into bar steel in this country, and the cast-steel manufacturers of America would be out of business. The same objection applies to paragraph 5 of the Cummins amendment, which places billets, blooms, slabs, and other forms of steel less advanced in manufacture than steel in bars in a separate class at $2 per ton, with the addition of another dollar if charcoal is used as fuel in their manufacture. Under this paragraph crucible steel billets and slabs of high grade could be imported at a rate of $2 per gross ton and at a nominal cost could be hammered into tool steel worth from 30 to 50 cents per pound.

A manufacturer of tool steel has written to me as follows, referring to this paragraph:

> The effect of such a bill would be to compel this company to abandon the manufacture of all high-grade ingots, blooms, or billets, and to buy them abroad, or for us to establish works in England or other foreign countries to produce the ingots, which we would then ship into this country with only a nominal duty, and convert them into finished bars in our own mills, and while it would compel us to manufacture our ingots abroad or go out of the business, it would enable the foreigner to ship his ingots into this country at the nominal duty, finish them here, and thus create a ruinous competition. The effect is so horrible to contemplate that we feel sure that it is all a mistake, and only needs attention called to it to have it promptly and thoroughly corrected.

I know that the Senator from Iowa intended no such thing as this when he framed his amendment, and whatever I may think of other parts of his substitute, I give him full credit for a desire, in this paragraph, to afford reasonable protection to American manufacturers; but the fact is, Mr. President, that no man alone and unaided, no matter how gifted he be or how deep and extensive his knowledge of the subject, can prepare a bill for the revision of this important schedule that will stand the test of honest criticism. And I mention this most glaring instance to show how unwise it would be for us to incur the risks involved in hastily passing upon a measure so fraught with menace to our people.

I have before intimated that both the House bill and the Cummins amendment seem to have been framed upon the theory that the iron and steel business of the United States was centered in the United States Steel Corporation and a few other large companies, and the speeches of the Senator from North Carolina in advocacy of the one, and of the Senator from Iowa in advocating the other, were certainly aimed at these great industries. But, while aimed at them, my belief is that they will miss their mark. While the steel corporation may be greatly injured by this legislation, in my opinion it will still be able to withstand it, but it will do so very largely at the expense of the men it employs, who will be compelled to suffer for the wrongs done them by the American Congress.

The framers of these bills forget that the steel and iron of this country in the shapes in which they finally reach the consumer are largely the handiwork of a multitude of small manufacturers. It is in the shaping of these innumerable articles and forms that the foreign manufacturer, with his cheap labor and his less restrictive laws relating to labor, will underbid our manufacturers and unload his wares upon us.

To show the extent and the variety of these manufactures I will enumerate some of them. Take bar iron, for instance (not bar steel). There are 6 mills which manufacture bar iron in New England, 11 in the State of New York, 7 in New Jersey; there are 53 such mills in Pennsylvania, of which 44 are east of the Allegheny Mountains and depend altogether for a market upon the Atlantic seaboard, where their products will be open to European competition; there are 3 such mills in Delaware, 1 in Maryland, 4 in Virginia, 4 in West Virginia, 3 in Kentucky, 1 in Tennessee, 5 in Alabama, 1 in Texas, 13 in Ohio, 7 in Indiana, 8 in Illinois, 1 in Michigan, 1 in Wisconsin, 3 in Missouri, 1 in Kansas, 1 in Oklahoma, 2 in Colorado, 1 in Washington, 1 in Oregon, and 3 in California. These mills are in no syndicate or trust. Each of them, as a unit, is small, but as a whole they employ 20,000 men, whose living is menaced by this legislation. There is in the city of Pittsburgh a large plant which manufactures nothing but railroad spikes. It is owned entirely by the children and grandchildren of the man who founded it nearly 50 years ago. Their only customers are, of course, the railroads. Yet railroad spikes, for some reason which no man can fathom, are taken from the dutiable list and placed on the free list. There is another plant, in the same city, established by my own brothers in 1863, and still officered by their sons, whose chief products are bolts, nuts, and washers. Under this most marvelous bill the bolts carry a duty of 15 per cent, while the nuts and washers, which go with them, are on the free list. Can any plausible reason be given for this? Is it possible that some large user of nuts and washers had a latchkey to the door of the room in which this bill was prepared? It looks very much like it.

The Underwood bill places all fence and baling wire and wire nails on the free list. Outside of and absolutely independent of the United States Steel Corporation there are in the United States 83 plants producing fence wire. Two of them are in the State of Alabama, 14 in Illinois, 14 in Indiana, 10 in Michigan, 18 in Ohio, 4 in Pennsylvania, 4 in Nebraska, 4 in Wisconsin, 2 in Missouri, 2 in Massachusetts, 2 in Kansas, and 1 in each of the States of Colorado, Georgia, Iowa, Kentucky, Louisiana, Minnesota, and Texas. They are scattered over the length and breadth of the land and vary in size from a small plant employing not more than 30 or 40 men to that of the Pittsburgh Steel Co., of Pittsburgh, with its seventeen and one-half millions of capital and many thousands of workmen. Not one of these concerns controls the supply of its own ore or of its coal. The raw material of many of them consists of steel billets, and of most of them is as far advanced as wire rods. The abolition of the duty on these products will not enable the farmers throughout the great Central West to purchase their fence wire one cent below what they now pay for it, but, in my opinion, in the end will compel them to pay even more, and for this reason: It will—I think it must—deprive the American factories of the markets which they now control on the Atlantic, Gulf, and Pacific coasts. In doing this it will necessarily force the American manufacturers to reduce their output. The inevitable result of reduced output is increased cost, and with increased cost must necessarily come increased prices in the interior markets, which they will still control. The fact is that the competition of these 83 factories has brought the price of wire products in this country so low that they are now sold by the manufacturers at a profit which is very narrow indeed. Any excess price which the consumer pays for them is due to the exactions, whether justifiable or not, of the middlemen through whose hands they pass. I will give you an example of this.

Sometime ago I purchased a few pounds of wire nails at a hardware store in this city. I paid for them 4 cents a pound. The establishment from which I bought them buys these nails by the carload, and I ascertained that on that same day the open manufacturers' price of these nails was less than 2 cents per pound. It may be that the merchant from whom I bought them was justified in charging the price he did, but it does seem that if the much-reviled manufacturer can furnish the material, the factory, and the labor used in making these nails, and pay for transporting them over 300 miles for less than 2 cents, the merchant ought to be able to sell them to the consumer at considerably less than double that sum.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. Is it not a fact that the manufacturers of the United States are making more wire nails than are consumed in this country, and that they enjoy an export trade in wire nails, competing in other countries?

Mr. OLIVER. Mr. President, I have no doubt that that is the case with regard to one manufacturer in the iron and steel business. The export business is, I may say, absolutely in the hands of the United States Steel Corporation and its subsidiary companies. The reason why they have been enabled to increase their lines of export business to such an extent as they have is because they have systematically gone to work and sent their representatives into every country upon the face of the earth which uses or is likely to use any of the products of their manufacture. They have found out the exact shape in which these different countries want their goods put up and how they generally pay for them, and they have helped to finance them. As a result of that they have built up a very large export trade.

Mr. HITCHCOCK. Now, will the Senator right at that point——

Mr. OLIVER. If the Senator will allow me, I will complete what I have to say, and then I shall be very glad to once more yield to him.

The export business, not only in the steel industry but in all other lines of industry, depends not only upon the price at which the goods are sold to the consumer beyond the sea, but it depends also upon how much the man who is producing them knows about the consumer and the consuming countries. The United States Steel Corporation, with a largeness of vision which characterizes pretty much all of their acts, have set themselves about to find these things out. As a result of that they are having a growing export trade.

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. In addition to the fact that the United States steel manufacturers are making and exporting wire nails in competition with the world, is it not also a fact that they practically have a complete monopoly of the wire-nail market in this country, and that practically no wire nails, or such a very small quantity as to be negligible, were imported during recent years?

Mr. OLIVER. Imported?

Mr. HITCHCOCK. Yes.

Mr. OLIVER. Oh, I confess, Mr. President, that the present duty on wire nails is just about sufficient to maintain the American market for the American producer. I think that is what the framers of the tariff bill intended. I know, as one of the Senators who voted for it, that that is what I intended.

Mr. HITCHCOCK. Mr. President, it seems to me that the Senator from Pennsylvania must admit that if the present duty is prohibitory and has kept out competition it is too high.

Mr. OLIVER. I do not admit anything of the kind, Mr. President.

Mr. HITCHCOCK. And it seems to me the Senator must also admit that if American manufacturers are exporting wire nails and selling them in competition with foreign manufacturers in other markets they could sell them in this market if they were free.

Mr. OLIVER. I do not admit anything of the kind, Mr. President. The question of selling goods for export at lower prices than obtain in this country is one that I did not intend to touch on to-day; in fact, I will not touch on it, but I very much doubt that the wire nails which the steel corporation sells abroad are sold at lower prices than the average of prices which they obtain in this country.

Mr. HITCHCOCK. Well, does it not also follow, if that is the case, that no tariff is needed?

Mr. OLIVER. Not at all.

Mr. HITCHCOCK. If they are able to sell wire nails abroad at American prices, they could sell them in this country in competition with the foreign manufacturer.

Mr. OLIVER. It may be, and I have no doubt in most cases it is, the fact that they are not selling them abroad in competition with prices abroad. I have no doubt that they are putting large quantities of them into countries where the manufacturers of other countries have not the entrée. Another thing, knowing nothing about it whatever, but which I will venture, I would not be at all surprised if they are doing what the manufacturers of other countries do, but what the law forbids them to do in this country, and that is making agreements with foreign producers with regard to the division of the trade.

Mr. CUMMINS. Mr. President——

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

Mr. OLIVER. I do.

Mr. CUMMINS. I think the Senator from Pennsylvania stated, or I understood him to state, that substantially all the export business of commodities covered by the metal schedule was done by the United States Steel Corporation. I do not think he intended to say so. I think it is true that the exports of the United States Steel Corporation are really very much less in amount, less than one-half, I think not one-fourth, of the exports under the metal schedule; but what is true is that of

the articles manufactured by such concerns as the United States Steel Corporation that company is the chief exporter.

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

Mr. CUMMINS. But taking the whole schedule together, we export very largely in excess of the amount exported by the United States Steel Corporation, and export very largely in excess of our imports under the schedule.

Mr. OLIVER. I intended in what I said to refer only to the articles made by the United States Steel Corporation and its subsidiaries and similar articles.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. OLIVER. Certainly.

Mr. BAILEY. Mr. President, I have heard the retail merchant assailed in this Chamber, from the Republican side especially, and charged with all the burden of high prices, and nobody seems disposed to lift a voice in his behalf. So I am going to put in the RECORD now an explanation of why the Senator from Pennsylvania had to pay that merchant twice as much as the merchant paid for those 4 pounds of nails. The merchant paid 2 cents a pound, or 8 cents for 4 pounds, while the Senator from Pennsylvania paid 16 cents for the 4 pounds, because he made the merchant hitch up a wagon, take a boy, and send them to his house.

Mr. OLIVER. I did not do that, Mr. President.

Mr. BAILEY. Did the Senator himself take them home?

Mr. OLIVER. I took them right at the door. The fact of the matter is that I wanted them for the purpose of furnishing this example. [Laughter.]

Mr. BAILEY. Well, Mr. President, the merchant's customers so seldom do that that the merchant has to fix his prices upon the supposition that he must deliver the goods. The statistics of this country show that the retail merchants are not enjoying very princely incomes, nor are they the beneficiaries of very great fortunes. If they do charge high prices, they have been made necessary by the modern methods of purchase and delivery.

When I was a boy, if my folk wanted a ham, they sent me down to the town, and I bought it and carried it home, but nobody does that now. The merchant must provide a horse, a wagon, and a man, and deliver the goods, and for those things the consumers must pay. So long as the people make the merchants wait on them, not only at the store, but by delivering the goods, they must expect to pay and ought to pay the price. I am of the opinion that the retail merchants of this country are entitled fairly to an exemption from the general charge that they are the cause of high prices.

Mr. OLIVER. Mr. President, I realize the force of what the Senator says. In giving this example, I was not intending to reflect upon the merchant, but merely wished to demonstrate the fact that the price which the consumer pays for nails is more than double what the manufacturer receives; and yet, Mr. President, the average consumer would charge the high price, if he thought it was a high price, not to the merchant, not to the fact that a delivery wagon is required, and not to any intermediate agency, but to the manufacturer. The Senator from Georgia, I believe, rose.

Mr. BACON. I said nothing.

Mr. OLIVER. I thought the Senator desired to interrupt me.

Mr. BACON. No; but as the Senator has given me the opportunity, I will make a suggestion further on that line, and that is, that the retail merchant has to deal with a vast multitude of customers, and in all retail business, dealing in that way, there is a certain proportion of loss, occasioned by those who do not pay, and that loss has to be distributed in a general business so as to get from those who do pay that which will compensate for the loss occasioned by those who do not pay. A great many other considerations of that kind might be mentioned which add to the necessary increase in prices charged by the retailer when he disposes of his goods.

Mr. OLIVER. I realize that, Mr. President. I also realize, what the Senator doubtless knows, that the manufacturer never loses anything by bad debts. Every merchant who buys nails from him pays up promptly, of course. If the Senator had had the experience in his life that I have had, he would have found that losses in business are not confined to the mercantile class by any means.

I could cite many other industries, consisting of units small in themselves but important as they affect the general welfare of the country, all of which are brought face to face with ruin by this threatened legislation; but I will not take up the time of the Senate to enumerate them. I think I have said sufficient to show that the men to whom it means most are not the big men who control the policy of the United States Steel Corporation, but the more modest manufacturers among the rank and file of our people, and the multitudes whom they employ. The first of them to be affected will be the men who work with their hands, not only because their wages will be reduced, though that is inevitable, but also because great numbers of them will be deprived of employment.

In estimating the influence which even a partial opening of our markets to foreign competition would have upon the workingman, I was lately led to inquire as to the number of men who will be deprived of employment by the importation of even one lot of 1,000 tons of steel rails into this country; and from the best information that I could obtain I find that if one of our railroads would import 1,000 tons of rails it would deprive 5,200 American workingmen of employment for one day. In other words, the labor involved in the mining of the ore and the coal, the work at the furnace and the steel works on 1,000 tons of rails is equivalent to the labor of 5,200 men for a single day, and this includes only the labor of the men actually employed in and about the production of the rails themselves and does not include collateral labor, such as outside transportation, and so forth. Every pound of every substance that we can make which is imported from outside of our borders drives out of employment some certain number of American workingmen. You talk about protection being for the benefit of the manufacturer. I grant it, but the first and prime beneficiary is the man who works with his hands and who depends upon his labor for his living.

Mr. HEYBURN. Mr. President, there is some consideration being given to the propriety of having the bill read at this time, and it has been suggested that I defer any further remarks until the bill is read; but if the Senators present will give me a few moments of their attention I will proceed just a little further with the consideration of this question, and then, if it is desired, the reading of the bill can be begun.

Mr. SIMMONS. If the Senator from Idaho will pardon me for a moment, the suggestion about the reading of the bill was made upon the theory that the Senator did not wish to speak for more than a very short time this afternoon.

Mr. HEYBURN. I only desire to speak a short time.

Mr. SIMMONS. But if the Senator is able to speak, I would very much prefer that he would go on now, and the bill can be read at some other time.

Mr. HEYBURN. I only desire to speak a short time this afternoon. It is my intention to consider the bill by sections, according to the various questions involved.

Yesterday I dwelt at some length upon the two primary questions—that is, the relation that the money of the poeple bears to the business of the people and the necessity of providing occupation for the money. It is as necessary to the prosperity of our people that an occupation for their money should be furnished as that they be furnished with any other element that contributes to their prosperity.

I drew attention to the comparative volume of money belonging to the different classes of the citizenship—and I use the word "classes" in no invidious sense—but from the official records I called attention to the fact that the working people, those who work for wages, in financial strength are the equal of the people engaged in business who employ labor. It is not a surprising condition, but it is one that has been lost sight of. The amount of money held in the savings banks represents the wealth of the laborer. No part of it belongs to the Steel Trust or the Standard Oil Co. or any of that class of people. It is the surplus of the working people.

Mr. LODGE. Mr. President, in that connection—perhaps the Senator is going to make the statement I was about to call attention to——

Mr. HEYBURN. I have no objection to yielding to the Senator, even if he anticipates what I was going to say.

Mr. LODGE. Judging from my own State, the deposits in savings banks must represent the savings of people who are making small earnings. In my State the total amount of a deposit is limited to $1,000. According to the last statistics I have seen, the average deposit was $125, and the total was over $700,000,000. No capitalist invests a thousand dollars in one bank and then in another and lets it stay there at 4 per cent.

Mr. HEYBURN. That was in one State the deposits were over $700,000,000?

Mr. LODGE. In one State.

Mr. HEYBURN. The aggregate savings deposits now in the United States are about $4,000,000,000, and if the average deposit is the same as it is in Massachusetts it is not difficult to compute the number of prosperous working people in this country.

Mr. CUMMINS. Mr. President——

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

Mr. HEYBURN. In just a moment—and the plea that is being made by our friends on the other side is that this legislation is sought in the interests of the destitute workingman. Now, I yield to the Senator.

Mr. CUMMINS. Mr. President, I hope that it is true that every penny deposited in the savings banks of the country represents the savings of a workingman. It is not, however, quite true in my part of the country. Our savings banks pay 4 per cent interest; there is no limitation upon deposits in our State, and therefore some of the money that is deposited there is deposited by others than the workingmen; but I do not want anybody to understand that I desire to paint a gloomy picture with respect to the condition of the workingmen. They are in this country, as I said yesterday, the best conditioned and the best situated of all the workingmen of the world, and I want to keep them so.

Mr. HEYBURN. That was the avowed purpose of the tariff legislation of 1896. The laboring people were not prosperous then.

Mr. GORE. I merely should like to remark at this place that, according to the statistics submitted, more than one-sixth of all the savings in the United States are in the protected State of Massachusetts, less than one-thirtieth of all the people in the United States reside in the protected State of Massachusetts, and more than 40 per cent of all the population of Massachusetts are foreign born, beneficiaries of protection against foreign labor, now transplanted to the United States.

Mr. HEYBURN. The statement just made by the Senator from Oklahoma is an argument in favor of the protective system. If the Senator from Oklahoma will refer to the statistics a little further, he will find that the savings are those of people who have employment at such wages as leaves them a surplus. I will make another statement—that this surplus or profit of the working people of this country is greater than any profit made by the business men or organizations. They have a volume of money sufficient to buy out the Standard Oil Co., if it is a company, or the steel corporation; in fact, they have capital in bank that would buy out the business of every business concern in the United States. So they are masters of the situation, and if they do not take advantage of that fact it reflects credit upon their conservative wisdom.

We are not hearing from the working people here in regard to these matters. We are hearing from the agitators. We are hearing from the people who farm the working people, who depend upon the working people to contribute to their livelihood and luxuries.

Mr. President, this is a strong point in favor of the existing conditions of the working people of this country and of the protective tariff. In 1896 when the present tariff system was again reasserted by the people of this country the workingmen were not employed. It was the admitted cry of both parties that there were starvation and idleness and distress. The Democratic Party at that time had a theory that by starting the printing press to work making money and by changing the financial system of the Government they could start the wheels of industry and the employment of wage earners. The Republican Party asserted that if you returned to conditions under which prosperity did exist, prosperity would exist. The people sustained the view of the Republican Party, whether as an experiment or not is not material, but the prophecy and the promise of the party were realized to the people. Industry was revived, there was no more cry of hard times for years and years until the agitators had become idle, and they were always idle, and were out of an occupation and probably in some discredit with those with whom they had lived for years. And the agitators, finding themselves out of a job, started in to make the people believe they were poor and destitute and wretched, and the political exigencies of the hour—of the oft-repeated hour—seemed to prompt a part of the people to insist that there was a necessity for the revision of the tariff laws under which this prosperity existed. They had no other job in sight, and that was rather an enticing one, because it carried with it position, office, salary, dominion, and so they apparently convinced some of the advocates of the policy of prosperity to believe there was something in their cry, that the garment needed repairing.

I am addressing my remarks now to those in the Republican Party who participated in bringing about this condition of prosperity, and I ask them to take another look over the field and see whether or not there is any reason why a system of law that produced prosperity in 1896 should not do it in this year 1912. Like conditions, as a rule, produce like results. Return to those conditions of governmental policy and you will hear no longer, except from the agitator, a cry of necessity for a change in the law.

I address these remarks to Republicans who have been persuaded or half persuaded of the necessity for revising the tariff. I do not address them to Democrats, because they represent a different school, and I have enough to do without burdening myself with undertaking to convert the Democrats. If we can keep the Republicans within the lines of Republican policy and system of Government, the Democrats afford a very nice audience, and can look on at the prosperity of the Republicans. Our difficulty is in keeping down not the discontent so much as the inclination on the part of Republicans who have stood for the same policies that we advocate to-day to accept the idea that there is discontent. They hear a great big noise, and they seem to be terrified by it, but it is the noise of the Democracy, and a Republican wants to keep his political nerves in such good order that he will not be terrified by the noise of the Democracy. So that I address my remarks—and I will not look when I say it—to the Republicans inclined to be scared by this false noise.

Mr. President, the people who are interested in this are not any more the producers than the consumers. They are about equally divided in this country I find upon looking at the statistics. The producer must have a market. If he does not, two things will happen. He will become bankrupt or he will cease to attempt to produce. Suppose, for instance, the producers of the country were to go on a strike and say, "If you insist upon putting us on a par with the producers of other countries, where the people live under other laws, where the relation of the people to the government is different from that occupied here, we will not play, we will not raise the wheat, we will not cut the timber, we will not mine the ores nor smelt them; we will all buy bread and meat until our pocketbooks are empty and our credit gone."

In the meantime the means of production in this country would have fallen into ruin. The farms would have grown up with weeds and the fences would have strewn themselves over the fields; the machinery would have rusted; the buildings would have become unfit for use. And then the people would say, "Why is it we are paying under this system more for things purchased abroad (even if they had the money to purchase them) than we used to pay when they were produced at home?" The reply would be, "The foreign producer is looking for the best market in which to sell his goods, and as long as you have money and are not producing these things he will fix the price."

To-day we fix it. He, then, would fix it. His mills would be kept bright and in working order. His fields would be raising grain and other food products, and we would either pay for them at his own price or adopt some other remedy, or the surplus of our people would go to foreign countries in order to share in their prosperity, like people are talking about going to Canada. They would go to Germany or England or to whatever country was getting such good prices for the products we had to have in order to make a semblance of existence. You are playing right into the hands of the foreign producer when you are diminishing the inducement to produce at home.

Now, you can take that as the gospel of government. More than half the people of this country live in the country. The percentage, I am sorry to say, between the urban and country population, is growing the wrong way. More than half the people live in the country. They produce all that is produced that goes to make up or meet the necessities of the human family in this country except what we may import. They produce all that the city buys to sustain life. The city produces nothing, contributes nothing to the necessities of life, so far as concerns food products or clothing or the raw material out of which these things are concerned. Some shops are in the city, and they card and spin the wool and make the cloth and convert it into clothing, but those are unproductive wage earners. They contribute nothing to the necessary supplies of the people—not even to their own.

You can starve any city in the United States within 10 days by cutting off its transportation. If the country were to withdraw from the business of supplying the cities with their absolute necessities for 10 days, the people would either have to leave the cities or engage themselves in small industrial enterprises or starve. Two days will deprive New York City of the supply of milk and butter that it consumes, and the country holds the prices within the grasp of its own hand. A few days would deprive the cities of all their meat supplies, and in doing that you would shut down every workingman in the cities. You would put every occupation out of business in the cities.

Now, are you going, by a policy of government, to impoverish the country and make it either resentful or unable to contribute to the existence of the cities when the balance of population is so close between them? The country people can eat enough of

their products to sustain their lives. They can equip themselves to make their own clothes, just as their ancestors did. Some of us remember when the spinning wheel was still an active factor in the household; and I saw the other day, in passing through a near-by country, the old weaver's house and the looms in it that were an active factor in contributing to the make-up of the daily life when I was a boy.

Now, if these things are silenced or put out of business, what becomes of the city population in this country; and that is where poverty counts most? A man may be very poor in the country and still not be destitute. There are resources for the man living in the country that do not exist to the man living in the city, and when I say man I mean man, woman, and child. The country finds the market for its surplus only in the cities. It consumes just what it needs and then it sells its surplus to the cities.

There is the relation that exists between the two elements of our own people. That is just as true when applied to our Nation in its dealings abroad. We consume a proportion of our products equal to our necessities, our comforts, or our luxuries, and when we have consumed that much of it we look out for a market for the surplus.

Neither this country nor the people of this country gain a dollar in wealth by what they consume. The people of the United States, taken as a whole, do not add a dollar to their wealth by what they consume. One man may get a little the better of another in a trade when he trades one commodity for another, but the people as a whole—and I am dealing with the question of the people, for we are here legislating for the people in the aggregate—are not a dollar richer by what we produce if we consume it, but the addition to the wealth of the country comes solely from the sale of our surplus abroad—the sale of our surplus and the acquisition of new money that represents the price of it. That is our added wealth. That is the balance of trade.

The Government is not interested in the balance of trade as a political body. The customhouse does not add to the wealth of the people. It is the difference between the sale and the purchase abroad that represents the increase or the decrease of the wealth of the people. That is where the tariff legislation begins. The tariff has no application whatever, except to the surplus of our products, and that surplus depends upon whether or not we produce more than we need; whether or not our people are profitably engaged. There would be no surplus if we were to allow more to be imported than we exported. The purpose of tariff legislation as it was originally applied to our Government is that we may keep out of our market the stranger so long as we ourselves desire to occupy that market.

Mr. CUMMINS. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. CUMMINS. I may not have understood the Senator from Idaho correctly. I will repeat it, and he will tell me whether I understood it as he meant it. I understood him to say our wealth is measured by the difference between our exports and our imports.

Mr. HEYBURN. Our income is measured by the difference. That is, the question whether we are making or losing money is measured by the difference. What I call the still wealth is the wealth that stays at home. I was not speaking of that.

Mr. CUMMINS. I misunderstood the Senator. I understood him to say that we grew richer only in the proportion of our balance of trade.

Mr. HEYBURN. The Senator misunderstood me. I said the increase in our wealth as a Nation depended upon the difference between our purchases and sales abroad.

Mr. CUMMINS. It seems that the Senator from Idaho is repeating it just as I understood him to say it originally. I saw a map on the wall here the other day, introduced by the Senator from Utah [Mr. SMOOT], which stated that in 1897 the national wealth was, as I recollect the map, $77,000,000,000.

Mr. HEYBURN. That has nothing to do with the exports and the imports.

Mr. CUMMINS. And our national wealth now, according to that map, is $140,000,000,000.

Mr. HEYBURN. Yes.

Mr. CUMMINS. An increase of $63,000,000,000 since that time.

Mr. HEYBURN. That might be at home.

Mr. CUMMINS. I call attention to the fact that our balance of trade has not been even a small tithe of that increase.

Mr. HEYBURN. That wealth to which the Senator from Iowa refers might be at home. I was speaking of the balance of trade as business men understand it—the difference between the outflow and the income. I was speaking of it from the standpoint of all the people constituting a nation and not taking into consideration at this time individual fluctuations. That is the rule of profit and loss in individual transactions as it is in national transactions.

Mr. CUMMINS. The Senator agrees that the country might be very rich and yet suffer a balance of trade against it for years and years.

Mr. HEYBURN. For a certain time.

Mr. CUMMINS. And all the time for that matter.

Mr. HEYBURN. No. An unfavorable balance of trade long continued would, of course, mean that the people would ultimately be bankrupt, just as it would with a business man. If at the end of every year a business man, in casting up his balances for the year, finds that he has paid out more than he has taken in, of course it is only a question of time until he will be bankrupt. The same is true of the whole people as it is of an indivdual. It is to that I am looking in all this tariff legislation. I am looking to the conditions that control the question of the balance.

Now, if we do not manufacture or produce upon the farm or from the mine or wheresoever it may be a surplus over our own consumption at home that we may sell abroad, we have no other way of making money. There is no way by which the whole people can add a dollar to their wealth except by producing and disposing of a surplus. That depends upon whether the people are in a positon to continue production.

Mr. CUMMINS. It would follow, if all the people in the world were citizens of one nation, that no matter what they might do or how diligent or industrious they might be or how great their resources, they would continually grow poorer.

Mr. HEYBURN. No; they would consume what they produced and probably would produce what they consumed, but I never would deal with the question from that standpoint. We are a great, big, wealthy Nation, with boundaries about it, and within those boundaries we do business. No man does business in his neighbor's store—that is, on his own account. We are not transacting business in other countries. We may do business with other countries, but our great field of production lies at home. We do not produce our wheat in any other country than our own, nor our cattle nor our forests nor our manufactured products. We must produce them here, under the jurisdiction of our own Government. That fact is settled.

I have heard the utopian idea of wiping out the boundaries between nations and then devising some scheme of government by which the people thus constituted and situated might live. I have never spent a moment's thought about it, because it is an impossibility and will always remain one. So why waste our time in the consideration of a real question by conjuring up a condition or a situation that can not ever confront us?

Mr. President, I wish to have the attention of the Senator from North Carolina. I understood he suggested that about this time the bill would be laid aside, so far as concerns discussion. I am not through at all, but I am willing, if the Senator in charge of the bill has any such suggestion, to acquiesce in it.

Mr. SIMMONS. I think we ought to go on with it until at least half past 5, but if the Senator prefers to discontinue now I suggest that we proceed to the reading of the bill.

Mr. HEYBURN. I will say to the Senator that there have been times when I have felt physically better able to continue than I do this afternoon.

Mr. SIMMONS. The Senator understands I do not wish to press him at all.

Mr. GORE. I intended to propound a question to the Senator, but if he is indisposed I will defer it to some other time.

Mr. HEYBURN. If I am to go on, certainly the Senator can propound any question, but I thought we had a tacit understanding that at about 5 o'clock we would proceed to other business.

Mr. SIMMONS. I ask that the bill be read.

The PRESIDING OFFICER. Without objection, the bill will be proceeded with.

Mr. CUMMINS. I ask if the bill is now being read for amendment?

Mr. SIMMONS. No; not for that purpose.

Mr. CUMMINS. I want a clear understanding. I propose at the right time to offer an amendment by way of a substitute for the bill.

The PRESIDING OFFICER. The Chair will suggest that after the reading of the bill any amendment or substitute will be in order.

Mr. SIMMONS. There has been no amendment pending, I understand.

Mr. HEYBURN. I merely again call attention to the fact that this is not one of the prescribed readings of the bill. This

is a reading as in Committee of the Whole. It does not take the place of any other reading, nor does it cut out——

Mr. SIMMONS. It is to save time; that is all.

Mr. HEYBURN. It does not cut out amendment.

Mr. CUMMINS. Then it is an unnecessary and useless performance.

Mr. SIMMONS. The bill has to be read at some time, and I suppose we had just as well go on with the reading now.

Mr. HEYBURN. It will have to be read when it comes into the Senate. That is the only time when it must be read.

Mr. SIMMONS. If it will not facilitate business, I see no reason for reading it.

Mr. HEYBURN. I do not, either.

Mr. LODGE. I suggest that it is usual to have a reading as in Committee of the Whole for the information of the Senate.

Mr. SIMMONS. I had understood that to be the usual practice, and therefore I suggested that it be read this evening in order to save time, as no other Senator was ready to go on.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

Mr. McCUMBER. I wish to give notice that at 2 o'clock tomorrow, or if the 8-hour bill shall have been disposed of before that time, immediately after the disposition of that bill I shall ask permission of the Senate to submit some remarks on the pending metal schedule bill.

INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE, ETC.

Mr. LODGE. I ask unanimous consent for the consideration of the joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of Whole, proceeded to its consideration.

The joint resolution had been reported from the Committee on Foreign Relations with an amendment, on page 2, to strike out lines 1 to 8, inclusive, in the following words:

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

So as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America, and suggest their cooperation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 139) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes. It is a matter that the Senate has passed twice and we might as well dispose of it to-day.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 3, page 2, line 24, before the word "million," to strike out "ten" and insert "fifteen," so as to make the bill read:

Be it enacted, etc., That in order to make present and future provision for the erection and maintenance of public buildings for the accommodation of the Government of the United States within the District of Columbia, the following parcels of land shall be purchased, under the direction of the President of the United States, or taken for public use by due process of law, namely:

All of blocks Nos. 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, Reservation A, Reservation B, Reservation C, Reservation D, Reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

SEC. 2. That any and all streets and alleys intersecting the said lands so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by executive order vacated and become and constituted a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the sum of $15,000,000, or so much thereof as may be necessary, to be used for the payment for or on account of the price of said lands or acquiring the title thereto, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury, subject to the executive order of the President, shall be authorized to purchase or acquire said land or any part thereof as soon as practicable at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney General of the United States.

SEC. 5. That in the event of a failure to agree upon the price of said land or any part thereof between the owner of said land and premises and the Government of the United States, the Attorney General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the Supreme Court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinbefore provided to be appropriated for such purposes.

SEC. 6. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

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.

NAVY RETIREMENTS.

Mr. CURTIS. I ask unanimous consent to call up the bill (S. 473) relating to Navy retirements.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 8, after the word "service," to add the following proviso:

Provided, That no increase of pay or allowance shall accrue prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That any officer of the United States Navy who served creditably during the Civil War and whose name is now borne on the list of retired officers of the Navy shall have the benefit of all laws in the same manner and to the same extent as though such officer had been retired for disability incident to the service: *Provided*, That no increase of pay or allowance shall accrue prior to the passage of this act.

Mr. CURTIS. I wish to offer an amendment to the amendment. The bill applies to only six officers. There are two officers provided for who are not cared for by private acts. The other four have been provided for. I move to amend the amendment by striking out the words "the passage of this act" and inserting "June 29, 1906," so as to make the proviso read:

Provided, That no increase of pay or allowance shall accrue prior to June 29, 1906.

That will cover the case of two officers who have not heretofore been taken care of by private bills.

The amendment to the amendment was agreed to.

The amendment as amended 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.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 24, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1912.

COLLECTOR OF CUSTOMS.

Cornelius O'Keefe, of Arizona, to be collector of customs for the district of Arizona, in the State of Arizona. (Reappointment.)

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine. (Reappointment.)

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for Oregon. (A reappointment, his term having expired.)

UNITED STATES MARSHALS.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana. (A reappointment, his term having expired May 18, 1912.)

Henry L. Fassett, of New York, to be United States marshal, western district of New York, vice William R. Compton, deceased.

REGISTER OF THE LAND OFFICE.

Frank C. Bramwell, of Oregon, to be register of the land office at La Grande, Oreg., his term expiring January 13, 1912. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. William T. Littebrant, Fifteenth Cavalry, to be major from May 21, 1912, vice Maj. George E. Stockle, Ninth Cavalry, detailed as quartermaster.

First Lieut. Richard B. Going, Fifteenth Cavalry, to be captain from May 21, 1912, vice Capt. William T. Littebrant, Fifteenth Cavalry, promoted.

COAST ARTILLERY CORPS.

Second Lieut. George F. Moore, Coast Artillery Corps, to be first lieutenant from May 21, 1912, vice First Lieut. Allison B. Deans, jr., detached from his proper command.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain in the Navy from the 27th day of April, 1912, to fill a vacancy.

Gunner James A. Martin to be a chief gunner in the Navy from the 22d day of March, 1912, upon the completion of six years' service as a gunner.

Lieut. Commander Powers Symington to be a commander in the Navy from the 10th day of May, 1912, to fill a vacancy.

Lieut. (Junior Grade) Robert A. White to be a lieutenant in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant in the Navy from the 10th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant in the Navy from the 16th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant in the Navy from the 2d day of March, 1912, to fill a vacancy.

Capt. Frank E. Beatty to be a rear admiral in the Navy from the 27th day of April, 1912, to fill a vacancy.

Second Lieut. Nedom A. Eastman to be a first lieutenant in the Marine Corps to fill a vacancy occurring on April 28, 1912, and to take rank from March 25, 1912.

Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps from the 10th day of May, 1912, to fill a vacancy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from May 2, 1912, in place of First Lieut. of Engineers Frank Gerome Snyder, resigned.

Cadet Carl Herbert Abel, of Indiana, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Frederick J. Birkett, of Washington, to be a third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet James Marsden Earp, of Maryland, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Joseph Francis Farley, jr., of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet William Patrick Kain, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet David Patterson Marvin, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Floyd Jesse Sexton, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Gustavus Urban Stewart, of New Hampshire, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Clement Joseph Todd, of Colorado, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Edward Mount Webster, of the District of Columbia, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

POSTMASTERS.

ALABAMA.

William B. James to be postmaster at Evergreen, Ala., in place of G. Cullen Dean. Incumbent's commission expired February 27, 1912.

GEORGIA.

William T. Rudolph to be postmaster at Thomaston, Ga., in place of William T. Rudolph. Incumbent's commission expired February 27, 1912.

William M. Wakeford to be postmaster at Adel, Ga., in place of William M. Wakeford. Incumbent's commission expired February 27, 1912.

Robert L. Williams to be postmaster at Griffin, Ga., in place of Robert L. Williams. Incumbent's commission expired April 22, 1912.

MICHIGAN.

James B. Haskins to be postmaster at Howard City, Mich., in place of Sid V. Bullock. Incumbent's commission expired December 11, 1911.

Frank N. Wakeman to be postmaster at Paw Paw, Mich., in place of Bangs F. Warner. Incumbent's commission expired May 23, 1912.

MISSOURI.

Edward Gloshen to be postmaster at Mercer, Mo. Office became presidential January 1, 1912.

NEW YORK.

George F. Odell to be postmaster at Congers, N. Y. Office became presidential July 1, 1911.

OHIO.

Charles H. Huffman to be postmaster at Richwood, Ohio, in place of Charles H. Huffman. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Marion Henderson to be postmaster at Pauls Valley, Okla., in place of John McL. Dorchester. Incumbent's commission expired May 9, 1910.

PENNSYLVANIA.

John F. Fenstermacher to be postmaster at Mount Joy, Pa., in place of John F. Fenstermacher. Incumbent's commission expired April 28, 1912.

TENNESSEE.

William J. Walker to be postmaster at Tiptonville, Tenn. Office became presidential January 1, 1912.

WISCONSIN.

Charles Pfeifer to be postmaster at Plymouth, Wis., in place of Charles Pfeifer. Incumbent's commission expired April 24, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1912.

POSTMASTERS.

CONNECTICUT.

Samuel E. Louden, Riverside.

INDIANA.

Charles T. Benton, Brownstown.
Addison M. Catterson, Shoals.
William R. Elrod, Orleans.
John W. Foland, Frankton.
John O. Motto, Winona Lake.

KANSAS.

George W. Rains, Galena.

MICHIGAN.

Frank N. Wakeman, Paw Paw.
James B. Haskins, Howard City.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 23, 1912.*

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great thoughts, noble deeds, and splendid achievements which link the past to the present, making us rich in scientific, literary, art, governmental, and religious attainments, which make the world a better place in which to live, affording greater fields of endeavor, opening the way to larger life and nobler attainments. Help us to add something to coming generations which will enlarge their opportunities and hasten the coming of Thy kingdom to the glory and honor of Thy holy name. Amen.

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

PERSONAL PRIVILEGE.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARDWICK. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Mr. Speaker, I rise to a question of personal privilege.

The leading editorial in the Washington Herald of yesterday, entitled "The Lodge amendment joker," among other statements, contains the following statement, which is not only absolutely untrue, but also reflects, in my judgment, upon the integrity of every member of the select committee appointed by this House at its last session to investigate the American Sugar Refining Co. and others.

The portion of the editorial to which I invite especial attention reads as follows:

THE LODGE AMENDMENT JOKER.

Those who are endeavoring to steer sugar legislation in Washington must be well-nigh distracted over the outcome of a year and a half of sugar agitation. Here is the result:

1. Hardwick report favoring the refiners and standpatters.
2. Underwood bill against the refiners and antistandpatters.
3. Senate finance report favoring the beet-sugar industry, but against the sugar refiners.
4. Lodge amendment, reported from the Senate Finance Committee, for the cane-sugar refiners and against the beet-sugar industry.

The Hardwick investigating committee reported that the value of the listed sugar-trust stocks was not inflated and that there was no "joker" in the law in favor of the cane-sugar refiners. In other words, it was a whitewash. The Democratic "steam roller" in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

It will be observed that this editorial states, so far as the special committee is concerned—

The Hardwick report favors the refiners and standpatters.

Exactly the reverse is true. When the report was made its most bitter criticism came from the trust—the American Sugar Refining Co.—which company, in a statement issued by its counsel, Mr. James M. Beck, of New York, on the day after the report was made to the House, bitterly and, I believe, unjustly assailed the report as unfair to the greatest of the refiners. In what possible way the report could have given comfort to any so-called "standpatter" I challenge any mortal man to state. If the assertion of the Herald means that the report favored the standpatters because it contained no recommendation as to tariff legislation on sugar, then that paper stands convicted of crass ignorance. It must acknowledge that it has never even read the resolution under which the committee was raised—under which it acted—and in which resolution no jurisdiction whatever of the tariff question was given the committee. The committee did not report on the tariff, because in the unanimous opinion of every Member, Democrat and Republican alike, the House had given it neither instructions nor authority to so report. That this House and the public may see how unfounded is this criticism, I will read to the House the terms of the resolution under which the committee was raised:

Resolved, That a committee of nine members, to be elected by the House, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 10, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the following results:

First. The restriction or destruction of competition among manufacturers or refiners of sugar.

Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof.

And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable.

And said committee as a whole, or any subcommittee thereof, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

So far, the editorial criticism of the Herald upon the committee is so weak and trifling that if it went no further I could well afford to disregard it, but the editorial continues:

The Hardwick committee reported that the value of the listed Sugar Trust's stocks was not inflated.

The truth is that the report was exactly the reverse. I read from page 25 of the report:

Your committee confidently submits from the above instances that its estimate in an earlier part of this report that of the nominal fifty millions of capital of the old refineries company not over twenty to twenty-five millions was real value, the balance being "water."

The capital of the American Co., organized in 1891, was also fifty millions, half common and half preferred. It appears to have taken over the properties of the Sugar Refineries Co. at a ratio of par, or somewhere near that figure. At par, according to the testimony of Mr. Heike. (Hearings, p. 187.) At something a little less than that figure, according to Mr. Atkins (hearings, p. 118), issuing, pro rata, about forty-two millions of its stock in place of the forty-seven millions actually issued by the refineries company.

So that the American inherited from its predecessor, the Sugar Refineries Co., most, if not all, of the water that had been so liberally pumped into the stock of the latter company.

In 1892 the American increased its capital stock from fifty to seventy-five millions, using the increase to purchase its Philadelphia and Baltimore competitors, as already outlined in this report.

It paid, in stock, $10,000,000 for the Spreckels plant that had cost only four and a half millions in cash. (Hearings, p. 2347.)

The Franklin, that was not worth over five millions at the outside, and probably less (hearings, pp. 1377–1378), was bought for ten millions in stock. It is worthy of note that at the time of these transactions, or during the same year at least, common stock of the American sold as high as 114 and preferred as high as 107. So it appears that up to its seventy-five millions capital mark the American Co. easily maintained its inherited ratio of two dollars of stock to one of real value.

So far as we have been able to discover, the further increase of stock of the American in 1901 from seventy-five to ninety millions was not marked by anything like the same degree of overpayment by the American. The mania for overcapitalization seems to permeate the sugar industry in every direction. The American, with its stock originally 40 to 50 per cent water, has paid the following dividends since its organization.

On preferred stock (one-half of whole) 7 per cent from 1891 to date. (Hearings, p. 2523.)

On common stock (one-half of the whole):

	Per cent.
1891	8
1892	9
1893	23
1894–1899	12
1900	6½
1901–1910	7

In other words, from 1891 to date the preferred has paid 7 per cent and the common has averaged 9.4 per cent, or both have averaged 8.2 per cent on the whole stock issue—at least 15 per cent to 16 per cent on a fair valuation of the properties and business.

Now, take the two largest competitors of the American—Arbuckle Bros. and the Federal.

Let me again cite the report (pp. 31–32) on this subject:

To summarize this portion of our report, we find strikingly developed in the sugar industry several evils, aside from the primary one of stifling competition, which seem to demand careful consideration and remedial legislation by Congress.

1. Original overcapitalization of great industrial corporations, resulting in increased cost of production if a profit is to be made (as is always insisted upon) on the inflated capitalization, and higher prices of the product to the consuming public.

2. The temptation of the persons who organize and control these large corporations to earn dividends on watered stock as soon as possible, so that such stock may be unloaded in the open markets upon the investing public. These dividends can rarely, if ever, be made without increasing prices to the consumer.

3. Exploitation not only of the consuming public and of the investing public, as already set out, but also of the corporations themselves, by their officers, directors, and trustees, who do not hesitate to overburden the consumer, to deceive the investor, and to take advantage of the corporations that have trusted them whenever it will line the pockets of such individual trustees.

Again, the editorial states the committee found "there was no joker in the law in favor of the cane-sugar refiners."

There is no such finding anywhere in the report, direct or indirect, express or implied. The man who wrote this editorial charge must have been either grossly careless or densely ignorant, or probably both. Having finished its specific misrepresentations of your committee, this intelligent and well-informed journal, published here in the Capital City, where its opportunities for acquiring accurate knowledge are great and its excuse for misstatements about matters of this kind small, undertakes to make a few general statements, or rather misstatements, on its own account.

Generalizing, it exclaims, "In other words it (the report) was a whitewash."

Mr. Speaker, I prefer to be charitable in my answer to such libels as this. I rarely notice them and only do so when the injustice is intolerable. Even then, unless I know the motive of the critic to be bad, I prefer to ascribe his misstatements to ignorance rather than malice. But I must say, Mr. Speaker, in justice to myself, in justice to every member of that committee, that a grosser misrepresentation was never made to the public than the statement that this report was a "whitewash" of any kind of anybody. No intelligent man can read it and say so. The report speaks for itself.

Let me inquire how or from whom did the Herald obtain the idea that the report was a "whitewash"? Not from the report itself. Then was it from the Sugar Trust, that protested most vigorously that the report was so far from a "whitewash" that it did the trust grave injustice? Or was it from the beet-sugar manufacturers, whose Washington agent, Mr. C. C. Hamlin, published columns in denunciation of it? Or from the Louisiana cane planters, whose papers and associations were most bitter in their condemnation of it?

But, Mr. Speaker, after having been so unjust to the men who devoted almost a year of their time to laborious and faithful work in an earnest and honest effort to carry out the mandate of the House on this question, the Herald continues:

The Democratic steam roller in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

Not only is the above statement untrue in word, in letter, in substance, and in spirit, but the exact reverse is true, and no one knows it better or will bear witness to it more willingly than the gentleman from Alabama [Mr. UNDERWOOD] and every one of his Democratic associates on the Ways and Means Committee. So far from the work of the special committee being disregarded, the truth is that the facts disclosed by the hearings of the special committee were the principal weapons employed by the Ways and Means Committee in making up its report in favor of free sugar, and but for the work done by the special committee we would have no free-sugar bill in all probability.

Mr. Speaker, I do not desire to make any further remarks on the gross injustice that this editorial, evidently born of careless ignorance, does to every member of the committee. This whole House, Democratic and Republican Members alike, knows the truth. Your committee needs no vindication at its hands. Nor will it lack any at the hands of any honest man who will examine the work of the committee, read its reports, and read the debates of this House on the free-sugar bill. [Applause.]

EXTENSION OF TIME FOR COMPLETION OF DAMS ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The unfinished business is the bill H. R. 21969, on which the previous question has been ordered.

Mr. ADAMSON. Mr. Speaker, my object in rising was to finish a conference report we had up the other day. I understood from the Speaker I could do so at this time.

The SPEAKER. How long will it take?

Mr. ADAMSON. Just a minute. The gentleman from Illinois [Mr. MANN] wanted time to examine it the other day, and I will ask him if he is ready to dispose of it. It is Senate bill 5930. He makes no objection, and I ask that the conference report be adopted. The report was read the other day.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 729).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, as follows:

Strike out all of the proviso beginning with the words "*Provided further*," page 1, line 13, down to and including the word "Engineers," page 2, line 8, so that the bill will read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two.

"SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And the House agree to the same.

W. C. ADAMSON,
F. C. STEVENS,
Managers on the part of the House.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The Senate, in passing S. 5930, amended the same by adding in and after line 13, page 1, a proviso subjecting the extension asked for to the amendment of the general dam act approved June 23, 1910, the Senate being unaware that, in reliance upon the original grant, the grantees had made expenditures of money to a large amount, some two or three hundred thousand dollars, which, by the express provisions in the said amended act, exempt the extension from such limitation. The House amended that Senate amendment by excepting and exempting the extension from the proviso fixing the limitation of 50 years, which is really the principal provision in the amendment of June 23, 1910. The other provisions of that amendment have no application to the enterprise in question; therefore your conferees have thought it wise, in agreeing to the House amendment, to amend it further by striking out the whole proviso, beginning on page 1, line 13, so as to leave the bill as originally introduced by its author and leaving the dam to be constructed in accordance with the original grant, subject to the terms of the general dam act approved June 21, 1906.

W. C. ADAMSON.
F. C. STEVENS.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PANAMA CANAL.

The SPEAKER. The unfinished business is the bill H. R. 21969, and the previous question has been ordered on the bill and amendments to final passage.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois place his amendment where he wants it in this bill.

Mr. MANN. I have an amendment pending to insert as a new section, I think to follow section 10, and the gentleman from Georgia desires to have it inserted at the end of section 5, and I ask unanimous consent that instead of going in as a new section the amendment may be offered to come in at the end of the Doremus amendment, if that be agreed to, or at the end of the original section 5, if that should be agreed to.

Mr. ADAMSON. That is agreeable.

The Clerk read as follows:

Add as a new paragraph at the end of section 5:

"That the President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the

Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Georgia is agreeable to this amendment. The amendment of the gentleman from Michigan [Mr. DOREMUS] is to strike out, I believe, section 5 and substitute. Now, if this is to be added at this time to section 5, I take it that would not be covered by the motion of the gentleman from Michigan to strike out so as to include this item.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent, whatever the result may be, that the gentleman's amendment may follow the section.

Mr. MANN. As a part of the section?

Mr. ADAMSON. As a part of the section.

The SPEAKER. Is the section this follows one that is involved?

Mr. ADAMSON. Yes, sir; but it follows as a result no matter which is adopted, because both the substitute and the original end just alike in the same language.

The SPEAKER. It is necessary to vote on this amendment.

Mr. ADAMSON. I understand, but we are placing it, that is all.

The SPEAKER. The gentleman asks unanimous consent that no matter what happens to the Doremus amendment that the amendment of the gentleman from Illinois shall follow the section.

Mr. ADAMSON. Whichever one is adopted this follows.

Mr. MANN. This goes as a part of the section.

The SPEAKER. Does it follow it to its fate or in the bill?

Mr. ADAMSON. No, sir; the issue is not involved in this; this should follow whichever one is adopted.

The SPEAKER. That is, in the bill?

Mr. ADAMSON. Yes, sir; whichever one is adopted this stays in and follows it.

The SPEAKER. There is a good deal of difference in the two propositions. The gentleman from Georgia asks unanimous consent that no matter which way the House votes upon the Doremus proposition the Mann proposition shall in the bill follow the Doremus substitute or the original section in the pending bill.

Mr. CRUMPACKER. Reserving the right to object, let me ask the gentleman why we could not avoid the confusion by acting upon the Doremus amendment first and then letting the Mann amendment come in independently?

Mr. ADAMSON. We can, but there is not any confusion about it. The Doremus amendment ends just exactly like the present section ends, and all we have to do is to add this as an additional paragraph to the section, no matter which one is adopted.

Mr. CRUMPACKER. A confusion may arise in the minds of the Members of the House in voting upon the Doremus amendment as to whether the vote would not include the Mann amendment also, and if the Doremus amendment were acted upon separately, and as the Mann amendment follows it, there would be no possible confusion in the mind of any Member of the House.

Mr. ADAMSON. It is clear the Mann amendment has nothing to do with the issue on the part of section 5.

Mr. CULLOP. Mr. Speaker, why would it not be better to number this section 5½?

Mr. ADAMSON. It is exactly in keeping with the latter part of section 5.

The SPEAKER. The Chair will state this proposition, so that the House will know what it is doing. The gentleman from Michigan [Mr. DOREMUS] offered a substitute for a certain portion of the text of the bill, and it was adopted. And it is a matter of common rumor that somebody is going to call for a separate vote on this Doremus substitute. The proposition of the gentleman from Georgia [Mr. ADAMSON] is that, no matter whether the Doremus substitute is voted in or voted out, the Mann amendment follows immediately after the Doremus amendment if it is voted in, and follows after that portion of the original text if the Doremus amendment is voted out. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. ADAMSON. I suppose that we can have a vote on all of them in gross, except one.

The SPEAKER. The Chair will put that question as soon as we get through with this. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

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

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ADAMSON. I demand a separate vote on the Doremus substitute to section 5.

The SPEAKER. The gentleman from Georgia demands a separate vote on the Doremus substitute to section 5. If there is no similar demand as to any other amendment, the other amendments will be voted upon in gross. The question is on agreeing to the other amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the Doremus amendment.

Mr. ADAMSON. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number.

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

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the Doremus amendment will, as their names are called, answer "yea" and those opposed will answer "nay," and the House will be in order.

The question was taken; and there were—yeas 147, nays 128, answered "present" 8, not voting 109, as follows:

YEAS—147.

Akin, N. Y.	Foss	Langham	Sells
Alexander	French	Lawrence	Simmons
Ames	Fuller	Lee, Pa.	Small
Austin	Garner	Lewis	Smith, J. M. C.
Barchfeld	George	Linthicum	Smith, Saml. W.
Bartholdt	Goldfogle	Lloyd	Smith, N. Y.
Borland	Greene, Mass.	Lobeck	Speer
Bowman	Gregg, Pa.	McCreary	Stephens, Cal.
Broussard	Gregg, Tex.	McGillicuddy	Stone
Burke, Pa.	Griest	McKinley	Sulloway
Burnett	Guernsey	McLaughlin	Sulzer
Butler	Hamill	McMorran	Sweet
Campbell	Hammond	Maher	Taggart
Cannon	Harris	Mann	Talbott, Md.
Catlin	Harrison, Miss.	Matthews	Talcott, N. Y.
Clayton	Harrison, N. Y.	Morgan	Taylor, Ala.
Connell	Hartman	Murray	Taylor, Colo.
Conry	Hawley	Needham	Taylor, Ohio
Cooper	Hayden	Neeley	Thayer
Covington	Hayes	Nelson	Thistlewood
Crago	Heald	Padgett	Tilson
Curry	Heflin	Parran	Towner
Dalzell	Henry, Conn.	Patten, N. Y.	Tribble
Danforth	Higgins	Payne	Tuttle
Davidson	Hill	Pepper	Underhill
Davis, W. Va.	Hobson	Peters	Underwood
Difenderfer	Howell	Pray	Utter
Dodds	Humphrey, Wash.	Pujo	Vare
Donohoe	Jackson	Raker	Warburton
Doremus	Kahn	Ransdell, La.	Watkins
Dupré	Kindred	Roberts, Mass.	Wedemeyer
Dwight	Kinkead, N. J.	Roberts, Nev.	Wickliffe
Estopinal	Knowland	Robinson	Wilson, N. Y.
Fairchild	Konig	Roddenbery	Wilson, Pa.
Fergusson	Lafean	Rodenberg	Wood, N. J.
Fitzgerald	Lafferty	Rothermel	Young, Mich.
Fornes	La Follette	Rucker, Colo.	

NAYS—128.

Adair	Daugherty	Gray	Littlepage
Adamson	Davis, Minn.	Green, Iowa	McCoy
Anderson, Minn.	Dent	Hamilton, Mich.	McDermott
Ansberry	Denver	Hamilton, W. Va.	McKellar
Barnhart	Dickinson	Hamlin	McKenzie
Bartlett	Dies	Hardwick	McKinney
Beall, Tex.	Dixon, Ind.	Haugen	Macon
Bell, Ga.	Driscoll, M. E.	Helgesen	Madden
Blackmon	Edwards	Henry, Tex.	Maguire, Nebr.
Boehne	Ellerbe	Hensley	Martin, Colo.
Booher	Esch	Houston	Miller
Brantley	Evans	Howard	Mondell
Buchanan	Faison	Hughes, Ga.	Moon, Tenn.
Bulkley	Ferris	Hughes, N. J.	Morrison
Burke, Wis.	Finley	Hull	Morse, Wis.
Burleson	Floyd, Ark.	Humphreys, Miss.	Moss, Ind.
Byrnes, S. C.	Foster	Jacoway	Norris
Byrns, Tenn.	Fowler	Johnson, Ky.	Nye
Callaway	Gallagher	Kent	Oldfield
Candler	Gardner, Mass.	Kinkaid, Nebr.	Page
Cary	Garrett	Konop	Pou
Cline	Godwin, N. C.	Kopp	Powers
Collier	Good	Korbly	Prince
Cox, Ohio	Goodwin, Ark.	Lee, Ga.	Prouty
Crumpacker	Gould	Lenroot	Rainey
Cullop	Graham	Lindbergh	Rauch

Rees	Sisson	Stephens, Miss.	Whitacre
Richardson	Slayden	Stephens, Nebr.	Willis
Rubey	Sloan	Stephens, Tex.	Wilson, Ill.
Russell	Smith, Tex.	Sterling	Witherspoon
Sabath	Stedman	Stevens, Minn.	Young, Kans.
Sims	Steenerson	Volstead	Young, Tex.

ANSWERED "PRESENT"—8.

Dyer	Longworth	Martin, S. Dak.	Sherley
Gillett	McGuire, Okla.	Riordan	Weeks

NOT VOTING—109.

Aiken, S. C.	De Forest	Kennedy	Redfield
Ainey	Dickson, Miss.	Kitchin	Reilly
Allen	Doughton	Lamb	Reyburn
Anderson, Ohio	Draper	Langley	Rouse
Andrus	Driscoll, D. A.	Legare	Rucker, Mo.
Anthony	Farr	Lever	Saunders
Ashbrook	Fields	Levy	Scully
Ayres	Flood, Va.	Lindsay	Shackleford
Bates	Focht	Littleton	Sharp
Bathrick	Fordney	Loud	Sheppard
Berger	Francis	McCall	Sherwood
Bradley	Gardner, N. J.	McHenry	Slemp
Brown	Glass	Malby	Smith, Cal.
Browning	Goeke	Mays	Sparkman
Burgess	Gudger	Moon, Pa.	Stack
Burke, S. Dak.	Hanna	Moore, Pa.	Stanley
Calder	Hardy	Moore, Tex.	Switzer
Cantrill	Hay	Mott	Thomas
Carlin	Helm	Murdock	Townsend
Carter	Hinds	Olmsted	Turnbull
Clark, Fla.	Holland	O'Shaunessy	Vreeland
Claypool	Howland	Palmer	Webb
Copley	Hubbard	Patton, Pa.	White
Cox, Ind.	Hughes, W. Va.	Pickett	Wilder
Cravens	James	Plumley	Woods, Iowa
Curley	Johnson, S. C.	Porter	
Currier	Jones	Post	
Davenport	Kendall	Randell, Tex.	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. SHERLEY with Mr. MALBY.

Mr. HOLLAND with Mr. BROWNING.

Mr. HARDY with Mr. OLMSTED.

Mr. BROWN with Mr. CURRIER.

Mr. FIELDS with Mr. LANGLEY.

Mr. BURGESS with Mr. WEEKS.

Mr. GOEKE with Mr. HOWLAND.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. ALLEN with Mr. LONGWORTH.

Mr. JAMES with Mr. MCCALL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. LITTLETON with Mr. WOODS of Iowa.

Mr. WHITE with Mr. SWITZER.

Mr. WEBB with Mr. PORTER.

Mr. SPARKMAN with Mr. PLUMLEY.

Mr. REILLY with Mr. REYBURN.

Mr. LEVY with Mr. MOTT.

Mr. KITCHIN with Mr. PICKETT.

Mr. HELM with Mr. MOORE of Pennsylvania.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. DANIEL A. DRISCOLL with Mr. WILDER.

Mr. CURLEY with Mr. HANNA.

Mr. CARLIN with Mr. FOCHT.

Mr. BATHRICK with Mr. FARR.

Mr. ASHBROOK with Mr. DE FOREST.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. ROUSE with Mr. BRADLEY.

Until June 1:

Mr. THOMAS with Mr. HUBBARD.

From May 15 to May 25:

Mr. STANLEY with Mr. ANTHONY.

Two weeks, beginning May 15:

Mr. CANTRILL with Mr. LOUD.

Two weeks, beginning May 3:

Mr. SHACKLEFORD with Mr. DRAPER.

Upon this vote:

Mr. PALMER (for tolls) with Mr. REDFIELD (against).

Mr. MURDOCK (in favor of Doremus amendment) with Mr. CRAVENS (against).

Mr. HAY (for tolls) with Mr. MOON of Pennsylvania (against).

Mr. TURNBULL (for tolls) with Mr. SAUNDERS (against).

Mr. DOUGHTON (for tolls) with Mr. SCULLY (against).

Mr. KENDALL (against free tolls) with Mr. KENNEDY (for free tolls).

Mr. MARTIN of South Dakota (for section 5 of bill) with Mr. CALDER (against).

Mr. POST (against free tolls and in favor of section 5) with Mr. O'SHAUNESSY (for free tolls).

Mr. FORDNEY (against) with Mr. VREELAND (for tolls).

Mr. COPLEY (in favor of Doremus amendment) with Mr. LEVER (against).

Mr. MCGUIRE of Oklahoma. Mr. Speaker, I voted "yea" and I desire to change that vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MCGUIRE of Oklahoma, and he answered "Present."

Mr. DYER. Mr. Speaker, I desire to ask if Mr. RUCKER of Missouri has voted?

The SPEAKER. He has not.

Mr. DYER. I am paired with Mr. RUCKER of Missouri. I voted "yea" on this amendment, but I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DYER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Proceedings under the call will be suspended and the Doorkeeper will open the doors. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SIMS. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back with the following amendment added to section 5 as amended by the Doremus amendment.

Mr. BROUSSARD. Mr. Speaker, I move to recommit the bill to the Interstate and Foreign Commerce Committee with instructions to forthwith report it back to the House, striking out section 11 and inserting in lieu thereof the provision which I offer.

Mr. SIMS. Mr. Speaker, I made a motion to recommit, and I ask consideration of that motion.

The SPEAKER. The Chair will state what the situation is. The gentleman from Louisiana [Mr. BROUSSARD] and the gentleman from Michigan [Mr. DOREMUS] and other gentlemen made a minority report against this bill. Evidently it is intended for the motion to recommit to be construed fairly.

The rule provides that the Chair shall give preference in recognition to some Member who is against the bill. These gentlemen made a minority report, and the Chair thinks in ordinary fairness in the construction of the rule that the gentleman from Louisiana should have precedence.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The statement of the Chair is undoubtedly accurate, but the minority report having been adopted by the House, the amendment embraced in the minority report is a part of the bill. Therefore I am absolutely against the bill with the minority views carried into it, and the gentleman from Louisiana is for it.

The SPEAKER. The Chair can settle that very easily. Is the gentleman from Louisiana opposed to the bill?

Mr. BROUSSARD. I am.

The SPEAKER. The Clerk will report the motion of the gentleman from Louisiana.

The Clerk read as follows:

Mr. BROUSSARD moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with the following amendment to section 11:

"SEC. 11. From and after the opening of the Panama Canal it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water engaged in interstate commerce through the Panama Canal. And it shall be the duty of the President to exclude any such ship of commerce from the canal.

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities, shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation, or any officer or agent of any ship or shipping company or any other person whatsoever, who is a party to any violation of this section or who knowingly violates or who permits any violation thereof, shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment in the discretion of the court having jurisdiction thereof."

Mr. ADAMSON. Mr. Speaker, I make a point of order against that.

Mr. BROUSSARD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Georgia will state his point of order.

Mr. ADAMSON. I do not think it is germane either to the section or to the bill. It proposes an entirely different system of dealing with these things. It is not the purpose of the bill to place on the management of the canal the burden of determining all questions about ships. It is the purpose of the bill to let the United States Government control the whole matter in connection with the coastwise trade and interstate commerce. This motion changes the system entirely and is not germane.

The SPEAKER. The Chair stated yesterday in an opinion that was as carefully drawn as possible after great investigation, with the help of two of the best parliamentarians on the floor of the House, one on each side, filing a brief, that a motion to recommit does not have to be germane to any particular section if it is germane to the bill. The motion to recommit ought to be construed liberally so that it will do what it was intended to do. The Chair will state to the gentleman from Georgia that his inclination is to rule against the gentleman, but if he has any authorities to offer or any argument to submit the Chair will hear it with an open mind.

Mr. ADAMSON. Mr. Speaker, I have nothing to offer on it; I simply suggested that it was such a radical change of the matter in the bill——

The SPEAKER. The Chair has nothing to do with the question of whether a proposition is radical or not.

Mr. ADAMSON. I understand that, but the provision pertains to the method of regulating the coastwise trade and interstate commerce.

The SPEAKER. The subject matter of this bill is treating with the tolls of the Panama Canal, is it not?

Mr. ADAMSON. That is one verse only of a very long bill containing many important provisions.

The SPEAKER. And the passage of ships through the Panama Canal?

Mr. ADAMSON. The subject of the bill is the operation of the canal with or without tolls and the sanitation and government of the Canal Zone. The tolls make a very small part of it. One section in the bill deals with the interstate commerce, to improve the coastwise trade, and this proposes to change the whole system, eliminate all of these beneficial things, and in lieu thereof place upon the officers of the canal the administrative burdens of determining these questions.

Mr. MANN. Will the Speaker indulge me for a moment?

The SPEAKER. Certainly; but the Chair first wants to ask the gentleman from Georgia a question before the gentleman from Illinois begins. This bill treats of the subject of ships passing through the Panama Canal and the tolls, and changes somewhat some statutes?

Mr. ADAMSON. That is part of it; yes.

The SPEAKER. Does not the amendment included in the motion treat of the very same subject?

Mr. ADAMSON. It deals with that particular subject, but it changes the whole system.

The SPEAKER. That may be true, but the Chair has nothing to do with that. It might be the intention of the House to change the whole thing on a motion to recommit. The Chair can not pass on that.

Mr. MANN. Mr. Speaker, the bill first introduced as reported contained section 11 entirely apart in its theory from the balance of the bill and wholly unrelated to the matter of tolls in the Panama Canal. The committee reported a substitute for section 11 in the Committee of the Whole House on the state of the Union, and I made a point of order that the substitute reported by the committee for section 11 was not in order, because it was not germane to the bill and not germane to section 11.

The Chairman of the Committee of the Whole, after examining the substitute and original provision in the bill, overruled the point of order and held that the substitute was in order. Now, it is very plain to any gentleman who has examined the bill, the substitute, and the motion to recommit, that the motion of the gentleman to recommit is far nearer germane to the original section 11 of the bill than was the substitute held in order by the Chairman of the Committee of the Whole House on the state of the Union, and I do not deny that his decision was correct. So that clearly the motion to recommit now offered by the gentleman from Louisiana is germane to the provisions in the bill.

Mr. SIMS. Mr. Speaker, I wish to move to substitute for the motion to recommit the amendment which I send to the Clerk's desk.

The SPEAKER. The way to get at that is to vote down the motion for the previous question.

Mr. SIMS. The motion for the previous question has not been made.

The SPEAKER. Yes; the gentleman from Louisiana made a motion for the previous question, and then the gentleman from Georgia made a point of order against the motion to recommit.

Mr. SIMS. I did not know that the Chair had entertained the motion for the previous question. I hope it will be voted down.

The SPEAKER. It is not debatable.

Mr. SIMS. I am only expressing a hope. [Laughter.]

The SPEAKER. The Chair overrules the point of order made by the gentleman from Georgia. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SIMS) there were 149 ayes and 61 noes.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Louisiana to recommit with instructions.

Mr. BROUSSARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL of Texas. Mr. Speaker, I request that the amendment in the motion to recommit be again reported.

Mr. MARTIN of Colorado. I object.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent that the motion to recommit be again reported. There has been so much confusion in the Hall that we have been unable to hear it.

The SPEAKER. The gentleman from Texas [Mr. BEALL] just made that request, and it was objected to.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that section 11, as adopted in the Committee of the Whole, to which the substitute may be offered, may be read, in order that Members may understand upon what they are voting.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have section 11 read. Is there objection?

Mr. BROUSSARD. Mr. Speaker, reserving the right to object——

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 205, answered "present" 10, not voting 114, as follows:

YEAS—63.

Ames	Graham	Lee, Ga.	Sweet
Austin	Greene, Mass.	McGillicuddy	Talcott, N. Y.
Bartlett	Gregg, Pa.	McKinley	Taylor, Ala.
Borland	Guernsey	McLaughlin	Taylor, Colo.
Broussard	Hamill	Macon	Thayer
Clayton	Hammond	Murray	Tilson
Cox, Ohio	Hardwick	Patten, N. Y.	Tribble
Curry	Heflin	Peters	Tuttle
Davis, W. Va.	Higgins	Pujo	Utter
Dent	Hill	Ransdell, La.	Watkins
Dies	Humphrey, Wash.	Richardson	Wedemeyer
Doremus	Johnson, Ky.	Roddenbery	Whitacre
Dupré	Kindred	Rothermel	White
Estopinal	Konop	Rucker, Colo.	Wickliffe
Fairchild	Lafferty	Sells	Young, Mich.
George	Lawrence	Smith, J. M. C.	

NAYS—205.

Adair	Campbell	Edwards	Gould
Adamson	Candler	Ellerbe	Gray
Akin, N. Y.	Cannon	Esch	Green, Iowa
Alexander	Cary	Evans	Gregg, Tex.
Anderson, Minn.	Catlin	Faison	Griest
Ansberry	Cline	Farr	Hamilton, Mich.
Barchfeld	Collier	Fergusson	Hamilton, W. Va.
Barnhart	Connell	Ferris	Hamlin
Bartholdt	Conry	Finley	Harris
Beall, Tex.	Cooper	Fitzgerald	Harrison, Miss.
Bell, Ga.	Covington	Floyd, Ark.	Harrison, N. Y.
Blackmon	Crago	Focht	Hartman
Boehne	Cullop	Fornes	Hawley
Booher	Dalzell	Foss	Hayden
Bowman	Danforth	Foster	Hayes
Buchanan	Daugherty	Fowler	Heald
Bulkley	Davidson	French	Helgesen
Burke, Pa.	Davis, Minn.	Fuller	Henry, Tex.
Burke, Wis.	Denver	Gallagher	Hensley
Burleson	Dickinson	Gardner, Mass.	Hobson
Burnett	Difenderfer	Garner	Houston
Butler	Dixon, Ind.	Garrett	Howard
Byrnes, S. C.	Dodds	Godwin, N. C.	Hughes, Ga.
Byrns, Tenn.	Donohoe	Good	Hughes, N. J.
Callaway	Driscoll, M. E.	Goodwin, Ark.	Hull

Humphreys, Miss.	Madden	Pray	Stephens, Tex.
Jackson	Maguire, Nebr.	Prince	Sterling
Jacoway	Maher	Prouty	Stevens, Minn.
Kahn	Mann	Rainey	Stone
Kent	Martin, Colo.	Raker	Sulloway
Kinkead, N. J.	Martin, S. Dak.	Rauch	Sulzer
Knowland	Matthews	Rees	Taggart
Konig	Miller	Roberts, Mass.	Talbott, Md.
Kopp	Mondell	Roberts, Nev.	Taylor, Ohio
Korbly	Moon, Tenn.	Robinson	Thistlewood
Lafean	Morgan	Rodenberg	Towner
La Follette	Morrison	Rubey	Underhill
Lamb	Morse, Wis.	Russell	Underwood
Langham	Moss, Ind.	Sabath	Vare
Lee, Pa.	Needham	Simmons	Volstead
Lenroot	Neeley	Sims	Warburton
Lindbergh	Nelson	Sisson	Willis
Linthicum	Norris	Slayden	Wilson, Ill.
Littlepage	Nye	Sloan	Wilson, N. Y.
Lloyd	Oldfield	Small	Wilson, Pa.
Lobeck	Padgett	Smith, Tex.	Witherspoon
McCreary	Page	Speer	Wood, N. J.
McDermott	Parran	Stedman	Young, Kans.
McKellar	Payne	Steenerson	Young, Tex.
McKenzie	Pepper	Stephens, Cal.	
McKinney	Pou	Stephens, Miss.	
McMorran	Powers	Stephens, Nebr.	

ANSWERED "PRESENT"—10.

Dwight	Goldfogle	Riordan	Weeks
Dyer	Longworth	Sherley	
Gillett	McGuire, Okla.	Smith, Saml. W.	

NOT VOTING—114.

Aiken, S. C.	Davenport	Kendall	Post
Ainey	De Forest	Kennedy	Randell, Tex.
Allen	Dickson, Miss.	Kinkaid, Nebr.	Redfield
Anderson, Ohio	Doughton	Kitchin	Reilly
Andrus	Draper	Langley	Reyburn
Anthony	Driscoll, D. A.	Legare	Rouse
Ashbrook	Fields	Lever	Rucker, Mo.
Ayres	Flood, Va.	Levy	Saunders
Bates	Fordney	Lewis	Scully
Bathrick	Francis	Lindsay	Shackleford
Berger	Gardner, N. J.	Littleton	Sharp
Bradley	Glass	Loud	Sheppard
Brantley	Goeke	McCall	Sherwood
Brown	Gudger	McCoy	Slemp
Browning	Hanna	McHenry	Smith, Cal.
Burgess	Hardy	Malby	Smith, N. Y.
Burke, S. Dak.	Haugen	Mays	Sparkman
Calder	Hay	Moon, Pa.	Stack
Cantrill	Helm	Moore, Pa.	Stanley
Carlin	Henry, Conn.	Moore, Tex.	Switzer
Carter	Hinds	Mott	Thomas
Clark, Fla.	Holland	Murdock	Townsend
Claypool	Howell	Olmsted	Turnbull
Copley	Howland	O'Shaunessy	Vreeland
Cox, Ind.	Hubbard	Palmer	Webb
Cravens	Hughes, W. Va.	Patton, Pa.	Wilder
Crumpacker	James	Pickett	Woods, Iowa
Curley	Johnson, S. C.	Plumley	
Currier	Jones	Porter	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARLIN with Mr. CALDER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. GOLDFOGLE with Mr. DE FOREST.

Mr. LEGARE with Mr. HUGHES of West Virginia.

Mr. LEVER with Mr. GARDNER of New Jersey.

Mr. MCCOY with Mr. CRUMPACKER.

Mr. RANDELL of Texas with Mr. REYBURN.

Mr. TURNBULL with Mr. SWITZER.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. HAY with Mr. MOON of Pennsylvania.

Mr. HOLLAND with Mr. MURDOCK.

Mr. DOUGHTON with Mr. KENNEDY.

Mr. BRANTLEY with Mr. KENDALL.

Mr. BATHRICK with Mr. HOWELL.

Mr. ANDERSON of Ohio with Mr. COPLEY.

On this vote:

Mr. FORDNEY (against) with Mr. SAMUEL W. SMITH (to recommit).

The result of the vote was announced as above recorded.

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

The question was taken, and the bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIOLATION OF CERTAIN RULES.

The SPEAKER. The Chair wishes to call the attention of Members to two or three rules that are constantly violated, thoughtlessly, no doubt, but the violation of them works absolute confusion. The Chair does this now when nobody is doing the particular thing that Members complain of.

Some of the Members are in the habit of crowding about the desk when a roll is being called. That is absolutely forbidden by the rules. We got into a considerable row at the beginning of the Sixty-first Congress about that very same thing.

There is a rule against smoking in the House. That ought to be enforced. [Applause.]

Further, the proper method of procedure when a gentleman has the floor and another gentleman desires to interrupt him is for that other gentleman to first address the Chair. Of course, the Chair cares nothing about that, except that that is the way to preserve order and keep down quarrels and fusses in the House. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LOBECK, for 2 days, on account of important business.

To Mr. BROWN, for 3 days, on account of sickness in family.

To Mr. GRAY, for 10 days, on account of important private business.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO., STATE OF WASHINGTON.

The SPEAKER laid before the House joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, with Senate amendments thereto.

The Senate amendments were read.

Mr. ROBINSON. Mr. Speaker, I move to concur in the Senate amendments with an amendment which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Arkansas moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

The SPEAKER. The question is on concurring in the Senate amendments with the amendment of the gentleman from Arkansas.

The question was taken, and the Senate amendments, with the amendment of the gentleman from Arkansas, were agreed to.

Mr. ROBINSON. Mr. Speaker, I desire to put in the RECORD a letter from the Department of Justice and one from the Secretary of the Interior to me in relation to this matter.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 15, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: Acknowledging your letter of the 13th instant, and responding to your request for a report concerning Senate substitute for H. J. Res. 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), I have to say that the legislation in its present form appears to be subject to the objection that it does not provide adequately for the protection of the Indian allottees, and makes no provision, in the interest of the public and the Indians, for the resumption of the rights of way in default of due diligence by the grantees in the construction of their respective railroads.

These objections, I think, would be removed by the addition of the following:

"Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture."

As originally introduced the object of the resolution was solely to remove any doubt as to the authority of the Attorney General to maintain certain proceedings in Washington brought for the purpose of obtaining a judicial declaration of forfeiture of the grant made to the Washington Improvement & Development Co. As metamorphosed by

the legislative process the measure now presents a subject of peculiar interest to the Department of the Interior but with which this department has little or no concern. The foregoing suggestions are therefore made subject, and in subordination, to such views as the Secretary of the Interior may see fit to express to your committee regarding the resolution.

The opening sentence of the resolution is not all that could be desired in the matter of form, but suffices, I think, to express without obscurity the sense intended to be conveyed.

Respectfully (for the Attorney General),

ERNEST KNAEBEL,
Assistant Attorney General.

—

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1912.

Hon. JOS. T. ROBINSON,
Chairman Committee on Public Lands, House of Representatives.

SIR: I have this day received letter from Mr. Ernest Knaebel, Assistant Attorney General, Department of Justice, enclosing me a copy of his report furnished you, dated to-day, concerning Senate substitute for sistant Attorney General, Department of Justice, inclosing me a copy of House resolution 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), authorizing and directing the Great Northern Railway Co. and the Spokane & British Columbia Railway Co. in the matter of their conflicting claims of rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil Valley, and after careful consideration of the matter I approve of and earnestly recommend the adoption of the amendments, suggested in his said letter, to the pending resolution.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up House bill 20586, and to concur in the amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, there is one item in the bill where the beneficiary, Ada Mercer, has died and I would like to strike it out, but I do not know what page it is on.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is this a motion or a request for unanimous consent?

The SPEAKER. It takes unanimous consent——

Mr. RODDENBERY. I desire to reserve the right to object.

The SPEAKER. The gentleman from Missouri will hunt up that matter.

Mr. RUSSELL. Just let it go, as it will have to go back to the Senate if it is amended. The pension can not be paid, for the party has died. I ask to concur in the amendments.

The SPEAKER. The gentleman moves to concur in the Senate amendments. Has this bill been referred to the committee?

Mr. RUSSELL. It has been referred.

The SPEAKER. It takes unanimous consent. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Missouri why he desires to take the bill up at this time?

Mr. RUSSELL. Just to get through with it and get rid of it. The House Pensions Committee has agreed to concur in the amendment, and asked me to try to get it passed.

Mr. RODDENBERY. Mr. Speaker, I shall object for the present.

The SPEAKER. The gentleman from Georgia objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

Mr. PADGETT. And pending that I ask unanimous consent that the time for general debate may be controlled by the gentleman from Illinois [Mr. Foss] and myself, one-half to each.

The SPEAKER. And pending the motion the gentleman asks unanimous consent that the time for general debate be controlled one-half by himself and one-half by the gentleman from Illinois [Mr. Foss]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, with Mr. HULL in the chair.

Mr. HULL assumed the chair amid applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I shall consume very little time in an explanation of this bill, as I think it unnecessary. The bill has been upon the calendar for several days, and the committee accompanied the bill with a report explaining fully and in detail the several provisions of the bill. I am in hearty sympathy and accord with the sentiment which I feel prevails largely in the body, that the supply bills should be expedited and gotten through the House and pass the Senate in order that legislation relating to supply bills may be gotten out of the way in order to expedite the general business and the final adjournment of the Congress. [Applause.] With that in view, I shall occupy but a few minutes' time. The bill carries an appropriation of $118,819,837.76, being $7,658,500.48 less than the appropriation bill as it became a law in the last Congress. [Applause.] The total estimates, regular and supplemental, and as contained in the hearings of the Secretary of the Navy, made the total estimates submitted to the committee $134,415,027.76, and, after mature consideration, the committee, as they have reported the bill, reduced the estimates $15,595,190. It will be noted that the amount recommended in the bill for the Naval Establishment, exclusive of the increase of the Navy, carries $112,872,137.76, as against an appropriation of the last Congress for the same purpose of $110,322,581.24, making the appropriation this year for that portion of the bill $2,569,556.52 greater. But I desire to call the attention of the committee to the fact that the Committee on Naval Affairs have included some new items in the bill which they thought very essential to have and very much needed, and which would be of great benefit not only to the Naval Service but to the country. They have reported 4,000 additional enlisted men, at an increased cost of $2,446,688.60; 400 marines, at a cost of $171,640; 13 Marine officers, at a cost of $22,630; enlarging the dry dock at Pearl Harbor, Hawaiian Islands, $650,000; a world-wide wireless-telegraph system, limiting the cost to $1,000,000 and carrying an appropriation in this bill for the first year's work, $400,000; to reimbuse enlisted men on U. S. S. *Georgia*, $4,300. This money was stolen by an assistant pay clerk, and we carry an appropriation to reimburse them. Ammunition for the new ships, we have added an additional $1,000,000 to this appropriation; modernizing the turrets, putting in a new system of hoisting apparatus for the ammunition for the ships, $250,000; modernizing projectiles, making the old projectiles equivalent to new ones and up to date, $300,000; battleship compasses, a gyroscopic compass, which is entirely new, $120,000; making a total for these new items of $5,365,188.10. Deducting the increase and crediting the bill with these new items in order to have a fair comparison with the appropriations of last year, it will show a reduction in the present bill of $2,795,632.08 in the Naval Establishment, exclusive of the increase of the Navy. These are the principal items.

There are some matters of legislation that the committee thought were proper and necessary. They are inserted in the bill in italics, and I think it would answer all purposes when they come up for consideration that the committee should make such explanation as may be needed. Unless some one desires to ask me some questions, I shall yield the floor to the gentleman from Illinois [Mr. Foss].

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

Mr. PADGETT. Certainly.

Mr. TRIBBLE. Mr. Chairman, in the estimate the gentleman has presented in his statement of $118,000,000, that does not include any battleships?

Mr. PADGETT. No, sir; there are no battleships provided for in the bill.

Mr. TRIBBLE. I understand that. In the estimate that you gave the House a few minutes ago of what the House appropriated last year, how many battleships were included?

Mr. PADGETT. None whatever. I said exclusive of the increase of the Navy, so that the comparisons were exactly on a parity, and then I mentioned the new items which this committee has included which were not in the bill of last year. The total appropriation of the bill of last year was $126,405,509.24.

Mr. TRIBBLE. And that included no battleships?
Mr. PADGETT. That included battleships.
Mr. TRIBBLE. Your bill does not include any battleships?
Mr. PADGETT. No.
Mr. TRIBBLE. Now, as a matter of truth, then, the expenditures of the Navy, according to this bill, have not been reduced?
Mr. PADGETT. I stated they were increased, exclusive of the building program; that they were increased $2,569,556.52; but I stated that of that amount $5,365,188.60 was for new items and an increase of the enlisted force.
Mr. TRIBBLE. I understood that thoroughly; but I do understand, furthermore, that you are giving this Congress an increase over the bill of last year, without regard to the battleships.
Mr. PADGETT. In certain items; yes, sir.
Mr. TRIBBLE. You are giving the Congress an increase in the appropriation, and yet you give no battleships?
Mr. PADGETT. Yes; for the service, exclusive of the increase of the Navy, but in the total bill a reduction of more than $7,000,000.
Mr. TRIBBLE. You increase the land appropriations. You increase all the appropriations that are land, and when you consider the sea you do not give any appropriation for fighting ships. Where is the fighting done, on the land or on the sea?
Mr. PADGETT. The biggest item of increase we are giving——
Mr. TRIBBLE. The gentleman does not answer my question. Is the fighting on the land or on the sea?
Mr. PADGETT. The Navy fights on the sea.
Mr. TRIBBLE. Is the purpose to increase the capacity of the Navy to fight on the land or on the sea?
Mr. PADGETT. We are increasing it here to fight on the sea, because we are providing for 4,000 additional men.
Mr. TRIBBLE. Where are you proposing for them to fight—on the land or on the sea?
Mr. PADGETT. On the sea. The enlisted men naturally belong to the ships.
Mr. TRIBBLE. I want you to explain to this House how you propose to increase the efficiency of the Navy by increasing the land force and cutting off everything on the sea.
Mr. PADGETT. We have not proposed that. I propose to increase it by enlisting 4,000 men for the Navy and 400 marines, every one of whom will be fighting men on the sea.
Mr. TRIBBLE. What necessity for all of this increase on the land, there being no increase of ships for sea service?
Mr. PADGETT. We have many ships. We are 20,000 men short now in the ships we have authorized and are under construction and built.
Mr. TRIBBLE. Permit me to say I am not favoring battleships at this time. You say you have not men enough and have not officers enough? I insist we have enough and more than enough. What do you say?
Mr. PADGETT. No, sir; we are short both in officers and in men.
Mr. TRIBBLE. Have you not got to take officers out of the Navy, because you have not room for them, and place them on the retired list?
Mr. PADGETT. According to the statement of Capt. Usher, last year, I believe it was, we were 30,000 men short, but by eliminating 97 of the small vessels from the Navy Register and bringing it down to date we are 19,500 men short. And we are proposing to increase the enlisted force by 4,000 in order to provide for the six monster battleships that are now under construction, so that when they are commissioned we will have some men with which to man them.
Mr. TALBOTT of Maryland. And they will fight on the sea.
Mr. TRIBBLE. I will ask you if it is not a fact that you are asking this House to increase the official force of the Navy, and at the same time you are providing year by year to eliminate men and eliminate officers who are capable of fighting, who are competent to fight, and whose age does not prevent them from staying on the active list?
Mr. PADGETT. There is no provision whatever in this bill for eliminating anybody. There is nothing about the retirement except the provision with reference to the modifications of sections 8 and 9 of the personnel bill of 1899 under which officers retiring, either by selection or by voluntary retirement, would be promoted into the next higher grade and retired. This bill contains a provision that they shall retire in the grade in which they served and not in the promoted grade.
Mr. TRIBBLE. That is true; but you have a provision here giving more officers.
Mr. PADGETT. Thirteen; yes, sir.
Mr. TRIBBLE. Thirteen more officers?
Mr. PADGETT. Marine officers.
Mr. TRIBBLE. How many officers are eliminated by the laws which you have on the statute books, every year?
Mr. PADGETT. I do not know the number.
Mr. TRIBBLE. Well, 30, 40, 50, or 100?
Mr. PADGETT. I do not know. I have not looked over the list as to the number.
Mr. TRIBBLE. There are a number, are there not?
Mr. PADGETT. Yes.
Mr. TRIBBLE. And what efforts are being made to keep on the active list in actual service those officers that are competent but are being retired frequently?
Mr. PADGETT. None whatever, because the law provides they shall retire at the age of 62——
Mr. TRIBBLE. I have reference to men younger than that.
Mr. PADGETT (continuing). And that has been the law for generations.
Mr. TRIBBLE. Generations? Is the committee responsible for what the Republican Party has done for generations previous? Are we not responsible for what we do and not for other people?
Mr. PADGETT. I do not think the question of the Republican Party or the Democratic Party has anything to do with the Navy. It is a nonpartisan and a nonpolitical question. [Applause.]
Mr. TRIBBLE. I agree with the gentleman that it ought to be.
Mr. PADGETT. It is. [Applause.]
Mr. SLOAN. Mr. Chairman, will the gentleman yield for a question?
The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Nebraska?
Mr. PADGETT. Yes.
Mr. SLOAN. I noted the gentleman's comparison between the appropriation which he submits and the bill of two years ago.
Mr. PADGETT. One year ago.
Mr. SLOAN. Has the gentleman a comparison with the similar bill at the same stage of the proceedings one year ago?
Mr. PADGETT. No; I compared it only with the bill as it became a law.
Mr. SLOAN. After it had passed this House, and then passed the Senate with such additions as the Senate saw fit to attach?
Mr. PADGETT. Yes.
Mr. SLOAN. But the gentleman has not a comparison of the amount submitted now with the amount of the bill that was passed by the House one year ago?
Mr. PADGETT. No; I have not. I have not looked that up. It was something like $125,000,000. I do not remember the exact amount, however.
Mr. AUSTIN. Mr. Chairman, may I ask the gentleman a question?
The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?
Mr. PADGETT. Yes.
Mr. AUSTIN. Can the gentleman give us the type of vessels enumerated, covering the new expenditures which the gentleman has mentioned?
Mr. PADGETT. We provided for two fuel ships, six torpedo-boat destroyers, and four submarines, at an estimated cost of $12,713,440, and then we provide also for the conversion of one of the colliers, the *Prometheus*, as named in the bill, into a repair ship at a cost of $350,000.
Mr. AUSTIN. Now, is it the opinion of the committee that the ships that the gentleman has just enumerated would be of more service to the country than an additional battleship?
Mr. PADGETT. Well, sir, I will say that not only the committee, but also the department thinks that we are very much in need of these auxiliary vessels. The department lays its emphasis upon battleships. The committee did not follow it in that matter for reasons that I suppose the gentleman is well aware of.
Mr. HOWARD. Mr. Chairman, I would like to ask the gentleman a question.
The CHAIRMAN. Does the gentleman yield?
Mr. PADGETT. Yes.
Mr. HOWARD. It is in connection with the question propounded by the gentleman from Georgia [Mr. TRIBBLE]. I notice a provision carrying an additional 400 men for the Marine Corps.
Mr. PADGETT. Yes, sir.
Mr. HOWARD. Now, the provision for carrying 13 officers necessarily follows if these men are added to the Marine Corps?

Mr. PADGETT. Yes.

Mr. HOWARD. And that is the reason why these officers are asked for?

Mr. PADGETT. Exactly so.

Mr. HOWARD. One other question I would like to ask the gentleman now, because I would like to get the information. There is a provision in this bill to retire officers in the grade in which they come up for retirement. I understand the practice heretofore in the Navy has been that when an officer came up for retirement he was advanced one grade higher and then came in for three-fourths pay?

Mr. PADGETT. Yes; that is the law of 1899.

Mr. HOWARD. As a matter of fact these officers have practically nothing to do with their retirement, especially in the Navy. They are plucked by a plucking board, as I understand it.

Mr. PADGETT. That is hardly an accurate statement. Under the law they retire when they reach the age of 62 years. Then some few are plucked and others voluntarily retire.

Mr. HOWARD. After 30 years' service?

Mr. PADGETT. Yes.

Mr. HOWARD. What does the gentleman think about the fairness of that proposition to those officers who are involuntarily retired, who have been plucked? They are probably as good officers as many others in the service. Does the gentleman think that is a fair proposition—to retire those officers in that grade without giving them this advanced rank?

Mr. PADGETT. The theory of the involuntary retirement is that there must be retirement if there is to be any promotion.

Mr. HOWARD. That is to help the "healthy" flow in promotion? That is what they term it?

Mr. PADGETT. Yes. There must be promotion if you expect any young man to enter the Navy and devote his life work and service to the Navy. He must have some door of opportunity, and in order that there may be a door of opportunity to him there must be a flow of promotion, as in any business.

Mr. HOWARD. I agree with the chairman of the committee on that proposition.

Mr. PADGETT. Now, then, in order to make that promotion it has been found that the death rate is not sufficient to afford adequate promotion. Therefore the law provides that those who wish to retire may, under certain conditions, voluntarily retire, but if the number of deaths and the number of applications for voluntary retirement do not reach the number necessary to make this promotion, the law authorizes what is called, in common parlance, the plucking board to select, and the theory of that is that they should select those least efficient; not that they are inefficient, but that they are less efficient than some one else.

Now, as to whether or not in the administration of human agencies mistakes may not be made, that is a matter not the fault of the law but the fault of human nature. I am not here to argue or to say one way or the other as to whether there is or is not favoritism and whether there are not mistakes made, but the theory of the law is that they shall select the least efficient in the grades in order to make this promotion.

Mr. HOWARD. But, as I understand it now, Mr. Chairman, if the gentleman will permit——

Mr. PADGETT. Yes——

Mr. HOWARD. Under the present rule and under the present law there are two beneficiaries: The man who retires receives the benefit, in that he is advanced a grade at the time of retirement, and the other beneficiary is a class of younger officers of the Navy who have to resort to this method in order to get promotion.

Mr. TALBOTT of Maryland. No; the young officers do not resort to it.

Mr. HOWARD. Of course they do not resort to it, but the department resorts to it to give these young officers promotions.

Mr. PADGETT. It is the method provided by law for promotion.

Mr. HOWARD. That is all.

Mr. McKENZIE. Before the chairman takes his seat I wish he would make a statement giving us the reason why the committee changed the policy that has been in force for a number of years requiring the construction of one or two battleships each year. I would like to have him state to us the reason for not continuing that policy, whether, in the judgment of the committee, they felt that the Navy is now strong enough and that we did not need any more battleships, or whatever the reason might be that caused them to take this action.

Mr. PADGETT. The committee did not discuss the question of battleships. A motion was made and voted down. There was no discussion as to why it was done. I suppose the gentleman knows that there was a satisfactory reason.

Mr. ROBERTS of Massachusetts. A reason, but not a satisfactory one.

Mr. MADDEN. The unanimity of the committee was largely due to the Democratic caucus instructing the Democrats of the committee not to vote for a battleship, was it not?

Mr. PADGETT. The gentleman from Illinois can form his own conclusion on that matter; it was not discussed in committee.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. TRIBBLE. The gentleman stated that an inducement must be given to the young officers in order to get them and keep them there; that is, to eliminate the old officers and make places for the younger ones.

Mr. PADGETT. Yes; and in the general policy there must be an age limit fixed after which it is not proper that a man should be kept in the service. Of course there may be individual cases where a man at 65 would be amply competent physically and mentally, and there might be others at 50 or 55 where a man would be less efficient than the man at 65, but the law fixes the general average at 62 and adopted that as a policy, and that has been in force for many years.

Mr. TRIBBLE. Let us leave the age limit and come back to the first proposition—that to which I am trying to hold the gentleman. Was it not testified before the Naval Affairs Committee by Capt. Smith that a man could be plucked after 12 years' service?

Mr. PADGETT. Yes; but they are not.

Mr. TRIBBLE. They are all along the line, are they not, at all ages?

Mr. PADGETT. Under the regulations they have to have 30 years' service for voluntary retirement.

Mr. TRIBBLE. I know that is true in case of voluntary retirement, but I am speaking of the plucking board.

Mr. PADGETT. The number selected by the plucking board is usually small in proportion to the total number of retirements.

Mr. TRIBBLE. Let us see about that question a little. Every boy who goes through the Naval Academy costs this Government $18,000. Is not that true? Eighteen thousand dollars is the expense of a boy at the Naval Academy who graduates.

Mr. PADGETT. That has been stated in a number of ways.

Mr. TRIBBLE. Is it not a fact that there are thousands upon thousands of boys who would like to go to the Naval Academy? There is no trouble about a man going there and going through if he can get in.

Mr. PADGETT. There are a great many that want to go there; there is always a small per cent that pass the examination—I think 37 to 45 per cent pass examination successfully. Then after they enter I think there is about 60 per cent graduate.

Mr. TRIBBLE. They are there, and you have put into a man that is there $18,000, and then you pay him a good salary from the day he leaves there until the day you decide to pluck him. He is a good, capable man, no charge against him, age 45, as an illustration. Will you give us any reason for taking this man out of the service, except that you want to make a place for somebody else who wants to be promoted?

Mr. PADGETT. That is all.

Mr. TRIBBLE. Now, is there any business concern in this country, any bank, any manufacturing concern, any enterprise, that would eliminate a good, capable man on large retired salary for the purpose of making a place for someone else who simply wanted to be promoted?

Mr. PADGETT. The comparisons between a bank and the Navy are so diverse and different that it will be impossible to make a fair and just comparison. As I stated a moment ago, if you get young men to enter the Navy, if you expect desirable young men to enter the Navy, they must have an opportunity to do something, to accomplish something, and to have somewhat of a career. If you arrange it so that a man who enters the Navy, a bright boy, an intelligent boy, an energetic and desirable boy, if he is to remain an ensign all his life he will not go into it. If he could not have the prospect of promotion and have a career and accomplish something, you might as well give up the Navy.

Mr. TRIBBLE. The testimony was before the committee, and does not the gentleman admit it to be the fact, that there are many officers in the Navy capable and ready to fill all official positions and many more without providing for new enlistments at the expense of the people?

Mr. PADGETT. But what if they can not get the higher position?

Mr. TRIBBLE. They are not quitting, are they?

Mr. PADGETT. There is an open door and a prospect for promotion.

Mr. TRIBBLE. You have got more than you can use?

Mr. PADGETT. No; we are short in the Navy.

Mr. TRIBBLE. Why are you short?

Mr. PADGETT. Because we have not authorized the number necessary to man the complement of ships which we have.

Mr. TRIBBLE. Have you not a great many officers in the Navy, thousands of them?

Mr. PADGETT. No; we have about 1,800, and that would hardly come within the class designated by thousands.

Mr. TRIBBLE. If you are short, why eliminate good men; why take out good men and put them out into active life and pay them out of the Treasury of the United States—retired officers, living on the bounty of the Government—doing nothing?

Mr. PADGETT. Because it is a part of the general policy to effect promotion, to afford the bright young men inducement to enter the Navy. If they did not have that opportunity you would have no Navy.

Now, Mr. Chairman, I will yield the floor to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, I expected to submit a few remarks on this bill at this stage of the proceeding, but I shall defer them in order to accommodate my friend from Missouri [Mr. BARTHOLDT], who is obliged to leave the city. I will yield to him 30 minutes.

Mr. BARTHOLDT. Mr. Chairman, this year the battleship qustion finds me in a state of mind bordering on equanimity, if not indifference. The reason is, probably, that everyone knows in advance what its final disposition will be. The majority in the House will uphold the action of the Democratic caucus by refusing new authorizations, the Senate will insist on at least one new battleship, and the House will finally yield to a program, so wisely limited, in order to keep the Navy at its present efficiency.

Now, if my friends on the other side were actuated by a higher motive than that of mere economy I could probably get up some enthusiasm. If they had said the United States is in the best possible position to set the world an example by calling a halt to the mad rivalry for excessive armaments, I would be tempted to take my hat off to them, but as it seems to be a question not of principle but of parsimony with them, a desire merely of making a showing, at the end of the session, of surplus cash rather than investments in behalf of the Government, I can not help but feel more or less unconcerned, although I must say that the action of the Democratic caucus has served one good purpose, it has saved us from the annual Japanese war scare. But, Mr. Chairman, there is another and more cogent reason why the friends of peace and arbitration view the question of naval armaments with less concern now than they did even a few years ago. They have seen the light break in. An antidote has been found for the folly of the nations, and it may now safely be predicted that it is only a question of a short time when, through the force of public sentiment, arbitration will take the place of war in the settlement of international differences and when the nations will march, figuratively speaking, from abandoned battle fields to the temple of justice, there calmly to await the verdict of impartial judges in every case which threatens to disturb their peace. While it is true that Governments can not be persuaded to discard their implements of war so long as they actually need them for purposes of defense and national security, it is just as certain that no nation would maintain them much beyond the period when their absolute uselessness, except for police purposes, has been demonstrated. Hence, I hold that the question of armaments will solve itself. Its proper solution will be the natural sequence of the perfection of the legal machinery for the administration of international justice.

It is this question which I desire to discuss to-day. If above premises are correct, then it becomes the patriotic duty of every good citizen by his vote and influence to hasten the day when in the intercourse of the nations judicial decisions will be recognized as the proper substitute for the arbitrament of the sword, proper because more humane, more civilized, and infinitely more economical.

Fortunately we are no longer in doubt as to how this great purpose can be accomplished. The consensus of opinion of the world's best thinkers is fixed upon three postulates, namely, general arbitration treaties, a high court of nations, and a code of international law to be sanctioned by all the national legislative bodies and enforced by the combined police powers of the world.

Thanks to the two Hague conferences, this plan is no longer a dream of visionaries or a vision of dreamers, nor is it the half-baked scheme of progressives who are overestimating the speed of rational advance. It is much more than that. It has become the concrete project upon which the Government of the whole world have concentrated their official minds ever since a President of the United States has had the courage and the foresight to propose the settlement by arbitration of all justiciable questions. [Applause.]

Before I discuss President Taft's arbitration policy let me show you how far the plan of a high court of nations has progressed. Such a court has been a reality ever since 1899, when the first Hague conference created it in the shape of a panel from which a court was to be organized in each given case. While this court has officiated in a number of important cases to the full satisfaction of the world's opinion, yet there was a general demand for a tribunal with real judicial powers, and this led to the unanimous declaration by the second Hague conference in favor of a court of arbitral justice. All the signatory powers represented at that conference assented to its immediate establishment, and only the question of the appointment, or, rather, the distribution, of the judges caused disagreement and has been the stumblingblock up to the present time in the way of its actual creation. There is no question, however, that the next conference of the powers, which will meet in Holland's capital in 1915, will remove this obstacle and crown its labors with what, in my judgment, will be the most glorious achievement of modern times. A code of international law to apply to the cases which may be brought before the court the same as an agreement as to the executive power to enforce, if need be, the decrees of such a world tribunal will follow its establishment just as surely as the lex scripta and the sheriffs became the creatures of domestic courts. It is needless to say that every arbitration treaty negotiated between two or more governments will form an integral part of the international code.

After this brief review of past achievements and aspirations for the future, let me discuss the most important event in the history of the modern peace movement, namely, President Taft's proposition to arbitrate all justiciable questions. I need not recount how this progressive plan electrified the world and how, through it, the United States suddenly assumed leadership in fact, and not in name only, in the great movement for international justice. The first to criticize was Theodore Roosevelt, and it is my purpose to answer, on behalf of the supporters of the arbitration treaties, the objections he raised against the President's great conception. I shall do so, of course, with entire disregard of the present political situation.

The former President insists that questions of honor and vital interest should always be excepted from the scope of arbitration treaties, because not to do that is to waive at the outset a possible arbitrament by the sword—would be hypocrisy and cowardice. No self-respecting nation, he says, would resort to arbitration when its honor is at stake, and, besides, such an agreement could not be enforced when a nation believes it has real cause for war.

This sounds good, and the unthinking, no doubt, will applaud the argument. But if it were to prevail, the world would forever be where it is to-day. Here Mr. Roosevelt is plainly the standpatter or reactionary, while the President is the progressive. The fact is that hypocrisy and cowardice are the characteristics of the present system rather than of the newly proposed. Under our present feeble treaties every controversy can easily be magnified to the proportions of a question of honor or vital interest; hence these old treaties making such exemptions are not worth the paper they are written upon, and therefore it was hardly compatible with upright and honorable conduct for nations to pretend favoring arbitration when in fact they knew they could open the door to war at any time they saw fit to do so.

In comparison with this hypocritical system which Mr. Roosevelt upholds, President Taft's proposal is the very embodiment of honesty. It presupposes honorable conduct on the part of nations, and is based on the rightful assumption that no nation conducting itself honorably need ever fear the verdict of an impartial tribunal. It is this consideration which prompted the President to say that questions of honor are really the easiest to arbitrate. The time is happily past when one civilized nation will wantonly insult another, and it is also true that in this time and day monarchical rulers can no longer use an alleged insult as a subterfuge to arouse, by appeals to the national honor, the furor of the people. A more frequent intercourse and more rapid communication between the people of different nations, and the growth of popular education and of a better understanding among them have become the reliable safeguards against such tricks. We must also remember that the great nations, in spite of their armaments, are no longer independent and hostile military camps frowning upon each other as implacable enemies, but they have gradually come to

regard each other as interdependent parts of the great family of nations ready and willing to investigate, before cutting throats, whether an insult is real or fancied, or whether it was offered intentionally or not. And we know that war is always as good as prevented when consent is once obtained for an investigation.

Mr. Roosevelt justifies war from the feelings of an individual saying in so many words that nations should act just as a man would when his wife is assailed and has her face slapped. "Such an individual," he says, "who went to law instead of forthwith punishing the offender would be regarded with derision." This case belongs clearly in the category of self-defense, and no friend of peace has ever denied this to a nation. Defense presupposes an attack, but we must be sure that there is an attack before we are allowed to take the law in our own hands. If domestic law permits no exception to that rule, except in case of a physical attack, why should an exception be permitted in international law merely to continue the bloody business of war? We know full well that many cases of law violation occur because human passion is often stronger than respect for law, but surely this is no reason why there should be no law against certain offenses, nor is it a reason why exceptions should be recognized in international law framed, as it is, to safeguard the peace. To leave it to individual judgment when to resort to law or to force will lead to anarchy just as surely as it will lead to war if we leave such discretion to governments and nations. The prohibition of violence is the universal rule of law. The breaking of that rule, no matter how justifiable, is the breaking of law, and President Taft simply aims to apply this principle to international relations. The doctrine preached by Mr. Roosevelt of permitting exceptions would lead to the same intolerable conditions in domestic affairs as now exist in foreign relations, namely, that the arbitrary will of the individual can menace the peace of society. As the ruler can declare war at will on the plea of an injury to honor or vital interests, so could the individual citizen justify acts of violence because of want or hunger or misery or of personal insult. President Taft's proposition, therefore, to make the law of nations conform to domestic law is a step in advance from dangerous conditions of anarchy to a higher plane of international law and order.

Moreover, a resort to violence is the poorest possible way to resent an insult. War never settles a question of right or wrong; it only determines which side is the strongest, and might is not right. Therefore a trial by battle would be wrong even if all nations were equally strong. But how would it be if a weak nation would be insulted by a big and powerful one? Suppose Great Britain would offer an insult to little Holland, and to save their honor the Dutch people would decide to fight. What would be the result? We should see injury added to insult, and an unequal war between the two would most likely result in the complete annihilation of Holland. Would we be justified with charging the Dutch with cowardice when they prefer judicial decisions to a war which would inevitably wipe them from the map? The fact is they are just as brave as we are, but that does not carry with it the obligation to commit national suicide. Still less justifiable is the reproach of cowardice when a great and powerful country like the United States at a time of profound peace proposes to other great countries that all their future controversies shall be settled by arbitration. Such a proposition, on the contrary, seems the very acme of dignity, honor, and manhood, and every Government which values justice and is willing to forego illegitimate gain by force will so regard it.

Mr. Roosevelt cites the hypothetical case of an English or German or Japanese fleet "firing into our coast towns and killing and wounding citizens," and says, in such an event, "this Nation would immediately demand not arbitration, but either atonement or war"; but surely this is no argument against arbitration. In fact, our Government proposes arbitration to prevent just such contingencies. When a hostile fleet once bombards our coast towns, then the stage of arbitration is passed, and such bombardment would simply be a declaration of war as an evidence that arbitration has failed. But you notice that here again the ex-President cites a case calling for legitimate self-defense which has no application whatsoever to President Taft's plan. No nation will forfeit, by arrangements to settle its controversies peacefully, its inherent right of self-defense.

The importance of President Taft's initiative may not as yet be fully appreciated by the people. It will not come home to them until, as a result of such a policy, hundreds of millions will be annually saved to the taxpayers. All thinking men and women regard it even to-day as one of the greatest world reforms ever undertaken, and no one doubts its entire practicability. We may thoughtlessly repeat the phrase, "There must always be war," but I sincerely believe Taft's arbitration policy to be the beginning of its end, and we should all be happy to have lived to see the day of this great beginning through the initiative of an American President. Neither the Senate, which mutilated the arbitration treaties, nor Mr. Roosevelt, who has opposed them from the beginning, will be able to halt the triumphant progress of evolution. It is the manifest destiny of human civilization to found the world's peace on the rock of law and render it secure against the passion of the masses as well as against the arbitrary will of rulers. To popularize this great purpose through the sheer force of its own merit and to fructify it as a fixed policy of government I earnestly believe to be America's greatest mission in the politics of the world, and no good American will ever recognize either the Constitution or the Senate of the United States to be a lasting obstacle in the way of its accomplishment.

The friends of arbitration do not hug the delusion that war can be abolished with one fell swoop. They know that the idols of the tribe will prevail for a time against the ideals of humanity. It seems to be man's way to exhaust the possibilities of every folly and every iniquity before he will fall back upon the methods of wisdom and goodness. But even to-day the philosophy of history is able to characterize war as a blunder, ethics as barbarism, law as a crime, and religion as a sin. The world's hope is not a lie, and, in the language of America's greatest poet, "Man will not forever be the slave of his own passions." Moltke, it is true, declared that "Eternal peace is only a dream, however beautiful it may be." Yet a giant thinker of the same nation wrote an immortal treatise on the same "perpetual peace," and came to the conclusion that it is—

> No mere empty idea, but rather we have here a problem which gradually works out its own salvation, and as the periods in which a given advance takes place toward the realization of the ideal of perpetual peace will, we hope, become shorter and shorter, we must approach ever nearer to this goal.

Yesterday—

Says Walter Walsh in his great book "The Moral Damage of War"—

> Yesterday the saint aspired, to-day the poet dreams, to-morrow the sage will expound, and on the fourth day the statesman will embody in a bill.

At every rung on the ladder humanity has been assured the next step up will be impracticable, impossible, but the only prophesies that remain unfulfilled are those of pessimism and unfaith. Mr. Wiseman assures humanity she can never cross the red sea of war, but she kindles her flaming enthusiasm and comes to her new world, her Columbia, her land of peace. Faith is not a fool. She surveys all the obstacles, ponders all the difficulties, counts all the opponents, measures all the "impossibilities," and then sings serenely with Scotia's great national bard:

> For a' that and a' that,
> It's coming yet, for a' that,
> That man to man, the world o'er,
> Shall brothers be, for a' that.

[Applause.]

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

Mr. BARTHOLDT. Certainly.

Mr. HOBSON. Will the gentleman, before he takes his seat, permit me to say that it is a source of great pleasure to me to have listened to his treatment in such an able way of the question of arbitration without mixing it up with the question of armament, and to say that I am happy to be able to agree with him thoroughly upon his speech to-day. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, it affords me great happiness, indeed, to discover that the gentleman from Alabama [Mr. HOBSON] and I have ever been able to agree upon a question of this kind. [Laughter.]

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

Mr. BARTHOLDT. Certainly.

Mr. BOWMAN. As an observation in connection with the gentleman's remarks, does he recall the expression used by Andrew Carnegie, "No man ever touched another man's honor. All honor's wounds are self-inflicted"?

Mr. BARTHOLDT. I do not recall those words.

Mr. BUTLER. Are they Andrew Carnegie's exact words?

Mr. BOWMAN. They are quoted as his words.

Mr. PADGETT. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the inclusion therein of the ceremonies and the addresses at the unveiling of the tablet as a memorial to Dr. Crawford W. Long, the discoverer of ether, at the University of Pennsylvania.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by insert-

ing certain remarks referred to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[The addresses referred to will be found in the Appendix.]

Mr. PADGETT. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. GREGG]. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I shall try to-day to correct the statement circulated throughout the country by those afflicted with the battleship mania that the Democratic caucus, by deciding against any battleships this year, has placed the party in opposition to a Navy, and that a failure at this session to provide for two is a neglect of our national defense.

This is untrue, and those who make the statement, with the exception of those whose soul and interest are so absorbed in the Navy that they can not look at the matter fairly, do so unadvisedly or for partisan political purposes or in the interest of armor-plate and shipbuilding concerns, for we all know that these large concerns never fail to look after their own interests, and we further know that they can always find, both in individuals and newspapers, willing tools to serve their purposes. [Applause.]

We believe in an adequate and efficient Navy, but we do not believe that a Navy composed of battleships without officers or men and without the necessary auxiliaries is either adequate or efficient.

We favor correcting the folly of the past, in which everything has been subordinated to the battleship, and in adopting a rational, sensible course of suspending temporarily their construction, so that we can, without unduly burdening the people and without creating a deficiency in our Treasury, provide officers and men and auxiliaries sufficient to make every battleship a fully equipped fighting unit.

We believe that it is time for Congress to use a little practical, common sense and act on its own initiative, and not be governed exclusively by the opinions of naval boards and officers, whose education and training lead them into the error of supposing that every interest should be subordinated to the Navy and to their ambition to command and for promotion.

They naturally want these great floating palaces and look with disfavor upon torpedo-boat destroyers, commonly called destroyers, submarines, and other necessary auxiliaries—I do not blame them—it is the result of their education and environments. As said by Rear Admiral Mahan in a paper from which I shall quote later—they have been taught to place their trust in bigness and nothing but bigness.

Those who claim to be overwise on naval needs say we should construct 2 battleships a year. Why 2 rather than 1? Why 2 rather than 10? Two may be a program, but not a policy. They say we should have a Navy large enough to insure our peace.

If, by insuring peace they mean, and that is what they mean, that we should have a Navy so large that other nations will not dare attack us, then 10 is more logical than 2, for the sooner we obtain an intimidating Navy the better, if we are to rely solely upon the Navy. Our critics do not tell us what policy we should adopt as to the size of our Navy compared with those of other countries in order to be able to insure our peace by means of the Navy.

They preach and preach, but when their sermons are finished they have not told us what we must do to be saved.

The trouble heretofore has been that we have had no fixed naval policy, by which I mean that we have not decided what should be the relative size of our Navy to that of the other nations of the world.

If we should decide that it should be the largest in the world—however wild the idea may be—we would have an ultimate object in view and could gradually work up to it and do it systematically. If we decide that it should be next in size to that of England, then with that definite purpose in view we could work up to it.

The political party which believes we should burden the people with a Navy so large that it will intimidate other nations, and which believes in "securing our peace" by means of a Navy rather than by treaties, arbitration, and diplomatic negotiations, should have the courage to say so in its platform and take the responsibility before the people, who will have to bear the burden.

There are but two rational policies. If we are to look at it from an aggressive and world-power view—that is, if we are ready to say that it is our purpose to dominate the seas of the world and to intermeddle in all international affairs, and we are ready to seek, instead of avoiding, entangling alliances—then the proper policy to adopt is to construct a Navy larger than that of any other nation. That is what our critics want to do.

If, on the other hand, we want to give some assurance of sincerity in our professions that we prefer law, arbitration, and diplomacy to gunpowder and dynamite as a means of adjusting international differences; if we prefer by example to teach and induce other nations to call a halt in the construction of these floating monsters, rather than encourage them in it; if we would rather be the leaders in peace than in war; if we prefer the hum of industry to the rattle of musketry and thunder of cannons, then our policy should be the one we have followed so long, without danger to our national defense, and the one laid down in the last Democratic national platform, which declares:

> We believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

This means a defensive and not an aggressive Navy. We should amply protect our coasts and harbors with comparatively inexpensive submarines and shore batteries, and have enough large fighting ships to "protect American citizens wherever their rights may be jeopardized," as we have so often done in cases of internal uprisings and disturbances in China and other nations.

Mr. Chairman, I know that the Constitution and Washington and Jefferson, like the battleship after a few years' use, are considered obsolete, but I like occasionally to recur to them like the old-time Christian, who is bewildered and confused by the new theologies of the day, loves to return to his Bible and get new courage for the battle of life and have renewed his hopes for the future. [Applause.]

So I will quote from Thomas Jefferson in regard to the first policy. He said:

> Wars must sometimes be our lot, and all the wise can do will be to avoid that half of them which would be produced by our own follies and our own acts of injustice, and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offense and not the best nor safest instrument of defense. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense which makes the European laborer go supperless to bed and moistens his bread with the sweat of his brow.

If to secure our peace it is necessary to adopt a policy of building such a navy as the greater nations of Europe possess, and thereby "foolishly and wickedly waste the energies of our countrymen and pull on our own heads the load of military expense which makes the European laborer go supperless to bed," the people should be put on notice that such is our intention, and should be fully informed as to the ever-increasing burden they are expected to bear.

The cry, "In time of peace prepare for war" may be a catchy slogan, but in its ultimate analysis it means that all nations at all times should be in a state of preparedness for war, which further means a mad rush to insolvency for every nation of the earth. [Applause.]

The appeal is made to the pride and martial spirit of our people in support of an aggressive Navy; but the appeal is never accompanied with a statement showing the enormous increase of expenses, nor with the suggestion that all this money is extracted by taxation from the pockets of the people.

To show how, even under our moderate program, these expenses have increased, I cite that such expenses have been as follows:

In 1880	$13,536,985
In 1900	55,953,078
In 1910	123,173,717
In 1911	126,478,338

If this money was raised by direct taxation, whereby every taxpayer would know just how much he was contributing to the payment of this gradually and immensely increasing expense, you would not find as many Navy jingoes on the floor of this House as you now find.

As said before, we have had no definite, well-defined policy, neither has our program of construction been rational and well balanced or symmetrical, but it has been to construct a spectacular rather than an efficient and homogenous Navy—a Navy for display rather than for fighting purposes.

Our policy is not to cripple the Navy, nor to be niggardly in providing for it, but we wish to make our Navy adequate and effective, which it is not to-day.

We are not opposed to battleship construction, when it shall have been settled what type is the most formidable, but we do object to building them even then out of all proportion to the auxiliaries which are necessary to the efficient and effective use of the battle fleet. We are sadly deficient in these auxiliaries, and we believe that wisdom dictates we should supply some of

them and supply men to man what battleships we have before building more.

Mr. Meyer, Secretary of the Navy, on page 37 of his last annual report, shows that we have 33 battleships, and says with this number we are short of auxiliaries as follows:

8 battleship cruisers which will cost	$119, 822, 288
18 scout ships which will cost	64, 968, 200
82 torpedo-boat destroyers which will cost	88, 452, 600
6 tenders to destroyers which will cost	8, 616, 000
3 repair ships which will cost	3, 705, 750
5 supply ships which will cost	7, 125, 000
3 hospital ships which will cost	5, 100, 000
4 ammunition ships which will cost	4, 901, 000
12 fleet fuel ships which will cost	14, 487, 840
22 submarines which will cost	12, 852, 400
10 tenders to submarines which will cost	11, 710. 000

Notice that the Secretary of the Navy, when speaking of our own Navy, classes battleship cruisers as auxiliaries, but in his recent articles in the newspapers, when he desires to make an unfavorable comparison between our Navy and that of Japan, he classes battleship cruisers that Japan has as battleships. I think that is hardly fair. According to him, these cruisers in one case are auxiliaries and in another case they are battleships.

To supply the above-named deficiencies will cost $341,741,078. These figures as to cost are obtained from the Bureau of Construction and Repair of the Navy and are the cost if constructed under the eight-hour law. These deficiencies are based on 33 battleships. We are now building four more which, when completed, will call for 16 destroyers which will cost $16,686,800 and 4 scout cruisers which will cost $15,237,600, and they will need about 4,000 men to man them, at an additional annual expense of $2,180,224. These items are mentioned in connection with the deficiencies, but they are not the only additional expense, for each battleship built increases the expenses in numerous ways, such as $1,000,000 for annual maintenance and many other ways.

Now, when you consider that the auxiliaries mentioned are absolutely necessary to make our battleship fleet efficient and to protect it from torpedo attack, does it not seem the part of wisdom to provide at least a reasonable number of them before we build more battleships, every one of which increases the deficiency? It is no excuse to neglect their construction because, as the Secretary of the Navy says, "These small vessels require less time to build than a battleship, and some of them may under stress be acquired by purchase," because even if the time to construct is less, they can not be constructed within the period of the probable duration of a war, as it takes about two years to build any of them. We might not be able to purchase any of them, and we can not afford to let our fleet of battleships be exposed to the torpedoes of an enemy while we are building torpedo craft to protect them, nor remain inactive until we can build colliers and supply ships to furnish them with fuel and ammunition.

During the last 20 years we have spent more than $1,600,000,000 for the construction and maintenance of our Navy, yet the Navy we have is not adequate and efficient, and will not be until we supply the above auxiliaries at a further cost for construction of $341,741,078, and without the addition of other men and officers, the shortage of which I shall discuss later.

Our mistake has been that we have expended vast sums of money upon the upbuilding of a top-heavy and spectacular Navy and have neglected the cooperative naval units, and the splendid battleship without these is, in the opinion of nearly all experts, almost absolutely useless. The policy of building expensive vessels and placing 1,000 men on each without taking the necessary precaution to protect them with torpedo craft, such as destroyers and submarines, is not only foolish but actually criminal.

On February 22 of this year the Navy League held its annual banquet at the New Willard Hotel. The main target at which all their shafts were directed was the action of the Democratic caucus in deciding to build no battleships at this session. They were not fair in their criticisms, for they assumed that we had stopped such construction. They were not fair enough to say that we contemplated only a temporary suspension until we could supply some of the necessary auxiliaries

I pause here long enough to call attention to the fact that we have leagues and service journals whose object is to impress upon Congress the necessity of spending large sums of money in building a Navy—and they mean *Dreadnoughts* when they say Navy—but there is no league or organization to protect the Treasury against such raids. [Applause.] Those who would further oppress the taxpayer have their organizations to accomplish that purpose, but those who foot the bills have no organization to protect themselves. This makes it our duty as their representatives to do it.

Most of the thought which has been given to the Navy heretofore has been in the interest of the personnel and matériel. It is high time some thought should be given it from the viewpoint of the taxpayer. [Applause.]

At this banquet of the Navy League one of the soul-stirring, applause-raising speeches contained the following:

> There is little danger of the United States being invaded, but she now has a larger rôle to play than merely the protection of her own territory. She can not remain passive while injustice is being done in any part of the world. She should announce to the world that she stands for justice to all, particularly the weak, and should be ready to stand back of her announcement.

There we have the real purpose of the Navy jingoes. It is to build a Navy not for the protection of our country, but to bully the rest of the world.

Lo! a greater than Washington has arisen. The substance of his Farewell Address was to advise us to mind our own business and keep out of all entangling alliances, which has for years been found safe and sound, but this greater than Washington advises us to build a Navy sufficient to mind everybody else's business and to carry by force to all parts of the world our own particular ideas of justice.

Every year, just at the time the Navy bill is being considered, with surprising regularity, certain inspired articles appear in some of our newspapers warning us of the danger of war, imminent war, with some other nation, and predicting dire calamities to us if we do not build more battleships. Germany was used as the bogieman after the close of the Spanish War up to 1905. This became so absolutely ridiculous that men with any sense became ashamed to use it, and it was dropped.

But their zeal was so great and the necessity so urgent to have some supposed enemy they went 5,000 miles across the Pacific and found Japan. They have been so insistent in their contentions that Japan is anxious and willing to pounce down upon us that they have actually frightened some of the timorous.

On February 25 of this year there appeared in the New York Herald an article from Capt. L. Persius, one of the most capable and best known of the German retired naval officers, in which he says:

> The Japanese Navy, far from being equal to that of the United States, is weaker than at the outbreak of the Russo-Japanese War. The then modern battleships are now obsolete. The ships captured from the Russians, rebuilt at a cost of more than $30,000,000 have very small fighting value, and the increment through new battleships is extraordinarily small.
>
> Only the battleships *Aki* and *Satsuma*, completed with almost record breaking slowness of construction in five years, can be considered modern ships, though they carry only four 12-inch guns instead of the usual *Dreadnought* armament, and it is extremely doubtful whether Japan's first two ships of the *Dreadnought* class, the *Setsu* and the *Kawachi*, will be finished in time to join the fleet this year.
>
> A first-class battleship cruiser is under construction in England, another has recently been started in Japan. These, with small cruisers, destroyers, and submarines, represent the total increase since the War with Russia.

The attempt to construct battleships in Japan has proved, according to Capt. Persius, a failure, due to the deficiencies of the Japanese steel works and the lack of technically trained workmen in the yards. In confirmation of this he cited the Japanese minister of marine, who, in a speech before Parliament, admitted that the foreign-built ships were superior to the Japanese built, and that the Government steel works were not up to requirements.

Comparing the Japanese and the American fleets, he finds that Japan has only 13 battleships, with a tonnage of 184,800, to oppose 31 American battleships, of 498,200 tons, with 6 more American *Dreadnoughts* under construction.

The financial weakness of Japan will, he holds, bar any extensive appropriation for naval purposes for years to come, and the United States need no longer fear for its Pacific possessions.

This statement, coming from such a naval authority and from such a disinterested source, completely controverts the idea that we are in any danger from an attack by Japan and puts to confusion those who have been urging it.

Some other bogie man had to be found, and a very enterprising reporter took up Germany again, and there was, on March 11, 1912, sent from Washington to the New York Tribune, the Philadelphia Press, and other newspapers, a sensational dispatch to the effect that Germany was attempting to violate the Monroe doctrine by negotiating with Colombia for the purchase of coaling stations. The story was avowedly based on the assertions of anonymous naval bureau chiefs. It was made a sensational first-page story. To show how thoroughly ridiculous this was to those who are able to restrain their fears so they can bestow a little sober thought on the matter, I will read the

following caustic editorial from the New York Evening Post of March 12, 1912:

All England will breathe a sigh of relief this morning when there is cabled to its newspapers the discovery made known by the Tribune's Washington dispatches. On authority of some nameless persons in the Navy Department they announce that "the steady increase in the German fleet has been aimed at the United States, and that it is not Japan in the Pacific that we need to watch most closely but Germany in the Atlantic; that it is with her rapidly increasing battleships that we shall eventually have to try conclusions." So it is all for nothing that old England has been striving to hold her own with Germany's naval expansion, while her population, from Lord Roberts down, has given way to one panic after another lest under the cover of a fog a German army corps descend upon her coasts. It thus appears that Kippling has been warning his nation in vain, and the very British babes have left their cradles for nothing to take up arms. Why, this profound discovery will revolutionize European diplomacy in a moment, make possible the limitation of armament, and relieve the military strain of the whole Continent. Fortunate Tribune! Glorious news! But what becomes of our friends the Japanese? Ever since they supplanted the Germans after 1905 as the bogey man to be trotted out on every occasion as a means of boosting the big Navy appropriations they have served our Navy jingoes faithfully and well. Is it possible that as bogey men they have lost their value and we are again to have a series of German scares?

Like all false prophecies, these prophecies of war, "When they hit, it is history; when they miss, it is mystery." [Applause.]

It is asserted by some that the resolution of Senator LODGE inquiring of the administration whether Japan has acquired a naval base on Magdalena Bay, Mexico, was introduced for the purpose of affecting the naval program at this session and aiding his friend, Secretary of the Navy Meyer, to secure two battleships. Suppose it had developed that Japan had acquired it, what would we have done? Authorized the building of more *Dreadnoughts*, at this session and wait about three years until we could build them? No. We would have at once declared it an invasion of the Monroe doctrine and proceeded to enforce that doctrine.

The Magdalena Bay bubble has burst. On April 6 there appeared in the daily press of this country a telegram from Tokyo, dated April 5, that the foreign office denied that Japan ever dreamed of procuring a foothold in America. The only basis for the alarm seems to be that a New England syndicate—that section of our country which is clamoring loudest for the battleships—has tried to unload a bad bargain upon a Japanese steamship company, not the Japanese Government. What contemptibly flimsy things are seized upon to get up a war scare, to influence Congress on the Navy program! In its issue of April 8 the Washington Post, which is strongly advocating two battleships at this session, in an editorial, is forced to admit that there is no ground for this Magdalena Bay nightmare, and says:

The ease with which the people of the United States are hoaxed as to Japan's designs belies the vaunted coolness of the Yankee in face of peril.

We should have the pose and deliberation of courage at least.

This editorial has a most significant suggestion when it further says:

But the tendency to show trepidation is not all on one side. The sentiment of fear and distrust is mutual. What we are going to do to Japan keeps the little brown man in a shiver.

Is it unreasonable for the Japanese to be suspicious of us? Is it unnatural that they should be irritated? Have we not for years, in some of our newspapers and in speeches on the floor of this House, been predicting war with them? Have we not impugned their motives and accused them of having designs upon us and of trying by intrigue to get a foothold in America?

Those who claim they desire a Navy for the purpose of securing peace are usually the ones who do the most talking about Japan. They could serve the interests of peace better by keeping cool heads and silent tongues. If they were deliberately planning to bring on war they could not pursue a more certain course. Nations, like individuals, soon tire of and become irritated by continual nagging, and soon turn to retaliatory measures. Let me warn them that a continuance in the course they have been pursuing is more likely to bring on a war than our failure to build battleships.

One of the arguments frequently used by the big Navy advocates is that the Monroe doctrine is no stronger than the Navy.

History completely refutes this contention. During the Civil War Louis Napoleon placed Maximilian upon the throne of Mexico and maintained him there by his army. After the close of the war in 1865 the United States, considering a foreign sovereign in Mexico, upheld by a foreign army, as an infraction of the Monroe doctrine, began to take steps to secure Maximilian's removal. We then had a large Army and a large Navy. Did we resort to them to defend that doctrine? No. We gradually disbanded our Army and naval forces, and Mr. Seward, then Secretary of State, persistently pressed on Louis Napoleon the withdrawal of his troops, which he finally did in 1867. Pending these negotiations between Mr. Seward and Louis Napoleon, in 1866, Congress enacted a law reducing the Army to 54,000 men. The total number of ships of all classes in our Navy in December, 1864, was 671. After the close of the war the Navy was so reduced that in the fall of 1866 we had in commission only 115 ships of all classes. This reduction of Army and Navy was being carried on during our negotiations with Louis Napoleon for the removal of his army in support of Maximilian. What would the present critics of the Democratic caucus action have done had they been to the front then? To use a slang expression, they would have thrown one fit after another.

This doctrine has been several times threatened. We have never been compelled to use either our Navy or Army to prevent the infraction. We have always been able to accomplish it by diplomacy and arbitration.

It was threatened by England on the Venezuelan boundary-line issue. On December 3, 1895, President Cleveland, in his annual message, called attention to this controversy between England and Venezuela and what representations had been made by our Government to England looking to its settlement by arbitration. On December 17 he sent a special message to Congress giving the answer of England to these representations looking to a settlement by arbitration, and as the answer was not satisfactory he recommended that Congress authorize the appointment of a commission to determine the division line between England and Venezuela. This message created intense excitement throughout Europe as well as in America. In December Congress passed a bill authorizing the commission. In all this we were vigorously asserting the Monroe doctrine.

On January 1, 1896, the President appointed the commissioners, composed of eminent Americans and jurists. This commission invited the two Governments to formulate and present to it their respective claims and contentions. This invitation was complied with by both Governments. The commission proceeded with the collection of evidence until February 27, 1897, when the two Governments signed a treaty providing for the submission of the matter to arbitration. This arbitration tribunal was appointed and the controversy was settled by it. Thus England acquiesced in the Monroe doctrine and its integrity was maintained by firm but peaceful methods.

One of the most notable cases involving the doctrine was in the latter part of 1902 and the first part of 1903, when the Venezuelan ports were blockaded by the allied powers—England, Germany, and Italy—to enforce the collection of certain claims held by citizens of their respective Governments against Venezuela. In this controversy the position taken by President Roosevelt was that the Monroe doctrine was not intended to protect American States from the fulfillment of their legal obligations; therefore he made no objection to the occupation and bombardment of the port, but it was understood that the United States would under no circumstances permit the occupation of the interior territory even for a short time. On February 13, 1903, the allied powers and Venezuela signed protocols, under which Venezuela was to pay a small sum and submit the bulk of the claims to arbitration, and the blockade was raised. The question was afterwards settled by arbitration.

Thus in the only case in which the doctrine was violated—the case of France in Mexico—and the two most notable cases of threatened violation mentioned by me above, to wit, by England in the Venezuela boundary question and by England, Germany, and Italy combined in the case of collection of debts from Venezuela, we have maintained it in the case of actual violation and prevented its violation when threatened by diplomacy, negotiations, and arbitration.

At the time Louis Napoleon yielded, in 1867, we had comparatively no Navy or Army, and when we were involved over the doctrine with England and with the allied powers of England, Germany, and Italy our Navy was far inferior to theirs. So the contention by some that we succeeded by peaceful methods because we had the power to enforce our demands is absolutely untrue.

It is asserted that we have so much coast line it is necessary to have a large Navy to defend it. Did we not have the same coast line from 1820 to 1860, and from 1870 to 1890? During those years we had comparatively no Navy.

It is also contended that we need it to defend our over-sea commerce. Unfortunately for this contention the fact is that when our mercantile fleet was at its maximum our Navy was at its minimum.

To fully appreciate the wisdom of the action of the Democratic caucus in deciding to temporarily suspend the building of battleships until other necessary units of an efficient Navy can be supplied, you must bear in mind that we have not the money

available at this time to build more battleships, and also supply a reasonable number of the smaller craft, which are as necessary as the large fighting ships.

The Secretary of the Navy in his last annual report says:

Destroyers in proper number (4 to 1) are absolutely necessary for the protection of the battle fleet against torpedo attack (p. 38).

Admiral Lord Charles Beresford, retired, one of England's greatest naval experts, says:

No guns, heavy or light, will protect a battle fleet from torpedo attack at night. The only effective method of protection is to employ a large number of small cruisers to clear a wide area about the battle fleet at sundown.

The small cruiser force must be disposed so that they form a protective screen distant 120 to 140 miles on all sides from the battle squadron. By no other means is it possible to move a battle squadron at night without risking its destruction by the attack of torpedo craft. No antitorpedo armament can effectually protect a fleet of battleships attacked at night by torpedo craft.

And in further support of my contention that we have been guilty of almost criminal negligence in expending all the available money upon battleships, thereby rendering it impossible to supply our fleet with the necessary torpedo craft, I quote from Rear Admiral Bacon, the director of naval ordnance of Great Britain. He says:

The enemies of the battleship have multiplied and include every vessel carrying a torpedo, such as cruisers, destroyers, submarines, and under certain conditions mine layers. In fact, the introduction of the torpedo has brought about a very considerable limitation in the powers of the battleship. Not only is the battleship itself open to attack by small craft which it can not engage on equal terms, but it is powerless to protect any form of vessel against the attack of such craft.

Rear Admiral Osterhaus, commander in chief of our Atlantic fleet, recently, in discussing the winter maneuvers of that fleet, says:

While British talk of effective torpedo exercise at 10,000 yards has not been confirmed, the accomplishment of this range is probable within the next few years. This means that the torpedo fire will be effective far beyond the distance at which searchlights can pick up torpedo craft. The fleet accordingly must depend on its torpedo destroyers forming a screen to engage the attacking torpedo fleet and prevent its coming within torpedo range.

And in further proof of the great danger to which a battleship fleet is exposed as against torpedo craft, I refer to the mimic war on July 19, 1911, in Block Island Sound, between the battleship fleet of 17 ships under command of Rear Admiral Hugo Osterhaus and a fleet of destroyers and submarines, in which the submarines and destroyers theoretically destroyed the whole battleship fleet.

In further support of what I have said in regard to the importance of our supplying the needed auxiliaries before building more battleships, I will read a telegram from London of date Saturday, March 6, and which appeared in the New York Herald of Sunday, March 7, 1912, which is as follows:

The board of admiralty is at present paying a great deal of attention to the improvement of the smaller units of the British fleet, the submarine and torpedo-boat destroyers, vessels which many experts believe would be of greater use in case of war than even the big modern battleships and battleship cruisers.

It is admitted by all naval experts that there are needed for each battleship 4 destroyers or submarines, which are torpedo craft. These are to be thrown out around and distant from the battle fleet, to protect it against surprise attacks of the torpedo craft of the enemy—a cordon of protection—both offensive and defensive.

No general of sufficient ability to command an army would think of lying in front of the enemy without throwing out his picket lines as a precaution against a surprise attack. Is not the Navy entitled to the same protection?

So far as I have seen, the Secretary of the Navy has made no excuse for not asking for these, further than to say that they can be built in a shorter time than battleships or obtained by purchase in case of necessity. I ask him where he could purchase 8 battleship cruisers, or 18 scout ships, or 82 torpedo-boat destroyers, or 6 tenders to destroyers, or 3 repair ships, or 5 supply ships, or 3 hospital ships, or 4 ammunition ships, or 22 submarines, or 10 tenders to submarines? All of these he states in his last report are needed for our present battleships. I also ask him if it will not take about two years to construct any one of these auxiliary vessels?

All through his last report the Secretary admits the necessity for all these, but it is evident that he fails to recommend anything but 2 battleships and 2 colliers, because he fears it will jeopardize the chance of securing the 2 battleships.

The whole Navy and Navy Department are hypnotized on the subject of battleships, and to secure these they are willing to sacrifice everything else needed.

Mr. Henry Reuterdahl, who is an expert and critic of such ability as to entitle his criticisms to grave consideration, in an article in Collier's of November 18, 1911, just after the naval display in Hudson River, says:

What if I tell you that should this fleet—the one assembled at the display—go to war to-morrow, the biggest part of it might be crippled, perhaps sunk, before it got very far. It might be torpedoed by the enemies destroyers even before it had met its main force.

Why? Because we have not sufficient destroyers or submarines to protect them against such torpedo attacks. He further says:

The destroyer is the battleship's worst enemy; on a stormy or foggy night searchlights do not protect the battleship, so a swarm of destroyers may easily get the big fellow at their mercy. A fleet can only be protected against torpedo attack by its own destroyers, which in daytime scout and search and at night maintain a screen against the onslaught of the enemy's craft. Each of the great navies has a large number of these eyes of the fleet, but not the United States.

How criminal to send these battleships out, to be preys to torpedoes, without the necessary protection!

Mr. SLAYDEN. Will my colleague permit a question?

Mr. GREGG of Texas. Yes, sir.

Mr. SLAYDEN. Is it necessary to protect our battleships when they go out?

Mr. GREGG of Texas. Yes, sir; it is absolutely necessary. Right in that connection I should say if war should break out to-morrow we would have to hide our battleships under the shore defenses of this country. We could not go out with them. We could not use them without running the greatest risk.

He further says:

Naval battles are not fought in harbors, but far out at sea. Before they meet the enemy our vessels may have to cruise thousands of miles. They will need coal. For want of a sufficient number of colliers this great American fleet of ours is tied to its coal piles. What about repair and ammunition ships? Suppose in its first action the fleet's supply of powder and shell is exhausted; it must run to base.

What a pitiable spectacle!

Secretary Meyer, in his last report, says:

Destroyers in proper number are absolutely necessary for the protection of the battle fleet against torpedo attack.

He further says that we are 82 short of these absolutely necessary protectors of the battleships we have. Yet he recommends none of these in his building program for this year, and our critics insist we are unfriendly to the Navy because we want to supply some of them to protect the battleships we have before building more.

Commander E. W. Eberle, commanding our Atlantic torpedo fleet, says:

Four destroyers to a battleship is the proper proportion in a well-balanced fleet, in order that there may be always an efficient, elastic, and cooperative scouting, screening, and offensive torpedo force with the main fleet.

According to him a properly protected fleet requires 4 destroyers to every battleship. We have 33 battleships and 50 instead of 132 destroyers. Still they say our Navy is not topheavy.

Suppose our 33 battleships had no armor-plate protection, what would you think of the sanity of a man who would advocate building more which would be equally unprotected instead of providing armor-plate protection for those we have? Protection by torpedo craft is almost, if not altogether, as essential as armor-plate protection. Secretary Meyer, in his last annual report, says that this protection is absolutely necessary.

Mr. HOBSON. Is the gentleman yielding to questions now?

Mr. GREGG of Texas. Yes, sir.

Mr. HOBSON. Mr. Chairman, I wanted to ask the gentleman if he is in favor of a program of building torpedo-boat destroyers? I want to say I am in thorough accord with him in dealing, as he has so ably, upon the need and necessity for these destroyers; but I find—and I will not take his time—that those who are opposing battleships will not vote for the destroyers when the time comes.

Mr. GREGG of Texas. I was speaking of the necessity for this torpedo-craft protection. I am willing to supply them as fast as we can.

It will cost $103,331,400 to provide this torpedo-craft protection for the 33 battleships we have and the 4 we are building. The annual pay of the Navy and cost of administration is $101,000,000, so the Navy bill each year must carry that sum to start with. If we should undertake to supply in one year the torpedo-craft protection necessary, the bill would carry $204,331,400. If we undertook to do it in two years the bill would carry $152,665,700. If we undertook to do it in three years the bill would carry $135,443,800. This would be without any new battleships or any other new construction. Do you not think the taxpayers will be staggered when they see where we are going?

Commander Eberle says:

Submarines may well be termed the pirates of the sea, for they are peculiarly offensive weapons. I firmly believe that the submarine is to-day the most vital force in naval warfare and will prove a vital force toward the peace of maritime nations.

According to Secretary Meyer we are short 22 of the requisite number of submarines. Still, in the naval program for this year we are not asked to provide for any of these—

most vital forces in naval warfare, and vital forces toward the peace of the maritime nations.

Everything is subordinated to two battleships. The policy is let everything else go. Just so we get the *Dreadnoughts* and super-*Dreadnoughts*—it makes no difference whether we have officers to command or men to man them or coal to make them go or destroyers or submarines to prevent them from being mere targets for our enemies' torpedoes.

Admiral Lord Charles Beresford, retired, of the British Navy, says that the British fleet is like an army which is all heavy artillery; that the *Dreadnought* policy was introduced to the public by means of an organized system of advertising in the press. He further says:

The public were and are hypnotized by the *Dreadnought* policy. The excessive and vulgar advertisements lavished upon this experimental vessel were by no means justified. To the building of these great ships has been sacrificed every other naval requirement. Without an adequate provision of these essentials—

Meaning auxiliaries—

the battle fleet is useless for fighting purposes, and the money spent on it is a present to the future enemy.

The British Navy is much better supplied with auxiliaries than is ours, but he says that the failure of the British admiralty to supply more is a betrayal of the people. If this criticism can be made of their conduct, how much more blamable are those who are responsible for our much greater deficiencies.

Another reason why I think it wise to temporarily suspend the construction of battleships and proceed to supply some of the deficiencies as to auxiliaries is that the battleship is now in an experimental stage and naval construction is in a state of evolution and there may be in the near future such a change in such construction as to render obsolete and useless the present *Dreadnought*.

Admiral Lord Charles Beresford, in the extract which I have read from his book entitled "The Betrayal," says that the *Dreadnought* is an experimental vessel.

Germany now has on the stocks a ship which is to be equipped with internal-combustion engines, and it is said that the use of such engines will render obsolete all our battleships. We are told that these engines are only experimental. Concede it, but Germany will soon launch its ship and then the practicability of the engine will be demonstrated.

If it is shown to be serviceable, we will then be compelled to practically abandon what we have built and begin to build with those engines. If it proves unworkable, we will only have lost a little time.

What battleships are authorized at this session will be built on the super-*Dreadnought* style, probably larger than any we now have. Already that style is being severely criticized, and able naval constructors are advocating returning to ships of smaller size and greatly reduced unit cost.

On November 16 last the Society of Naval Architects and Marine Engineers held its annual meeting in New York. At this meeting Sir William White, formerly chief constructor of the British Navy and who is an honorary member of that society, said:

My personal conviction, built upon long-continued study of the problem, is that the wiser course in warship building could be found in a return to more moderate dimension and a reduced unit cost for capital ships.

Experience has established the fact that without having resort to the extreme dimensions which have recently found favor it is possible to produce capital ships, which shall be powerfully armed, well protected, steady gun platforms, capable of fighting their guns in all weather when actions could take place, and able to retain their speed in rough water.

Rear Admiral A. T. Mahan, of the United States Navy, in a Navy paper written a few years ago, and which was made a Senate document, says:

Our present condition is that of abandoning all attempt at a guiding conception of types or standards, except the crude one that each ship must be larger than the last. The ultimate tendency of this, of course, will be to make ships after too short a time unequal to a place in the line. The moral effect is still worse, for it is inducing in the Navy, as in the public, a simple trust in bigness, and, what is worse, an absence of trust in anything but bigness.

In an article published in the Cosmopolitan in December, 1909, Sir Edward Seymour, an admiral in the British Navy, warned the naval authorities of the world against building ever-increasing larger types of battleships. He said:

Another reason that should seriously interfere with construction of larger ships than we now have is the limitation of harbors. There are in the whole world only a few harbors in which a great battleship can anchor with ease.

Another limitation on the size of battleships is the navigable width of the Suez Canal and Panama Canal. The width of the Suez Canal locks is 108 feet. The width of the Panama Canal locks is 110 feet.

The rule of safe and commodious navigation is that on both sides of a vessel there shall be a leeway of 5 feet. The *Oklahoma*, *New York*, and *Texas* have a breadth on load water line of 95 feet 2½ inches. Neither of these vessels could pass through the Suez Canal with ease. They could pass through the Panama Canal probably expeditiously and safely. If, however, a super-*Dreadnought* of 31,000 tons displacement should be constructed and its width should bear the same proportion to its displacement as that of the others I have mentioned, it will have breadth on load water line of over 100 feet and could not be carried at all through the Suez nor through the Panama Canal safely.

Knowing that whatever battleships we may authorize at this session will be built on the present slow *Dreadnought* style, another very strong reason for temporarily suspending such construction is that a modern development in the British, German, and Japanese Navies is a vessel equal in size to the battleship, which carries the battery of the battleship, but some of its armor protection is sacrificed for greater speed.

There is a sharp controversy between naval experts as to whether the present type of slow *Dreadnought* or the fast cruiser with the same armament, but with much greater speed, is the most formidable. Let us not stop Navy construction, but delay for a breathing spell until this controversy is settled.

Rear Admiral Bacon, the director of naval ordnance of Great Britain, in speaking of the inefficiency of the present type of slow battleship, says:

This is probably best shown by the consideration that if a country possessing a battle fleet were fighting another country which did not possess a battle fleet, and as regards other classes of vessels the two countries were more or less on an equality, the value of the battle fleet would be so small compared to the risk of its loss that in all probability it would never be used during the war, and its possession would in no way increase the fighting power of that country during such war. In fact, in these days the battleship has developed merely into a vessel for fighting other battleships, and it shuns as far as possible encounters with most other classes of vessels.

By this he means that the nation with the slow battleship fleet would need its fast cruisers and torpedo craft to accompany and protect the battleships, and the speed of the whole would be limited by the speed of the battleships; therefore it could not force a battle with the enemy's fast cruisers and torpedo craft.

The enemy could choose its own time, place, and conditions for the fight; and the cruisers and torpedo craft with the battleships could not go out to attack the fleet of the enemy nor maneuver to protect themselves, but their maneuvers would be governed by consideration of protection of the battleships.

The British Naval and Military Record, published by Capt. J. A. Cuffe, which has been largely advertised in the German service journals and the substance of which was reproduced in The Navy, an American service journal, in the November, 1911, issue.

In this article, Capt. Cuffe lays great stress on speed, as it always gives the power of initiative. He says:

The superiority of artillery can not be effective without superior speed, as the speediest fleet can always keep out of range. The slower fleet is powerless.

The present program of two battleships a year is predicated on the presumption that two will become obsolete each year as the result of successive steps in the development of such ships. If this presumption is correct, there is something wrong, radically wrong, in naval construction. Rear Admiral Mahan, in the paper to which I have referred elsewhere, says:

This willful premature antiquating of good vessels is a growing and wanton evil. It is true, indeed, that this obsolescence is more in idea, in crude impression, than in fact.

It is said that the *Oregon* is obsolete. Why? Is it because of her speed? If so, why are those we are building given an increase of speed of only a little more than 20 per cent over hers? Why not give them an increase of 50 per cent, thereby delaying for a longer period their obsolescence on this account? Is it because her armor protection is deficient? Her armor is thicker than that on ships of later date. Is it because she carries only 13-inch guns? If so, the 14-inch guns on our latest ships will soon make them obsolete. Why not at once adopt guns with a range extending to the limit at which a ship can be seen? This would forever prevent the obsolescence of ships because of the guns.

The time has come for the investigation of this matter, with a view of finding out why ships that are apparently in perfect condition are antiquated, and of ascertaining whether they are in fact obsolete; and if so, of finding out the remedy. Pending this investigation no more should be authorized, because what

we authorize will be constructed with the same defects and with the same idea of their becoming obsolete within a very short time.

It is claimed by some that because of the character of shells we are using, which employ such excessive powder charges, that the accuracy of the guns is destroyed by erosion in a little more than an hour of continuous firing. Those who make this claim contend that in other countries, by the use of a different shell, the guns are given a destructive range limited only by the distance at which a ship can be seen, and the gun is given a longer life and may be expected to last through a war of ordinary duration.

Now, had we not better wait long enough to make such tests as will demonstrate the correctness of this contention? If found to be correct, we will have to build differently from the manner in which we are now building, so as to use these shells to the best advantage.

But another reason which makes it proper and safe for us to suspend temporarily the construction of battleships, and which not only makes it proper and safe, but which makes it imperative, is that we have not the officers and men for those we have.

It has been recently announced that the armored cruisers *North Carolina* and *Washington*, both comparatively new, and all of the scout cruisers are to go into reserve, in order to be able to man the battleships nearing completion.

In the case of war we should have all the officers and men necessary. In this respect we are lamentably deficient. To man our present complement of ships on a peace basis we are short 350 officers and 4,000 men. To put our present number of ships on a war basis would require 1,424 officers and 18,000 men, in addition to the officers and men we have.

Owing to this great shortage we are compelled to keep out of commission or in reserve a large number of our ships. We might in time of war raise lubberly crews for these ships, but to put an untrained crew upon our fighting vessels to go out to meet in battle the trained crews of an enemy would be the height of folly.

If the officers and men are not thoroughly skilled and trained in their duties it would be far better to keep our ships under protection of our shore batteries, than to send them out to destruction or capture.

I think it high time that we should provide for the enlistment of men enough to man our present ships, and I would rather provide for that, than build more ships for which we will have no men. I would rather have 33 battleships fully equipped with competent officers and skilled crews and with the necessary torpedo craft protection and the necessary auxiliaries, than twice as many without them.

In the position I take, I do not feel that I am taking a backward step in our national defense. On the contrary, I feel that I am taking a forward step, and if I can aid in any way in calling a halt upon our present big-ship mania, until we can supply the officers, men, and auxiliaries absolutely necessary to make every ship a complete, efficient fighting unit, I will feel that I have done something for the good of the service as well as the good of the country.

My policy instead of being inimical to national defense is in the interest of such defense. I would have fighting ships completely equipped fighting units, and as expressed by some naval experts I would not have them sent out "little more than palatial, floating arsenals, affording targets for foreign-torpedo craft to destroy."

I am not opposed to reasonable battleship construction, when such construction does not go to the extent of making their number out of all proportion to the necessary auxiliaries to make them effective.

When we build I favor building the very best that can be constructed, the fastest and most deadly fighting ships, the fleetest destroyers, the best submarines, the best and most modern colliers, ammunition, supply and hospital ships. But I would not waste the public money in building *Dreadnoughts* which could not proceed far from base without ships to supply them with ammunition and coal and without sufficient torpedo craft, such as destroyers and submarines, to protect them.

I would, when each battleship is authorized, at the same time provide the necessary auxiliaries and also authorize the enlistment of enough men to man it when completed, thus we would build up a homogeneous, workable, efficient Navy, and every fighting ship would at short notice be ready to go out to meet the enemy fully manned, protected from torpedo attack, and supplied with fuel and ammunition. This is my idea of an ideal Navy, whether large or small. This is the kind of Navy I want us to have.

We can not at once supply all the men and the auxiliaries needed for the fighting ships we have, but I favor doing this as fast as we can and thereby relieve our present top-heavy condition.

The criticism from interested officials and service journals that we are abandoning preparation for our national defense is neither true nor just.

We favor, owing to the necessities of our Treasury, at this session building no battleships, but using the money available to build the adjuncts necessary to make what we have thoroughly efficient.

Not to build any this year does not mean that we abandon their building, it is only suspension for a short time that we may supply the other necessary naval units.

Instead of being enemies of the Navy we are its friends. We are trying to improve and correct the errors of the past. For the spectacular we would substitute the practical and efficient. Instead of sending out a $12,000,000 or $14,000,000 ship to be torpedoed and sunk we would send it out with a cordon of protection around it. Instead of sending out the 1,000 men and officers on it to an almost certain watery grave we would send them out with a chance for their lives and with the same chance for victory as the enemy would have. [Applause.]

Our critics have not dared to state fully or fairly our position in their effort to prejudice us before the public. They say the *Dreadnought* is the Navy, therefore build more of them at the expense of everything else. We say that even if more battleships are needed it is absolutely certain that we need torpedo craft to protect what we have, and the fast cruisers, tenders to destroyers and submarines, repair ships, and hospital ships to make effective the battle fleet we have, and that, as it will take $341,741,078 to supply them, and as there is not money enough to provide them and build more battleships now, we think it wiser, having in view an efficient Navy, to supply them and temporarily suspend the construction of battleships, particularly since this country is outstripping the world in the construction of huge *Dreadnoughts*. We now have six built and building that range from 26,000 tons displacement to 27,500 tons displacement. The largest British battleship building is of 25,000 tons displacement. We leave it to the sane judgment of the American people if we are not right.

The hidden but real purpose of our critics is to drive this Nation into the construction of such a Navy as will overawe the other nations for the purpose of world powering and dominating the seas.

We favor building a Navy for the defense of our coasts and protecting American citizens wherever their rights may be jeopardized.

They preach the doctrine of force; we preach the doctrine of arbitration. They would encourage and stimulate the mad rush of nations to greater military power and lay heavier burdens on the backs of the people, while we would welcome the day when nations "shall beat their swords into plowshares and their spears into pruning hooks, when nation shall not lift up sword against nation, and neither shall they learn war any more." [Applause.]

Mr. PADGETT. Mr. Chairman, I ask the gentleman from Illinois [Mr. Foss] if he will not use some of his time.

Mr. FOSS. Mr. Chairman, I desire to make a few remarks upon the bill which is now before the House.

As the chairman of the committee stated in his remarks, this bill carries appropriations to the amount of $7,650,000, in round numbers, less than last year. So far as the bill is concerned, speaking generally, I am heartily in favor of it, and I desire to commend the new chairman of the committee for the able manner in which he has framed this bill, with the assistance, of course, of the members of the Naval Committee. I find nothing to criticize except when it comes to the naval program, and I shall confine my remarks on this occasion largely to a discussion of this naval program. The reason why this bill carries less money than the bill of a year ago is because we have a smaller program. The bill of a year ago authorized two battleships. In this bill there are no battleships authorized. It is the smallest, the weakest, the most uninspiring naval program submitted to the House of Representatives for a great many years. The committee distinctly raises the issue here whether we propose to maintain the efficiency of the American Navy or whether we propose to let it go down. That is the real question which is presented by this weak and insipid naval program. Last year we appropriated some $16,000,000 toward the naval program which we authorized, but this year we appropriate, because we do not need any more for this little naval program, $5,927,000, and that is the reason why the naval appropriation bill this year is so much smaller than it was last year.

What is the naval program this year? Two fuel ships, six torpedo-boat destroyers, and four submarine boats. What inspiration is that to my friend the gentleman from Alabama

[Mr. HOBSON]? I have been wonderfully amused this afternoon to see my friend from Texas [Mr. GREGG] justify the action of the Naval Committee, because I know at heart he is not in favor of the proposition for a weak naval program.

But he says we do not want to have it understood that the Democratic Party is opposed to the Navy. We would like to have it understood that this is merely a suspension for this year, and that in the future we propose to authorize battleships. And then he goes on and makes an argument in favor of auxiliaries for the Navy. He says we need to round out the Navy. Well, if the Committee on Naval Affairs, which is controlled by the Democratic majority, was in favor of auxiliaries this year, why did they not put some in the bill? All they put in were two fuel ships. If they thought we were short of them, why did they not increase them? Last year in our naval appropriation program we put in as many auxiliaries as they have this year.

Mr. ROBERTS of Massachusetts. More.

Mr. FOSS. Yes, more, because there were some tugs that went in.

Now, my friend from Texas [Mr. GREGG] says we are short on torpedo destroyers and that we ought to have more of them. Then why do they not put in more this year? Last year we authorized eight, and this year you have only authorized six. If we are so short on these smaller craft, why do you not justify your position by authorizing a larger naval program in respect to these smaller boats?

The gentleman makes an attack upon the battleships, and says we ought not to appropriate for battleships or authorize them until we get a fixed, standard battleship. When every other nation has got that kind of a battleship, then he thinks we ought to build battleships of that kind. When we arrive at a fixed standard, then let us build battleships. What a ridiculous proposition! What we are trying to do is to get something that the other nation has not got; and so long as there is progress, so long as there is improvement, so long as there is invention in the world, and mankind is moving upward and onward, there will not be any fixed standard in the world. The standards will move as with the progress of mankind. And so it will be in the construction of navies and the construction of everything else. What was the trouble with our friends upon the other side? Why, the real trouble was that this whole question of a naval program was settled in a Democratic caucus, and the members on the committee, under pressure, would not vote their real opinions, but abided by the action of the caucus.

I know the sentiment upon that side, I think, to some extent. Last year between 30 and 40 Democratic Members voted for the naval program of two battleships. I wonder whether this year we will have as large a vote from that side when the proposition comes before this House, as it will come before this House, because I propose to offer an amendment for two battleships. I hope we will have as large a Democratic vote this year as we had two years ago, notwithstanding the action of the Democratic Party.

My friends, I regret more than anything else that our Democratic friends upon the other side saw fit to make the naval program subject to party action in a party caucus. In all the years that I have been a Member of this House I have never known a naval program to be taken into a Republican caucus and settled by party vote. Here we have thought that the Navy was out of politics; we tried to keep the Navy out of politics; and we have tried to keep politics out of the Navy, and yet you by your action have introduced politics in the formation of the naval program for this year. Our policy has always been that the Navy was nonpartisan. Parties might differ if they pleased about questions of tariff, monetary questions, financial questions, and all other questions relating to party policy, but when it came to the Navy, as Daniel Webster once said a great many years ago, "when it comes to the water's edge all politics cease." And that has been the policy ever since I have been in Congress. There has been no party action on the subject of the naval program, but every man upon that side, as upon this, has felt free to vote for one battleship, two battleships, three battleships, or four battleships, and yet you for the first time that I know of in history have made it party politics.

And why? Oh, to show economy, some one says. Well, that is not real economy. If you will introduce some reform in the administrative law by which thousands or millions of dollars shall be saved, that will be economy. But to strike down a naval program, to strike down the demand for public buildings, or river and harbor improvement, such as the country really needs, there is no economy in it, and the people will understand it so, even though you should do it in the face of a political campaign.

The battleship is recognized as the fighting ship of the Navy. A navy without battleships is of little good, and a naval program without a battleship upon it, without a fighting ship in it, has very little standing among the naval authorities.

Now, I propose to briefly discuss this matter from a party standpoint. Heretofore in all my discussions on naval affairs before this House I have treated the subject from a nonpartisan standpoint. But inasmuch as your action in party caucus gives me an excuse to do it, I propose to show here what party has been building up the American Navy after all.

I wish to say that we have had what might be called a naval policy in this country for a number of years. It began way back in 1883, in the administration of President Arthur, when Secretary Chandler was Secretary of the Navy, when we authorized the first ships of the new and modern Navy. Before that time during all the history of our country we never had really a naval policy. Whenever we had a war we would improvise a navy, and after the war was over we would allow it to go to pieces. That was so after the War of the Revolution, it was so after the War of 1812, and it was so after our great Civil War.

But in 1883, under Republican administration and under a Republican Secretary of the Navy, at a time when the distinguished father of the distinguished son [Mr. HARRIS] of Massachusetts was chairman of the Naval Committee, we started in on a policy of building up the American Navy, and we have been building it ever since. [Applause on the Republican side.] Since 1883 we have had 15 Congresses; 5 of them have been Democratic Congresses, or Congresses where the Democratic Party controlled in this House, and 10 of them where the Republican Party was in control.

During these years, from 1883, from the Forty-seventh Congress down to the Sixty-second Congress, we have been engaged in building up the American Navy, and Congress has authorized in that time 1,211,576 tons of ships of all kinds. During the 5 Democratic Congresses only 154,598 tons were authorized. But during the 10 Republican Congresses there were authorized 1,056,969 tons. That shows what proportion of the part the Democratic Congresses have played in the building up of the American Navy.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOSS. I want to conclude this first. Every year we have passed appropriation bills, and I am not taking into consideration the deficiency bills, but simply the annual appropriation bills, and they have amounted to $1,670,000,000.

Comparative statement of the building of the new Navy under Republican and Democratic Congresses.

	Year.	Republican Congresses.		Democratic Congresses.	
		Tonnage.	Appropriations.	Tonnage.	Appropriations.
Forty-seventh Congress	1883	11,986	$15,894,434.23		
Forty-eighth Congress	1884				$14,980,472.59
	1885			10,053	15,070,837.95
Forty-ninth Congress	1886			36,475	16,489,907.20
	1887			19,987	25,767,348.19
Fiftieth Congress	1888			27,436	19,942,835.35
	1889			5,325	21,602,510.27
Fifty-first Congress	1890	38,334	24,136,035.53		
	1891	7,350	31,541,654.78		
Fifty-second Congress	1892			20,561	23,543,385.00
	1893			4,155	22,104,061.38
Fifty-third Congress	1894			781	25,327,126.72
	1895			29,825	29,416,245.31
Fifty-fourth Congress	1896	36,317	30,562,660.95		
	1897	2,050	33,003,234.19		
Fifty-fifth Congress	1898	59,380	56,098,783.68		
	1899	105,084	48,099,969.58		
Fifty-sixth Congress	1900	100,036	65,104,916.67		
	1901		78,101,791.00		
Fifty-seventh Congress	1902	63,630	78,856,363.13		
	1903	77,600	81,876,791.43		
Fifty-eighth Congress	1904	82,930	97,505,140.94		
	1905	32,000	100,336,679.94		
Fifty-ninth Congress	1906	22,100	102,091,670.27		
	1907	21,400	98,958,507.50		
Sixtieth Congress	1908	123,480	122,663,885.47		
	1909	75,085	136,935,199.05		
Sixty-first Congress	1910	94,452	131,350,854.38		
	1911	103,755	126,478,338.24		
Total		1,056,969	1,459,596,910.96	154,598	214,334,720.96

During the five Democratic Congresses the appropriations, all told, amounted to $214,000,000. In other words, under the Republican Congresses we have appropriated $1,450,000,000 for the maintenance and upbuilding of the American Navy since the time when we started in to build it in 1883. The fact of the matter is, notwithstanding the closing appeal of my friend from Texas [Mr. GREGG], urging us not for a moment to think that the Democratic Party is not really a true friend of the Ameri-

can Navy, that the Democratic Party has never been strong on the Navy. When their great leader, William Jennings Bryan, was a Member of this House he made his speech on the naval appropriation bill on July 9, 1892, and it can be found on page 5956 of the RECORD of the first session of the Fifty-second Congress. He made this declaration of his own opinion as to the size of a Navy:

Mr. Speaker, I believe in a sufficient Navy. We have it now, either in existence or in construction. We do not need more.

That is what he then said. At that time we had built and building 3 first-class battleships, a couple of second-class battleships, 1 armored cruiser, 13 protected cruisers, 3 unprotected cruisers, 8 gunboats, 2 torpedo boats, and 6 monitors. That was his idea of a sufficient Navy, and if we had carried out that idea, where would we have been in the Spanish-American War? It was a good thing that we went on and built up the American Navy when the Republican Party came into power in the Fifty-fourth Congress.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman right there what the Republican Party appropriated in the Fifty-fourth Congress for the Navy. Was it not $29,000,000?

Mr. FOSS. It is right in the report of the chairman of the Committee on Naval Affairs. Just the exact amount I do not know.

Mr. TILSON. Mr. Chairman, I will ask if the condition of the Treasury would have afforded a very large appropriation at that time—1894?

Mr. FOSS. The condition of the Treasury has always been all right whenever the Republican Party has been in power.

Mr. BARTLETT. Yes; in 1893, when it issued bonds to fill it up.

Mr. FOSS. What is the gentleman talking about—the Cleveland bonds?

Mr. BARTLETT. No; the Harrison bonds.

Mr. CONNELL. Mr. Chairman, will the gentleman tell us in this very interesting political view of the Navy——

Mr. FOSS. Oh, you have given it the political aspect.

Mr. CONNELL (continuing). Just what effect President Cleveland's Venezuelan message and the work of Secretary Whitney had to do with building up the American Navy, and making it ready for the Spanish-American War, when the Democrats came in after a Republican domination of years.

Mr. FOSS. Mr. Chairman, I will place in the RECORD, in connection with my speech, the naval program of each session of Congress from the time we built up the American Navy, and the gentleman will see just what the size of the Navy program was at that time—at Whitney's time—as well as the size of the naval programs immediately after and prior to the Spanish-American War.

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

Mr. FOSS. For a question.

Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the Republican Party did make a campaign document of the naval accomplishments of the Republican Party, and did they not publish a speech of the gentleman who then was the chairman of the Committee on Naval Affairs as one of their campaign speeches, in the campaign book of the Republican Party, during the last campaign?

Mr. FOSS. I am not aware that they published any of my speeches.

Mr. BARTLETT. Oh, yes; both in the book of 1908 and the book of 1910.

Mr. FOSS. I admire their good judgment and taste. [Laughter.]

Mr. BARTLETT. So do I.

Mr. FOSS. I never knew that any of my speeches were ever published either in one campaign book or the other.

Mr. BUCHANAN. Then the gentleman is being informed by a very inexperienced Member.

Mr. FOSS. Mr. Chairman, that has been the policy of the Republican Party during these years. We have built up the American Navy, and this is our record, and I want to say that our policy has been consistent.

In relation to battleships, as that is the principal issue here before the House, we have on the average for a great many years authorized two battleships every year. Go back over the last 16 years and you will find that we have authorized 31 or 32 battleships, an average of 2 ships a year. Our policy has been consistent, and when my distinguished friend from Texas [Mr. GREGG] says that we have not had any fixed policy, it is because he has not been able to see it from his Democratic viewpoint. The policy has been there, however.

Of course we have also built other kinds of ships, 10 armored cruisers, a great many torpedo-boat destroyers, torpedo boats, and submarines, and our policy has been not only consistent, but it has been a moderate policy. We have never sought to rival England in our naval program or any other country on the face of the globe. England's naval program last year authorized five battleships. What its program will be this year it is a little too early to find out. Germany's program last year was three battleships. We have never sought to rival any of those great powers, but we have gone on in a consistent way, and I remember at one time when the President of the United States was very anxious for four battleships, yet the Committee on Naval Affairs reported against his wishes and authorized the regular number of two battleships. And during all this period, under pressure and not under pressure, the Naval Committee on the floor of this House has maintained a consistent and moderate policy of two battleships a year on an average. Now, we have not tried to rival the foreign powers in the size of it. England to-day, as this report shows, has a tonnage of fighting ships amounting to 2,324,000 tons. Germany comes second with 1,087,399 tons, and the United States third with 885,000 tons. This is based upon the ships built and in process of construction. On ships already built the United States just happens to stand second, but on ships authorized and building we stand third, and even if we should authorize two battleships this year, as I trust we may, our position will go down another point, and we will rank fourth among the nations of the world, and if we should authorize but one battleship this year and then for the next two or three years authorize two ships a year our position will go down to fifth, so that at the time of the opening up of the Panama Canal in 1915 we will rank fifth among the naval powers of the world, having gone from third place down to fifth.

Why, the wear and tear upon ships every year upon this 1,200,000 tons is at least 5 per cent, probably nearer 10 per cent, and if we authorize two battleships a year we would only simply be replenishing or providing for the wear and tear, and when we authorize no ships per year we are simply permitting our Navy to go down, to lose its efficiency, and lose its standard as a great national force of defense to our country. Therefore the issue comes to us this year as presented by our Democratic friends upon the other side not whether we propose to go on and build up a navy but whether we propose to keep it to its present state of efficiency. That is the issue and that is the question that will have to be met when the vote comes. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. FOSS. Mr. Chairman, a good deal of this discussion here this afternoon has related to peace. In times of peace I notice we all talk peace, but in times of war we all talk war. I have seen the sentiment in this House change from peace to war. It is very easy in these piping times of peace when no nation on the face of the globe seems to be bothering us, especially in this springtime when all nature is in love with herself and when we are in love with nature, when the birds are singing and the trees are flowering, when everything suggests peace, it is very easy and very pleasant to talk about peace, and we all wish for it, but I want to say to you here to-day that I do not believe that we have reached the period in the progress of mankind when we can say that all the days from now on will be peaceful, and there will be no war. We did not expect to go to war with Spain and yet war came very quickly, and, if I remember rightly, the peace dreamers were more anxious for war than others, and, if I remember correctly, after we got into war the peace dreamers were the men who criticized most vigorously the administration because we were not prepared and ready for it.

Human nature is the same the world over. We have got to change human nature before we will be able, I fear, to utterly abolish all strife and all war. Some people think that the peace conferences of the world will settle everything. I hope they may, and yet we have had two peace conferences, and I would not for one moment attempt to belittle the worth of those great conferences—the first peace conference of 1899 and the second peace conference of 1907. I think they have done great work. In the last peace conference 44 representatives from 57 of the world powers got together and discussed questions provoking war and questions relating to the conduct of war, and it was a great thing to bring together so many representatives from so many countries of the world simply for the purpose of discussing such subjects. These peace conferences have done a great deal toward ameliorating the conduct of war, making war, as it were, more humane, if it is possible to make cruel war humane, and these peace conferences have done a great work in establishing an international prize court. But the peace conferences have not yet abolished war. During the last 15 years every nation of any size on the face of the globe has been at war—Russia, Japan, England down in Africa, the French, Italy, Turkey, and the United States have been at war. Not only that, but the peace conferences have not yet

been able to limit military expenses or to reduce armament. The first peace conference passed a resolution recommending the limitation of armaments and the decrease of military expenses, and the second peace conference also adopted the same resolution, but between the first peace conference and the second peace conference the nations of the world built more battleships than they ever did before, and between the second peace conference and the present time they have built even greater than they did between the first and the second peace conference.

So when you come to measure and discuss the question as to whether peace conferences will be able to do away with all wars, it is wise enough for us to consider what they have already been able to do up to date. A great many arbitration treaties have been made between different countries of the world. But no country of any importance yet has been willing to submit in an arbitration treaty all questions affecting its national life. They have always excluded and excepted those relating to independence, to vital interests, to national honor, and domestic policy. It is easy enough to make a difference of opinion a matter of national honor. While it has been proposed to establish a court of arbitral justice, yet, nevertheless, it has been impossible to determine the personnel of that court. The success or failure of arbitration depends fundamentally upon one thing, and that is the confidence of the parties in the arbitrators. The nations of the world have not been able to agree upon the arbitrators—upon the personnel of the court. Is there any question which has provoked war into the United States in all our wars which we as a Nation would have been willing to have left to a court of arbitration, the majority of whose members would necessarily have been representatives of the monarchical powers of the world? Would we have left the questions which provoked the war of the American Revolution to a court, or would we have left the questions which provoked war with England in 1812 to a court of arbitration? Or would we have left the question which caused the great Civil War to a court of arbitration, a majority of whose members, as I said a moment ago, would necessarily be representatives of monarchical countries?

And so it is no wonder that nations stop, and hesitate, and wait, and reflect upon this great question as to whether we will submit our differences, questions of honor, of vital interests, of independence, to a court of arbitral justice.

My friends, a navy does cost something. In time of peace, when we do not need it, it seems a great luxury; but in time of war it is an indispensable necessity, and when war comes we must have it. Every ship must be ready and every man at the gun. There is no time then to build ships and no time to train men, but we must have a navy ready and prepared for action to defend the interests of our country whenever those interests are assailed. It costs a good deal to maintain it—we will say $125,000,000, a large sum of money—but after all, the cost of preparation would be but a very small percentage of the cost by lack of preparation, if by that lack of preparation we were defeated in time of war. One hundred and twenty-five millions of dollars with our population of 90,000,000 is $1.50 per capita. When you come to compare it with our foreign commerce, which has been increasing with leaps and bounds, it is only a small percentage. When you come to compare it with our great national wealth, which to-day amounts to $120,000,000,000, it is only about one-tenth of 1 per cent—the cheapest insurance on the face of the globe. [Applause.]

Now, I say to you that it is a part of our national duty to maintain a strong and efficient navy to protect our interests. We have great interests to protect. If we have any navy at all, we want a good one, and we want battleships in the naval program. A small or a weak navy is of no use whatever; but we want a strong and efficient navy for the protection of our interests, which are many, upon this hemisphere and also upon the other. The gentleman from Texas [Mr. GREGG] a short time ago spoke about the Monroe doctrine and said it had not been settled by an appeal to arms. In the instances to which he referred in the history of this country he referred to the attempt of Napoleon the Third to set up a government upon this hemisphere; but he failed to remember that our Army at the close of the Civil War marched down to the Rio Grande, and soon after that Maximilian left. Then he spoke of the time of our disagreement with Great Britain, when the dispute was over Venezuela, and there was no appeal to arms.

It is true there was no appeal to arms, and there never, in my judgment, will be another contest between Great Britain and this country. So long as Canada is situated on the north she will always be the hostage of peace. But, my friends, while the Monroe doctrine may not have been assailed very often in the 100 years that have passed, my candid judgment is that in the 100 years to come it will often be appealed to.

We are constructing a great Panama Canal, which is soon to be completed. That Panama Canal will be the great commercial thoroughfare for the nations of the world, and a part of the sea which heretofore has been isolated will be covered with merchant ships of the world. The Caribbean Sea will be another Mediterranean, and my judgment is that by reason of these things the Monroe doctrine will oftener be called into question in the years to come than it has been in the years that have passed. In this connection I would like to read to you just a word from our great naval authority, Capt. Mahan, upon this subject. Says he:

> The chief political result of the Isthmian Canal will be to bring our Pacific coast nearer, not only to our Atlantic seaboard, but also to the great navies of Europe. Therefore, while the commercial gain through an uninterrupted water carriage will be large, and is clearly indicated by the acrimony with which a leading journal, apparently in the interest of the great transcontinental roads, has lately maintained the singular assertion that water transit is obsolete as compared with land carriage, it is still true that the canal will present an element of much weakness from the military point of view. Except to those optimists whose robust faith in the regeneration of human nature rejects war as an impossible contingency, this consideration must occasion serious thought concerning the policy to be adopted by the United States.

And, then, further he says:

> If the decision of the Nation, following one school of thought, is that the weaker we are the more likely we are to have our way, there is little to be said. Drifting is perhaps as good a mode as another to reach that desirable goal. If, on the other hand, we determine that our interest and dignity require that our rights shall depend upon the will of no other State—

And, mind you, under our treaty we are obliged to guarantee the neutrality of the Panama Canal—

> but upon our power to enforce them, we must gird ourselves to admit that freedom of interoceanic transit depends upon predominance in a maritime region—the Caribbean Sea—through which pass all the approaches to the Isthmus. Control of a maritime region is insured primarily by a navy; secondarily, by positions, suitably chosen and spaced one from the other, upon which as bases the navy rests and from which it can exert its strength.

And so I might read from another authority which I have here on the subject—Homer Lea, in his interesting book, The Valor of Ignorance:

> With the exception of the Monroe doctrine no undertaking since the formation of this Republic is more fraught with possibilities of warfare or calls for greater military and naval expansion than the building of the Panama Canal. Unless the United States is willing to increase the military and naval strength proportionate to the dangers that at once become existent with its completion, it is a mistake to proceed with its construction.

Let me quote again briefly from the same writer:

> The eventual control of the Panama Canal is foretold by the history of the Suez, which, diminishing the distance between Europe and the Orient to one-half, became the main channel of communication between the West and the East. Built by France, it soon passed into English possession. The control of the Suez by England resulted from her masterful position in the Mediterranean and the Red Sea—the strategic possessions of Gibraltar, Malta, Egypt, and Aden. That France built the canal determined in no way its final ownership. The possessions of Gibraltar, Malta, Cyprus, Egypt, and Aden, together with a navy maintained on a basis of being equal to the navies of any possible coalition, determined to whom, in time of war, the canal would belong. Great Britain not only controls by means of it the oriental trade, but dominates the political relationship that Europe bears to Asia. What has brought about English commercial supremacy throughout the world has been, not alone the supremacy of the English Navy, but the possession of strategic bases. The existence of a great navy is entirely dependent on the ownership of strategic positions in different quarters of the globe and maintained by force.
>
> The Panama Canal is as important to the world as the Suez and not less so to European nations than to the American Republics. The control of it is as vital to the nation that desires to command the commercial as well as political destiny of the eastern Pacific as the Suez is to England in the control of Asiatic hegemony.

So there are two things which, to my mind, in connection with the building of the Panama Canal make it essentially necessary that we should maintain the efficiency of the American Navy: First, the bringing of this great isolated sea, as it were, into the commercial mart of the world, with the liability of differences of opinions, of altercations, of disputes of one kind and another, among the nations of the world; and, secondly, as I understand it, under our treaty we must guarantee the neutrality of the Panama Canal. Now, if we are to do that we must have a force, necessarily, to do it. So, to my mind, these great interests of our country demand the continuance of the policy of building up the American Navy.

We are an isolated country no longer. We have our possessions upon the seas—Hawaii and the Philippine Islands and Porto Rico and Guam—and it is necessary, if we are to protect these and hold them as our own, that we should continue the policy of building up the American Navy. I trust that when we come to vote on this question of two battleships, which has been the policy of the last 16 years, reported by the Naval Committee under Republican administrations, our Democratic friends upon the other side will raise the flag of country higher than the banner of party and vote for the efficiency of the American Navy and the American flag. [Applause.]

The following is inserted as an appendix to Mr. Foss's remarks:

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive.

1883 (47th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Atlanta	Protected cruiser	3,000	15.60	16 10
Boston	do	3,000	15.60	17 0
Chicago	do	4,500	18	19 0
Dolphin	Dispatch boat	1,486	15.50	14 3
Total		11,986		

1885 (48th, 2d).

Charleston (destroyed)	Protected cruiser	3,370	18.2	18 7
Newark	do	4,083	19	18 9
Petrel	Gunboat	890	11.4	11 6
Yorktown	do	1,710	16.14	14 0
Total		10,053		

1886 (49th, 1st).

Amphitrite	Monitor	3,990	10.5	14 6
Baltimore	Protected cruiser	4,413	20.1	19 6
Cushing	Torpedo boat	105	22.5	4 10
Maine (destroyed) [1]	Second-class battleship	6,682	17.45	21 6
Monadnock	Monitor	3,990	12	14 6
Puritan	do	6,060	12.4	18 0
Terror	do	3,990	10.5	14 6
San Marcos (formerly Texas).[1]	Second-class battleship	6,315	17.8	22 6
Vesuvius	Dynamite gun cruiser	930	21.42	10 7
Total		36,475		

1887 (49th, 2d).

Bennington	Gunboat	1,710	17.5	14 0
Concord	do	1,710	16.8	14 0
Miantonomoh	Monitor	3,990	10.5	14 6
Monterey	do	4,084	13.6	14 10
Philadelphia	Protected cruiser	4,410	19.68	19 6
San Francisco	do	4,083	19.52	18 9
Total		19,987		

1888 (50th, 1st).

Bancroft	Gunboat	839	14.37	12 2
Cincinnati [1]	Protected cruiser	3,183	19	18 0
Detroit	Unprotected cruiser	2,072	18.71	14 6
Marblehead	do	2,072	18.44	14 6
Montgomery	do	2,072	19.06	14 6
Olympia	Protected cruiser	5,865	21.69	21 6
Raleigh [1]	do	3,183	19	18 0
Saratoga (formerly New York).	Armored cruiser	8,150	21	23 3
Total		27,436		

1889 (50th, 2d).

Castine	Gunboat	1,177	16.03	12 0
Iwana	Tug	192	11.58	8 0
Katahdin	Ram	2,183	16.11	15 0
Machias	Gunboat	1,177	15.46	12 0
Narkeeta	Tug	192	11.22	8 0
Triton	do	212	13	9 0
Wahneta	do	192	11.58	8 0
Total		5,325		

1890 (51st, 1st).

Columbia	Protected cruiser	7,350	22.8	22 6
Ericsson	Torpedo boat	120	24	4 9
Indiana	First-class battleship	10,288	15.55	24 0
Massachusetts	do	10,288	16.21	24 0
Oregon	do	10,288	16.79	24 0
Total		38,334		

1891 (51st, 2d).

Minneapolis	Protected cruiser	7,350	23.07	22 6

1892 (52d, 1st).

Brooklyn	Armored cruiser	9,215	21.91	24 0
Iowa	First-class battleship	11,346	17.09	24 0
Total		20,561		

[1] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1893 (52d, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
A-1 (formerly Plunger)	Submarine torpedo boat			
Helena	Gunboat	1,392	15.50	9 0
Nashville	do	1,371	16.30	11 0
Wilmington	do	1,392	15.08	9 0
Total of tonnage given.		4,155		

1894 (53d, 2d).

Foote	Torpedo boat	142	24.53	5 0
Rodgers	do	142	24.49	5 0
Unadilla	Tug	355	12	9 11
Winslow	Torpedo boat	142	24.82	5 0
Total		781		

1895 (53d, 3d).

Annapolis	Gunboat	1,010	13.17	12 0
Dupont	Torpedo boat	165	28.58	4 8
Kearsage	First-class battleship	11,520	16.82	23 6
Kentucky	do	11,520	16.90	23 6
Marietta	Gunboat	990	13.02	12 0
Newport	do	1,010	12.29	12 0
Porter	Torpedo boat	165	28.63	4 8
Princeton	Gunboat	1,010	10.64	12 0
Rowan	Torpedo boat	210	27.07	5 11
Samoset	Tug	225	12	8 9
Vicksburg	Gunboat	1,010	12.71	12 0
Wheeling	do	990	12.88	12 0
Total		29,825		

1896 (54th, 1st).

Alabama	First-class battleship	11,552	17.01	23 6
Craven	Torpedo boat	146	30	4 7
Dahlgren	do	146	30	4 7
Davis	do	154	23.41	5 10
Farragut	do	279	30.13	6 0
Fox	do	154	23.13	5 10
Gwin	do	46	20.88	3 3
Illinois	First-class battleship	11,552	17.45	23 6
McKee	Torpedo boat	65	19.82	4 3
Mackenzie	do	65	20.11	4 3
Morris	do	105	24	4 1
Pawtucket	Tug	225	12.2	8 9
Penacook	do	230	12	9 0
Talbot	Torpedo boat	46	21.15	3 3
Wisconsin	First-class battleship	11,552	17.17	23 6
Total		36,317		

1897 (54th, 2d).

Bailey	Torpedo boat	280	30.20	6 10
Goldsborough	do	255	27.4	6 10
Severn (formerly Chesapeake).	Training ship	1,175		16 6
Stringham	Torpedo boat	340	25.33	6 6
Total		2,050		

1898 (55th, 2d).

Bagley	Torpedo boat	175	29.15	4 11
Bainbridge	Torpedo-boat destroyer	420	28.45	6 6
Barney	Torpedo boat	175	29.04	4 11
Barry	Torpedo-boat destroyer	420	28.13	6 6
Biddle	Torpedo boat	175	28.57	4 11
Blakely	do	196	25.58	5 11
Chauncey	Torpedo-boat destroyer	420	28.64	6 6
Cheyenne (formerly Wyoming).	Monitor	3,225	11.80	12 6
Dale	Torpedo-boat destroyer	420	28	6 6
Decatur	do	420	28.10	6 6
De Long	Torpedo boat	196	25.52	5 11
Gunboat No. 16	Gunboat			
Hopkins	Torpedo-boat destroyer	408	29.02	6 0
Hull	do	408	28.04	6 0
Lawrence	do	400	28.41	6 2
Macdonough	do	400	28.03	6 2
Maine	First-class battleship	12,500	18	23 10
Missouri	do	12,500	18.15	23 11
Nicholson	Torpedo boat	218	25.74	6 5
O'Brien	do	220	25	6 6
Ohio	First-class battleship	12,500	17.82	23 7
Ozark (formerly Arkansas)	Monitor	3,225	12.3	12 6
Paul Jones	Torpedo-boat destroyer	420	28.91	6 6
Perry	do	420	28.32	6 6
Preble	do	420	28.03	6 6
Shubrick	Torpedo boat	200	26.07	5 2
Stewart	Torpedo-boat destroyer	420	29.69	6 6
Stockton	Torpedo boat	200	25.79	5 2
Tallahassee (formerly Florida).	Monitor	3,225	12.4	12 6

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1898 (55th, 2d)—Continued.

Names.	Type.	Displacement.	Speed.	Mean draft.	
		Tons.	*Knots.*	*Ft.*	*in.*
Thornton	Torpedo boat	200	24.88	5	2
Tingey	do	165	24.94	4	8
Tonopah (formerly Nevada).	Monitor	3,225	13.4	12	6
Truxtun	Torpedo-boat destroyer	433	29.58	6	0
Whipple	do	433	28.24	6	0
Wilkes	Torpedo boat	165	25.99	4	8
Worden	Torpedo-boat destroyer	433	29.86	6	0
Total		59,380			

1899 (55th, 3d).

California	Armored cruiser	13,680	22.2	24	1
Chattanooga	Protected cruiser	3,200	16.65	15	9
Cleveland	do	3,200	16.45	15	9
Denver	do	3,200	16.75	15	9
Des Moines	do	3,200	16.65	15	9
Galveston	do	3,200	16.41	15	9
Georgia	First-class battleship	14,948	19.26	23	9
Nebraska	do	14,948	19.06	23	9
Pennsylvania	Armored cruiser	13,680	22.44	24	1
Tacoma	Protected cruiser	3,200	16.58	15	9
Virginia	First-class battleship	14,948	19.01	23	9
West Virginia	Armored cruiser	13,680	22.15	24	1
Total		105,084			

1900 (56th, 1st).

Charleston	Protected cruiser	9,700	22.04	22	6
Colorado	Armored cruiser	13,680	22.24	24	1
Maryland	do	13,680	22.41	24	1
Milwaukee	Protected cruiser	9,700	22.22	22	6
New Jersey	First-class battleship	14,948	19.18	23	9
Rhode Island	do	14,948	19.01	23	9
St. Louis	Protected cruiser	9,700	22.13	22	6
South Dakota	Armored cruiser	13,680	22.24	24	1
A-2 (formerly Adder)	Submarine torpedo boat				
A-3 (formerly Grampus)	do				
A-4 (formerly Moccasin)	do				
A-5 (formerly Pike)	do				
A-6 (formerly Porpoise)	do				
A-7 (formerly Shark)	do				
Holland	do				
Total of tonnage given.		100,036			

1902 (57th, 1st).

Connecticut[1]	First-class battleship	16,000	18.78	24	6
Dubuque	Gunboat	1,085	12.90	12	3
Louisiana	First-class battleship	16,000	18.82	24	6
Paducah	Gunboat	1,085	12.85	12	3
Pentucket	Tug	230	12	9	0
Sotoyoma	do	230	11.10	9	0
Tennessee	Armored cruiser	14,500	22.16	25	0
Washington	do	14,500	22.27	25	0
Total		63,630			

1903 (57th, 2d).

Cumberland[1]	Training ship	1,800		16	5
Idaho	First-class battleship	13,000	17.12	24	8
Intrepid	Training ship	1,800		13	5
Kansas	First-class battleship	16,000	18.09	24	6
Minnesota	do	16,000	18.85	24	6
Mississippi	do	13,000	17.11	24	8
Vermont	do	16,000	18.33	24	6
Total		77,600			

1904 (58th, 2d).

Birmingham	Scout cruiser	3,750	24.33	16	9
Chester	do	3,750	26.52	16	9
Montana	Armored cruiser	14,500	22.26	25	0
New Hampshire	First-class battleship	16,000	18.16	24	6
North Carolina	Armored cruiser				
Patapsco	Tug	755	13	12	3
Patuxent	do	755	13	12	3
Prometheus	Collier	12,585	16	26	0
Salem	Scout cruiser	3,750	25.95	16	9
Vestal	Collier	12,585	16	26	0
B-1 (formerly Viper)	Submarine torpedo boat				
B-2 (formerly Cuttlefish)	do				
B-3 (formerly Tarantula)	do				
C-1 (formerly Octopus)	do	14,500	22.48	25	0
Total of tonnage given.		82,930			

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1905 (58th, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.	
		Tons.	*Knots.*	*Ft.*	*in.*
Michigan	First-class battleship	16,000	18.79	24	0
South Carolina	do	16,000	18.86	24	6
Total		32,000			

1906 (59th, 1st).

Delaware	First-class battleship	20,000	21.53	26	11
Lamson[1]	Torpedo-boat destroyer	700	28.61	8	0
Preston[1]	do	700	29.18	8	0
Smith[1]	do	700	28.35	8	0
C-2 (formerly Stingray)	Submarine or subsurface torpedo boats (not exceeding $1,000,000;[2] $500,000 appropriated).				
C-3 (formerly Tarpon)					
C-4 (formerly Bonita)					
C-5 (formerly Snapper)					
D-1 (formerly Narwhal)					
D-2 (formerly Grayling)					
D-3 (formerly Salmon)					
G-1 (formerly Seal)					
Total of tonnage given.		22,100			

1907 (59th, 2d).

Flusser	Torpedo-boat destroyer	700	30.41	8	0
North Dakota	First-class battleship	20,000	21.01	26	11
Reid	Torpedo-boat destroyer	700	31.82	8	0
	Limit of contract for submarine and subsurface torpedo boats, act June 20, 1906, increased to $3,000,000; $500,000 appropriated.				
Total		21,400			

1908 (60th, 1st).

Burrows	Torpedo-boat destroyer	742	30.67	8	4
Cyclops	Collier	19,360	14	27	8
Drayton	Torpedo-boat destroyer	742	30.83	8	4
Florida[3]	First-class battleship	21,825	20.75	28	6
Hector	Collier	11,230	12.87	24	8
Jupiter	Collier (amended 1910, 61-2)	19,360			
McCall	Torpedo-boat destroyer	742	30.66	8	4
Mars	Collier	11,230	12.65	24	8
Mayrant	Torpedo-boat destroyer	742	30.22	8	4
Paulding	do	742	30.80	8	4
Perkins	do	742	29.76	8	4
Roe	do	742	29.6	8	4
Sterett	do	742	30.37	8	4
Terry	do	742	30.24	8	4
Utah	First-class battleship	21,825	21.09	28	6
Vulcan	Collier	11,230	12.82	24	8
Warrington	Torpedo-boat destroyer	742	30.12	8	4
E-1 (formerly Skipjack)	Submarine torpedo boats. Limit of contract, $3,500,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.				
E-2 (formerly Sturgeon)					
F-1 (formerly Carp)					
F-2 (formerly Barracuda)					
F-3 (formerly Pickerel)					
F-4 (formerly Skate)					
G-2 (formerly Tuna)					
G-4 (formerly Thrasher)					
Total of tonnage given.		123,480			

1909 (60th, 2d).

Ammen	Torpedo-boat destroyer	742	30.48	8	4
Arkansas	First-class battleship	26,000	20.5	28	6
Monaghan	Torpedo-boat destroyer	742	30.45	8	4
Patterson	do	742	29.69	8	4
Trippe	do	742	30.89	8	4
Walke	do	742	29.78	8	4
Wyoming	First-class battleship	26,000	20.5	28	6
Neptune	Collier	19,375	14	27	7
G-3 (formerly Turbot)	Submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.				
H-1 (formerly Seawolf)					
H-2 (formerly Nautilus)					
H-3 (formerly Garfish)					
No. 1	Torpedo-boat destroyer (subsurface).				
No. 2	do				
No. 3	do				
Total of tonnage given.		75,085			

[1] Limit of cost increased from $750,000 to $800,000, act Mar. 2, 1907.
[2] Limit of cost increased to $3,000,000, act Mar. 2, 1907.
[3] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1910 (61st, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
New York	First-class battleship	27,000	21.0	28 6
Texas	do	27,000	21.0	28 6
Beale	Torpedo-boat destroyer	742	29.5	8 4
Fanning	do	742	29.5	8 4
Henly	do	742	29.5	8 4
Jarvis	do	742	29.5	8 4
Jenkins	do	742	29.5	8 4
Jouett	do	742	29.5	8 4
K-1 (formerly Haddock)	Torpedo-boat destroyer (subsurface). Appropriation of $445,000 upon condition of compliance with terms of naval appropriation act of Mar. 3, 1909, p. 648. 4 submarine torpedo boats. Limit of contract, $2,000,000. Appropriations made of $800,000.			
K-2 (formerly Cachalot)				
K-3 (formerly Orca)				
K-4 (formerly Walrus)				
Proteus	Collier	19,000	14.0	27 6
Nereus	do	19,000	14.0	27 6
	Fleet collier (to be built on Pacific coast) provided for in act May 13, 1908, p. 619. Limit of cost increased to $1,000,000.			
Total of tonnage given.		94,452		

1911 (61st, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Nevada	First-class battleship	27,500	20.5	28 6
Oklahoma	do	27,500	20.5	28 6
Jason	Collier	19,132	14.0	27 6
Orion	do	19,132	14.0	27 6
Aylwin	Torpedo-boat destroyer	1,036	29.0	9 3
Balch	do	1,036	29.0	9 3
Benham	do	1,036	29.0	9 3
Cassin	do	1,010	29.0	9 3
Cummings	do	1,010	29.0	9 3
Downes	do	1,073	29.0	9 3
Duncan	do	1,014	29.0	9 3
Parker	do	1,036	29.0	9 3
K-5 (formerly No. 36)	4 submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $800,000.			
K-6 (formerly No. 37)				
K-7 (formerly No. 38)				
K-8 (formerly No. 39)				
No. 1	Submarine tender			
No. 12	Tug	1,120	14.0	12 6
No. 13	do	1,120	14.0	12 6
Monocacy	River gunboat			
Sacramento	Gunboat			
Total of tonnage given.		103,755		
Grand total of tonnage given from 1883.		1,213,567		

Mr. PADGETT. Mr. Chairman, I desire to ask if the gentleman from Illinois [Mr. Foss] will use some more time. Does the gentleman desire to use some more of his time at this moment?

Mr. FOSS. I will yield, if the gentleman desires me to, to the gentleman from Massachusetts [Mr. HARRIS]. I will yield half an hour to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. HARRIS] is recognized for 30 minutes.

Mr. HARRIS. Mr. Chairman, I should not have intruded myself on this debate but for a suggestion made to me, that possibly I, one of the new Members of the House, could join memories with the oldest Member of the House and say a word upon the matters which led to the formation of the national policy of naval defense.

I am looking back now for a few moments to a period 36 years ago, when my late honored father came to this House as a Member from Massachusetts, from the district which I now represent. He came in the Forty-third Congress, and in the Forty-fourth Congress, as I recall the number, he was given a place on the Committee on Naval Affairs. At that time the question of rehabilitation of the Navy was beginning to be agitated by some people. Talk of more war was not pleasing to the ears of a people who were anxious to reengage in the industries of peace rather than the arts and stratagems of war; but there were those who were able to look through the fog of uncertainty and doubt and see that this country was to be in the future a great, united, and powerful people, and that it must have adequate instrumentalities of defense, and, if necessary, of offense.

Singularly enough at that period, as in this one, it was a time of investigation rather than of construction. For six years a member of that committee, he and those who believed as he did labored hard upon the work of rehabilitation of a Navy, or rather the creation of a Navy, because after the Civil War we had no Navy worthy of the name. The nations of the earth had taken lessons from some of the incidents of that war, and the *Monitor* had been a monitor to all the world that if there were to be navies there must be new navies, and all the foreign powers started upon the construction of entirely new navies.

In those days Members of Congress did not have comfortable offices or personal clerks, and most of them then, as many of them now, could not afford to pay for a large force out of their own pockets. It happened that I was a young man in college, and for a while just before and after I graduated I was able to spend some time here and help my father in his clerical work. I had occasion to write and rewrite a list of the old ships and their armament so many times that I could do it in the dark, almost, and I saw the men who came here and I heard the arguments pro and con upon the question of a navy. The country at that time had not arrived at the period of the resumption of specie payments, but was discussing it with great earnestness and dread. The old officers of the Navy were still wedded to wooden ships. The era of seel or iron shipbuilding had only just begun. The nations of the earth were afraid of the great steam vessel, with its consumption of coal. The problems before that committee were, What shall be built and what shall be done? Finally, in the Forty-seventh Congress, my father was made chairman of that committee, and after his six years of labor he commenced upon the policy of building a new steel navy. The questions of steel versus wood, sails versus steam, sails with auxiliary steam, ram construction, torpedo equipment, and all those things had been worked through for a period of six years. In 1883 the committee finally drafted a bill and reported it to this House calling for the construction of two steam steel vessels. Old Admiral Porter, who had been much interested in it, was at first averse to steel. He then became converted to it, but said its cost was prohibitive. The steel makers of this country, that industry being then in its beginning, were invited to come here to Washington and say how much steel they could make, what sort of steel they could make, at what price they could produce it, and all those things pertaining to the steel industry.

In the old Naval Committee room, which is now the room of the gentleman from Illinois [Mr. CANNON], the senior Member of this House, I have seen all the steel makers and shipbuilders of that day—the Cramps, old John Roach, the Hunts, representatives of the Norway Iron Works, of the Thomson Steel Works, and others—with specimens of flange steel and angle steel and all the things that they brought here, until the committee room looked like a boiler shop. Finally, in the closing days of that session, Admiral Porter, convinced of the wisdom of the new Navy and of the practicability and possibility of steel construction, went before the Appropriations Committee of this House, indorsed the new policy and the Republican program, and advised the passage of that bill.

Two ships were laid down, the *Boston* and the *Chicago*. The keel of the *Boston* was laid first. The *Chicago* was finished first. Now, what changes came between that time and the first time that the battleship *Chicago* ever had to engage in a contest? Begun in 1883, she never was in a battle until 1898. She had been outbuilt and outclassed in pursuance of the national policy adopted in 1883; and yet 15 years after the adoption of that policy she was with Dewey in Manila Bay, useful and efficient, and on a single day in her existence justified the expense and the national policy which had been adopted and which had then steadily been followed and has been since, from that day to this. [Applause.]

There are some things in my mind and heart that are lessons to me. On the day when the news came over the wires to the little village in which I lived that Dewey had been into Manila Bay and had done well the task that he was sent to do, I walked across my lawn to the house of my aged father, then grown old and feeble, and I read to him the news that came to me, and that aged man made no reply but this. He looked at me and said:

Well, boy, it looks as if eight years of hard work had at last been of some use to my country.

[Applause.]

But it was 23 years from the time when he commenced the work until the day that proved its value.

Can we afford to abandon a policy of preparedness? Why, the gentleman from Texas says we must wait until all the world experiments and finds the standard vessel and then build. If

we had not built in 1883, we would not have been ready in 1898, and we know that in 1898, prepared as we were, we were yet scared to death to know where the Spanish fleet was going to turn up and whether we were ready for it.

Mr. BARTLETT. Scared in Boston as well as Savannah.

Mr. HARRIS. Yes; Boston and Savannah both scared to death. Now, in the active lifetime of the oldest Member of this House, the gentleman from Illinois, Mr. CANNON, what things have come to pass? He is perennially young, but he has to admit that his years are more than those of some others. He has seen men who were young officers in the Civil War, who met the encounter and shock of war, grow to fame and then retire. Some are still with us, some of them have traveled the road that we all must travel. Dewey, Sigsbee, Sampson, Schley, and Evans, all those men were young officers in my father's time, and were all for the steel naval program, and all in consultation with him, and much of the correspondence of that day is now preserved by me with great respect and honor in my library at home. They had an equipment which was of that time, and splendidly they met their duties. They could not have done it if they had not had the means and instruments to meet and overcome the enemy. But it took time to build, to maintain, to equip, and the policy has been interfered with seldom.

My friend from Georgia asked a question about Secretary Whitney, who undertook to get his models from abroad at one time. He sent to England for the model of the *Texas*, and when he got her over here and built she would hardly stand upright until the American naval architect went to work and fixed her over, and then she proved to be a good ship at Santiago.

Mr. BARTLETT. The gentleman is mistaken; I did not ask any such question.

Mr. HARRIS. Very well, it was some other Member. I have seen the day of experiment. We are always experimenting and have always got to. We first built the *Ammen* ram, which had a great steel prow with which we calculated to run the enemy down. But when we got the ram done we could not get her out of her own way. After that we had a torpedo boat *Alarm*, with wings on each side, and she was going to get opposite the enemy, run a bar underneath her, put torpedoes under her, and blow her up. I went down on the Chesapeake to see the operation of the torpedo, and I never got such a ducking in my life as I did when a torpedo went off. We have erected torpedo stations and all sorts of things, all in the process of experiment and evolution, and no one ship has been built that has not been an improvement on the other—it always must be so—until to-day we not only have a splendid fleet of ships, not large enough, but we have taught some lessons to others, and there are some lessons that we have learned from them.

To-day we are talking about a greater traffic on the great ocean. To-day we have warships carrying the names of inland as well as seaboard States, advertising the extent of the territory and the greatness of this country, and we hope to pave the way to put onto the ocean where they go a traffic which shall be that of commerce and leading to a world-wide peace. [Applause.]

Why not protect it? We talk about the expense. Gentlemen, when we first commenced to use kerosene oil we had the little flat-wick lamp, that would hold perhaps, a pint of oil and burn for three or four evenings. Then we got the big round-wick central-draft lamp, that would burn a quart or two of oil in an evening. Folks said they were too expensive to use, but by and by we all woke up to the fact that it was not oil we were after, but light. Any man who wants to may use the old lamp, but he wants electric light now. He wants light, and in this development of our Navy we can remain in the semiobscurity, or complete obscurity, of the old sailing ship, or we can come out in the broad light of the modern battleship, which gives us that which we want—safety and insurance for safety.

To-day we have upon our battleships men from the North and the South and the East and the West, from every section of this great united country; young men, to be officers, ultimately commanders, perhaps; men who will officer, command, and sail those ships. Do we want them to go out into the ocean and possibly into contest, if unhappily it shall come, without the equipment of their day and time, as Dewey and Schley and Sampson had the equipment of their time, doubtful of it as we were? I think not. Those men will vie with each other to prove their devotion to a beloved and united country. We have the men, and whether it is a case of ship to ship, or whether it is a case of desperate individual enterprise, like that of Cushing or of the gentleman from Alabama [Mr. HOBSON] in the *Merrimac* incident at Santiago Harbor, we will have the men, and all we want for insurance of our safety is to give them the ships.

Let not this House be deterred from making proper appropriations from any mistaken notions of economy. Such appropriations are but the premiums upon the insurance of our national safety and honor. Without them we are in peril. We may meet with shame and ultimate humiliation. In my judgment, the people of this country in that department want nothing called or spelled economy, but which means peril and humiliation possibly, and any action of this House making appropriations insuring the honor and safety of this country, appropriations guided solely by the motive of securing those, will not meet with criticism, but with universal approval. [Applause.]

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

Mr. HARRIS. Certainly.

Mr. McKENZIE. Does the gentleman understand that what is known as a naval program contemplates a maximum number of battleships?

Mr. HARRIS. What does the gentleman mean by maximum? I understand the naval program has been ever since 1883 to increase our strength all of the time, offsetting that which comes by mere outclassing or by becoming obsolete—building enough to meet depreciation and making always some advance. We have not undertaken to overtake or outstrip England or the countries that had the start of us, but we are trying to get somewhere near them and insure the national defense.

Mr. McKENZIE. The point I would like to have made clear in my mind is as to whether or not we are working to an end to have a Navy of a certain size, and that the policy is to build so many ships each year until we arrive at that maximum and then keep our Navy at that strength.

Mr. HARRIS. Of course I can hardly answer what may be the policy of a Naval Committee which is charged with the duty of preparing the yearly budget, but I have stated in this way that I saw the shaping of a policy of creating and maintaining and increasing the Navy, and to-day, after 36 years, when that policy was commenced upon, I find myself, singularly enough, confronting the situation that my father did when we had a Congress opposed to the Navy. The policy was then adopted, and I do not want to see it abandoned. Just what the framework of it may be I can not tell, except to maintain and increase.

I yield back the balance of my time, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAHER].

Mr. MAHER. Mr. Chairman and gentlemen of the committee, I have carefully studied the bill reported from the Committee on Naval Affairs, which is now under consideration, and on page 63 provision is made for the increase of the Navy. In that provision no allowances are made for battleships.

Mr. Chairman, I am here as a Representative in part of the great State of New York, and believe I am voicing the sentiment of a majority of the people of that State by advocating the building of battleships. The United States of America is considered to-day as a world power, and we must maintain that position. I have spoken to several people in reference to this question, and it is not my intention to adversely criticize their opinion, although I disagree with them. There are some who will argue that at this session we should dispense with the appropriation for battleships and increase our naval strength by building more fast cruisers, torpedo boats, torpedo-boat destroyers, and submarines. I believe smaller vessels are necessary to our Navy. However, recent wars have demonstrated that it was the battleships that did the fighting and settled the question of supremacy. I was surprised to learn that others take the position that this country has won great victories when we had no Navy to speak of. Mr. Chairman, that was almost a century and a half ago, and I am certain that if we had had a first-class Navy at that time there would have been no Valley Forge, and the sufferings of the patriots there would have no place in our history. The nations of the world are sparing no effort to increase their navies; in fact, they are going to the extreme limit of their treasuries in some cases.

From time to time we hear of The Hague peace meetings. There, if I am not misinformed, representative men from the various nations assemble for the purpose of devising some means to establish a world's peace. Their work is to be encouraged; their object is a laudable one; but we must not forget the fact that while they are holding out the olive branch of peace to each other their Governments at home are insisting upon the building of battleships. This state of affairs makes it imperative that the United States Government should continue to increase our Navy. No sane man wants war. We want peace. But it must be a peace with honor. With that thought

in mind, let me read a few lines from Washington's Farewell Address to the American people. I read:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it.

Mr. Chairman, this quotation from our first President's address can be applied to the present situation in this House. No doubt the principle of economy practiced by the majority party in this House will receive public approval, as they have demonstrated that there was room to curtail expenses in several departments of the Federal Government without interfering with their efficiency. Although I realize the necessity for economy at this time, I believe it would be unwise to extend it to the Navy Department. In discussing the question of economy it recalls to my mind an old but true saying, "Be careful lest you be a penny wise and a pound foolish." At this time I wish to read some figures relative to the warship tonnage and naval budgets of the principal foreign powers:

Relative order of warship tonnage.

	Tons.
Great Britain	1,896,149
United States	757,711
Germany	749,699
France	630,705
Japan	421,369
Russia	297,819
Italy	203,812
Austria	167,993

The case were vessels now building completed.

	Tons.
Great Britain	2,324,579
Germany	1,087,399
United States	885,066
France	741,425
Japan	590,119
Russia	473,879
Italy	312,122
Austria	267,442

Naval budgets of the principal foreign powers.

	England.	Germany.	France.
1901-1902	$169,741,811	$46,362,400	$67,168,728
1902-1903	171,436,269	48,861,400	59,296,760
1903-1904	194,669,076	50,598,800	59,820,128
1904-1905	199,828,588	49,147,000	60,259,110
1905-1906	180,835,417	54,978,000	61,648,121
1906-1907	168,378,666	58,405,200	59,593,894
1907-1908	159,308,733	69,210,400	60,766,979
1908-1909	163,084,781	80,444,000	62,278,099
1909-1910	175,484,297	97,722,800	64,986,404
1910-1911	199,963,376	106,981,000	73,109,522
1911-1912	218,418,482	107,314,200	80,371,109
1912-1913	[1] 214,882,788	[1] 111,254,589	[1] 82,364,302

	Russia.	Italy.	Austria.
1901-1902	$45,549,301	$23,913,041	$8,866,179
1902-1903	50,737,367	23,553,000	9,512,144
1903-1904	60,099,168	23,553,000	9,973,444
1904-1905	58,154,218	24,332,500	12,728,136
1905-1906	60,308,996	24,527,160	18,682,372
1906-1907	60,783,894	25,900,262	11,670,952
1907-1908	43,069,693	27,553,549	13,205,442
1908-1909	49,748,930	30,494,428	12,057,586
1909-1910	46,962,538	31,812,884	19,798,542
1910-1911	49,769,359	40,595,204	17,255,280
1911-1912	73,368,435	40,780,978	25,074,067
1912-1913	[1] 84,571,240	[1] 41,859,030	[1] 28,318,500

[1] Estimates.

Russia: Special additional credits as follows: 1902, amount not known; 1904-5, special war fund, amount not known; 1904-1907, $8,748,000, voluntary contributions.

Italy: Also, $3,110,400, divided between 1900-1901 and 1901-2.

Japan.

1901-2	$21,830,593
1902-3	18,031,701
1903-4	17,928,288
1904-5	10,221,050
1905-6	11,621,290
1906-7	30,714,525
1907-8	35,874,753
1908-9	40,187,956
1909-10	35,753,587
1910-11	37,608,156
1911-12	43,231,235
1912-13	46,158,216

In some cases, notably Germany and Japan, the above does not necessarily represent the actual expenditures. Money is undoubtedly transferred to the Navy from other appropriations and does not appear as naval expenditures.

The expenditures during the Russo-Japanese War are additional to the budgets given for these years for Russia and Japan, the amounts not being known.

There are some who say that my great interest in this question is caused by the fact that there is a Government navy yard in my home city. I am looking upon this question as one of national importance. It is not a local issue, nor a partisan one. I am not unmindful of the interest of the Brooklyn Navy Yard. If the question were where to build battleships, the Brooklyn Navy Yard would need no champion on the floor of this House, for they have clearly demonstrated their ability, skill, and facilities to build the very best battleships afloat; and at this time I wish to read into the RECORD an article from the Scientific American:

WARSHIP CONSTRUCTION AT OUR NAVY YARDS.

[From the Scientific American, Jan. 11, 1908.]

Popular fallacies die hard, especially when they are kept alive by persistent and interested misrepresentation. A notable instance of this is the statement so often made and too widely believed that it costs a great deal more and takes considerably longer to build a battleship at a Government navy yard than it does at a private shipyard. There was a time, it is true, when navy-yard ships were very costly and took an unconscionable time to complete; but that was over 20 years ago, when political control of navy yards was rampant and before a certain courageous young naval constructor, who later became Chief Constructor of the Navy, undertook the task of rescuing our navy yards from political control, reforming their many abuses, and putting them in first-class working shape. It was the regeneration of these yards which rendered it possible for them to take hold of the highest class of naval work and complete it in the same time and for only slightly more cost than the best of our private yards. This was clearly proved some years later in the construction of the large modern battleship, the *Connecticut*, at the New York Navy Yard, when the work was carried through so expeditiously that the private yard which had taken the contract for the sister ship had to extend itself to the utmost to keep pace with the Government-built ship. One of the main objects of giving work of new construction to the navy yards was to spur the private builders to greater activity, for up to that time it was a notorious fact that the Government contract work was treated as a kind of standby in the private yards, the first attention being given to orders for private firms. The record made by the *Connecticut* for rapid construction has acted as a most effective spur to the private yards, and our latest warships, in spite of their greater size, are being built in from 50 to 60 per cent of the time taken to build the earlier ships.

The agitation in favor of navy-built ships originated within the Navy itself, and its most effective advocate was the naval constructor above referred to, Mr. Francis T. Bowles, who subsequently left the Navy and is now the president of one of the great shipyards upon which the Government depends mainly for the construction of its new Navy. The most complete and convincing presentation of the arguments in favor of navy-built ships is that made by Mr. Bowles in the year 1900 before a congressional committee on naval affairs appointed to consider the question. Just now, when the question is again being agitated, it would be impossible to find a better brief for the case than this testimony of the former constructor.

In his evidence before the committee Mr. Bowles stated that the first advantage of building ships in navy yards is that it maintains the efficiency of the mechanical force and of the plant and shops.

"The reason that we have navy yards is to provide ourselves with the means of equipping and keeping our ships in good order for purposes of war; and, with that end in view and in the light of our recent experiences, it is essential that the organization of a mechanical force and the equipment should be kept in efficient condition.

"Now, if in these yards, which are essential to the object of the Navy, we should keep a vessel or two vessels building all the time, we would have a nucleus of a complete force, and it would be necessary, in order to do that work with a reasonable degree of economy, that our yards should be kept in good order.

"The fact that a vessel is building in a navy yard makes it possible to conduct the repair work of the fleet economically and rapidly, because if a vessel comes in for repairs, as soon as it is determined what it is necessary to do the force is available and every shop is in working order, and the chances are that there is a stock of material on hand of every kind that would be needed to make these repairs. The matter of having the material on hand is one of the most essential items in carrying work on rapidly.

"The third advantage is that the amount expended for repairs will be reduced by the fact of having shipbuilding in the yard. That may seem a curious thing, but it is perfectly true that if you have got enough to do to keep an efficient force at work there will be no tendency whatever to magnify repair work or even to devote attention to considering what improvements can be made in existing ships.

"The fourth advantage in carrying on new work in the navy yards is that it enables the Government to maintain a high standard of workmanship and design, by which the contractors can be made to conform to what is necessary under their contracts, and I consider this a great advantage.

"I will combine that with the fifth item on my list—that building ships in navy yards provides a training for those who must inspect the contract work. I maintain that a man is unfit to be a Government inspector, to tell the contractor how his work shall be done and what is acceptable and what is not acceptable, unless he has had that kind of work himself.

"The next advantage to the Government in doing the work is that no profit has to be made. The cost of inspection can also be saved. When a ship is built by contract the Government maintains a force of inspectors and draftsmen, who inspect the work in progress and make the projected plans. The cost of a trial trip is another item saved, for it is the custom to remunerate the contractor, either in his contract or fairly as an extra bill, for all the expenses of the trial trip."

Now, since the above telling arguments were presented—and they are just as valid to-day as when they were made—the question, as we have noted above, has been put to the test by the construction at Brooklyn of one of a pair of the largest battleships so far built for our Navy; and the question naturally arises, How far have the predictions of the former chief constructor been verified? In answer, it can be said that the *Connecticut*, in spite of the strenuous efforts of the private firm which was building the sister ship *Louisiana*, was completed within the same time as that ship and within two or three months' less time than called for by the contract. Because of the fact that hours are shorter and the pay somewhat higher in the Government yards, no claim was ever made that the *Connecticut* could be

built as cheaply as the *Louisiana*. It was estimated that she would cost about 10 per cent more than the other ship. As a matter of fact, in the final summing of the costs it was found that she cost only 5 per cent more. The latest official report of the Navy Department gives the total cost of the two ships to September 30, 1907—the figures including the expense of alterations chargeable to original construction, and also of armor and permanent ordnance fittings—as follows: For the *Connecticut*, $6,367,308.22; for the *Louisiana*, $6,037,344.47.

The question may be raised as to whether as good a ship can be built at our navy yards as at private yards. Perhaps the most conclusive test of this point is to compare the actual cost of repairs on these two ships since their completion. Fortunately, the figures are available; for the same report gives the cost of such repairs for the *Connecticut* as $94,314.56, and for the *Louisiana* as $110,500.19, a difference of about 17 per cent in favor of the *Connecticut*. As a matter of fact, the comparison is more favorable than appears on the face, and this for the reason that the totals for the *Connecticut* include repairs made necessary by her having been run aground during the past summer, an accident which, of course, is in no sense chargeable to the work on the ship itself.

In regard to the 5 per cent increased cost of the *Connecticut*, it is but fair to draw attention to the fact that this being the first large battleship to be built at the Brooklyn Navy Yard, there are several items of cost charged to her which would not appear against any subsequent battleship built upon the same ways. These are expenses due to work of a preparatory kind; to the provision of special tools in the machine shops and special appliances in the yard, which, once built, will be available for subsequent ships.

Thus, the preparation of slip, cribbing, and scaffolding cost over $39,000 for the *Connecticut*, as against $12,000 for the *Louisiana*; so also the cost of preparing launching ways and launching the ship cost over 100 per cent more for the navy-yard ship. There would be no such difference in the cost of the next battleship to be built on these same launching ways. Again in the preparation of beds and erecting, the list shows a cost of $12,000 or about 100 per cent for the *Connecticut*. This item probably refers to the beds on which the engines were built; yet these beds are now a part of the permanent plant of the erecting shop, and indeed are now being used for building the engines for the collier *Vestal*. It would be possible to follow the comparison further if we had time, and show that if the cost of these preliminary preparations and of special tools and appliances were charged to the plant of the yard, to which they properly belong, the difference of 5 per cent between the *Connecticut* and the *Louisiana* would be not a little reduced.

TIME TAKEN TO BUILD OTHER SHIPS.

The official record of the building of the other 21 best-known ships in the Navy shows that not one of them was built in contract time. The *Nebraska*, built by Moran Bros., of Seattle, and the *Georgia*, built by the Bath Iron Works, of Bath, Me., were over three years longer building than the *Connecticut*.

The *New Jersey*, built by the Fore River Shipbuilding Co., at Fore River, Mass., and the *Virginia*, built by the Newport News Co., at Newport News, Va., were over two years longer building than the *Connecticut*, although the *Connecticut* is larger than any of these ships by 15 feet in length, and by 7½ inches in beam, 9 inches in draft, and the displacement 1,000 tons greater, the coal capacity being larger by 500 tons.

I am in favor of an appropriation for the building of battleships. [Applause.]

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, Congress, on May 30, 1908, created what was known as the National Monetary Commission and charged it with the duty of inquiring into what changes are necessary or desirable in our monetary system and in the laws relating to banking and currency. This commission made its report last January, in which it recommended very radical changes. To its report it appends a proposed bill embodying these changes. I desire to call attention to some of the provisions of this bill. I approach this subject with considerable hesitation. I am aware that the recommendations have the approval of the entire commission, a commission made up of men for whom I have the highest respect and with whom I regret very much to differ, but I fear that the commission must have felt constrained to shape its proposed legislation so as to avoid the opposition of certain banking and financial interests, who are now strenuously supporting its recommendations by organizing bankers and business men to push this plan through Congress. They are very impatient of any criticism. Let me say, however, that if this plan can not stand criticism, it should not pass.

In brief, the plan is this: A corporation is to be formed with a capital stock of not less than $100,000,000, which is to be owned by the banks of the country in proportion to their capital stock. This corporation is to have 1 central office and 15 or more branch offices. It is to be invested with the usual powers of a bank; it may receive deposits, make loans, buy and sell bonds, notes, and bills of exchange, and is to have the exclusive power of issuing bank notes. In other words, the plan is to create a great central bank of issue like the European central banks. Instead of calling it a bank, as such an institution would be known in Europe and elsewhere, it is to be called the National Reserve Association. This name is not descriptive. No one can miss the fact that the overshadowing function of the bank is to issue currency. Pages of the plan are devoted to that feature, while it almost fails to mention bank reserves at all. Scant place is found for a line or two, just enough to say that deposits placed with this central bank may be counted as a part of the reserves of the bank making the deposit. The reading of the plan certainly never suggested the name. Was it not for fear that a central bank would be unpopular that the commission called its creation a National Reserve Association? If so, will not this lack of courage and candor do more to defeat the plan than a frank avowal of its real nature? The American public demands fair and frank treatment. It has no patience with any scheme, no matter how meritorious, that dreads the light of day. If a central bank is what we need, we ought not, however, allow prejudice to prevent us from securing one. In almost every European country there is a central bank. It is also true that there has been less danger of bank panics in those countries than has been the case with us; but it does not follow as a consequence that security against panics is due to the central banks or that it is necessary to establish one in this country. If banking in this country was carried on in as conservative a manner as in Europe, there would be but very little danger of panics. So long as banks permit their funds to be used in reckless speculation, and so long as law and public opinion will tolerate the issue of untold millions of fictitious or inflated stocks, bonds, and other securities, upon which bank credits rest, we shall have panics with or without a central bank. No banking system can save a bankrupt bank or prevent runs upon it.

Should we create this proposed central bank we must not deceive ourselves with the idea that it will serve us as well as like institutions serve people in Europe. Henry Clews, the great New York financier, in his book, Fifty Years in Wall Street, says:

> Such a bank as the Bank of England, or the Bank of France could not be created, either in a day or a generation, for those time-honored institutions are the growth of ages. They are very much older than any of the other banks there, and, under the control of their respective Governments, they have grown up with their countries and become practically, although not by ownership, Government institutions. Hence their prestige and power and the impossibility of other banks superseding them.

This statement of Mr. Clews may be applied generally to the other state banks of Europe.

If we are to have a central bank it must be so planned that it will deserve and command the fullest confidence of the public so that in times of stress it can stem the tide of panic. It must above all other things be solvent and possessed of ample means, in excess of its own immediate liabilities that are available at any time for use in helping others. Let us see if this bank is planned to be solvent. This bank is to organize when $100,000,000 of its capital stock is paid in. As soon as it is organized it becomes its duty to purchase within one year thereafter all the 2 per cent Government bonds then on deposit with the Comptroller of the Currency as security for our present bank-note circulation, amounting to about $700,000,000. It is authorized to and must pay for these bonds by issuing bank notes of its own. When this has been done what is the status of this bank? It holds $100,000,000 of capital and $700,000,000 in bonds, and owes $700,000,000 upon its notes. You strike a balance and there is left $100,000,000, and of course you say it is solvent. But this plan provides that the bonds so purchased must be held by this bank during the period of its corporate existence, except that after five years the Secretary of the Treasury may permit the bank to sell not to exceed $50,000,000 of them each year thereafter, to which is added a proviso that the Government reserves the right to purchase at par or pay any of these bonds at any time. This in effect locks up these bonds and prevents their use as a means for obtaining money with which to meet the bank notes. It may be contended that this bank has general power to borrow money against any of its bonds, but this provision is clearly not applicable to these bonds, as the proposed act expressly provides that the bank shall continue to hold them. The right to pledge these bonds as security necessarily carries with it the right to part with title to them. If this bank is to have this right then it may suffer them to be sold and with the proceeds retire all its bank notes and thus contract our currency $700,000,000 or more. The plan clearly contemplates that this bank shall start with outstanding obligations of $700,000,000 due on demand, and shall have as available assets for the payment of this enormous indebtedness only $100,000,000. But even this $100,000,000 has a string to it that prevents its use. It is provided that 25 per cent of this $700,000,000, or $175,000,000, must be held against these notes as a reserve, so that instead of having for use $100,000,000, the first duty of the bank will be to go out and borrow $75,000,000 more of reserve money. To do this it will not only be necessary to borrow $75,000,000, but enough more to provide a reserve against this added indebtedness. It will take $112,500,000 more to make a sufficient amount to enable the bank to call itself technically solvent. It will then have an indebtedness of $812,500,000, and still it will not have a dollar available for the redemption of any of its notes without borrowing the money. And this is the bank that is to help others when people lose faith in the solvency of all banks.

The object of purchasing these bonds is to retire seven hundred million of our present bank notes and substitute in place of them notes of this bank, and this is on the plea that it will substitute a better class of notes. Are these notes going to be better? Our present notes are not only guaranteed by the Government, but are a direct obligation and a first lien upon the assets of the banks issuing them. It is not a guaranty that has to be enforced by a sheriff's sale of bonds or on liquidation 50 years hence. The banks are required to keep a fund with the Government for the redemption of their notes, and all notes are paid on demand by the United States whether the bank whose note is presented for payment has enough money there for the purpose or not. In the year ending October 31, 1911, more than $587,000,000, or about 80 per cent of all notes in circulation, were so redeemed. If every note had been presented it would have been paid either by the Government or by the bank issuing it, not by borrowing money belonging to some one else but with money belonging to the banks. The Government is not to guarantee the notes of this central bank or hold any fund or security to compel their redemption, nor are the banks liable except as stockholders, and then only in the event that this central bank becomes bankrupt. Our bank notes are as good as gold, and the method under which they are issued saves to our Government in interest more than ten millions annually. It makes it possible to issue bonds that cost us only about 1½ per cent per annum, while if this plan goes into effect we shall probably have difficulty in selling bonds in the future at 3 per cent.

It is apparent that this plan would collapse at once if suitable provision was made for the redemption of these notes. This bank is expressly prohibited from having any domestic transaction with anyone except the Government and its stockholders. This clearly forbids this bank from redeeming any of its notes unless presented by the Government or one of its stockholders. Still, a bank or trust company not a stockholder is compelled to accept pay in these notes. Should these notes depreciate in value, this arrangement will in effect give to the banks that are stockholders a first lien upon the funds of the central bank. They could present these notes for redemption and receive par in the money held by the central bank, while others could not reach this fund and would have to pocket their losses. This would inevitably discredit these notes.

Another contrivance to prevent the collapse of this bank is the provision that its notes may be held by other banks as part of their reserves. This is a departure from a time-honored policy, but is no doubt necessary if the scheme is to float at all, even on the high tide of prosperity. This makes a market for these notes and will tend to prevent their return for redemption. But this will enable the banks to discriminate against the greenbacks and silver certificates and may cause us no end of trouble, especially as no limit is placed upon the size of the bank notes that may be issued. Foreign Governments are careful to limit the size of such notes. The Bank of England can not issue a note for less than £5, or about $25. The provision that these bank notes may be held as bank reserves makes it possible to have an almost unlimited expansion of currency and credits. Banks may transfer their gold to the central bank in exchange for its bank notes, and for every dollar of gold so secured this bank may issue two of its own notes, $1 to effect the exchange and $1 in discounting paper. There is more than $1,500,000,000 of gold in circulation. The silver money and greenbacks can also be made to do double duty. The banks can gather up this currency and place it on deposit with this central bank, and while there they may still count it as reserves in their own vaults. As soon as it reaches the central bank, that institution may, in discounting paper, issue against these reserves bank notes equal to their amount. The silver and greenbacks equal another billion. Still, this is only a small fraction of expansion made possible by this plan. The other banks can take these notes and build upon them a credit structure that would stagger the most reckless speculator that ever trod the turf.

The one thing in our present credit system that tends to keep speculation somewhat within reason is the limit that our reserve money automatically puts upon bank loans. A bank can not legally loan out all of its deposits. When it is remembered that the chief business of a bank is to borrow money and reloan it, and that much of this money are deposits due on demand, it is evident that reserves play a very important part. The national banks are required to keep, on an average, one-sixth of their deposits to repay them. As the amount reserved for that purpose decreases the bank must curtail or collect in loans so as to have on hand money to meet further withdrawals of deposits. This tends to limit the amount of loans that a bank can make, as there is a limit on the amount of money that can be used as reserves. This plan removes that limitation by permitting these bank notes, the amount of which is practically unlimited, to be used as reserve money by other banks. Not only does the plan provide that the $700,000,000 of notes issued to retire our present bank-note circulation, not now reserve money, may be held by other banks as reserves, but that every dollar issued by this central bank in its business may be so held.

It is urged that such expansion is not possible. The reasons chiefly relied on are that the bank can only invest its funds in short-time commercial paper, and that there is a tax upon the bank notes if they exceed nine hundred million. The class of paper that it may invest in can easily be provided, as I will try to explain a little later on, and if I correctly construe the provision in regard to the tax upon bank notes, it might as well be frankly admitted that no tax is contemplated. It is barely possible that a situation might arise that would permit the imposition of a tax, but it is such a remote possibility that it is almost negligible. The advocates of the plan usually claim that all notes in excess of $900,000,000 are to be taxed, but that is not correct. The provision is that all notes in excess of nine hundred million not covered by an equal amount of money held by the central bank shall be taxed. Under this plan the other banks may deposit with this central bank, say, five hundred million or more of their reserves. Against this $500,000,000 then held by the central bank as a reserve it could, in discounting paper to that amount, issue in payment therefor its own notes. The central bank would then have outstanding $500,000,000 in bank notes and owe $500,000,000 to its depositors, or a total of one thousand million. It would hold the $500,000,000 in money to cover the notes, and this same money would, under the plan, serve as a sufficient reserve against the one thousand million dollars, as only 50 per cent of the total liabilities of the bank are required as a reserve. The provision that the note holders have a first lien upon the assets would make whatever money might be in its vaults cover the notes, and as a consequence this $500,000,000 of bank notes would have to be deducted from the total of bank notes outstanding in determining the amount of the tax to be paid. In other words, for every dollar that the Government or a bank deposits with this central bank it may issue another dollar of tax-free notes; and as the banks can, without loss to themselves, put all the reserves that they are now required under the law to keep in their own vaults in this central bank to swell the amount deposited there by the Government, it is evident that $900,000,000 is only a fraction of the untaxed currency provided for.

The Monetary Commission recognizes the danger which this plan presents. It says in its report:

> Our main reliance for preventing undue expansion must, however, be found in the wise management of the local and district associations and the reserve association.

If the proposed bank had behind it centuries of careful, wise, and honest management as have most of the European central banks we might have less hesitation. There custom, tantamount to unwritten law, restrains and guides such banks. Here no such custom exists. Still we propose to start a like institution with greater capital and almost limitless powers. The Bank of England, the most powerful financial institution on earth, has no such power to issue bank notes. The English Government owes to it a little less than $90,000,000, and to that extent it may issue bank notes, but for every dollar that it issues in excess of this it must hold an equal amount of gold in its vaults, and for every note that the bank issues the stockholders are individually liable. The Scotch banks are often spoken of as authorized to issue bank notes in unlimited figures against their assets. They have no such power. They may issue a small amount of uncovered notes. The aggregate that all can issue is about $15,000,000. Beyond this amount, which is fixed by their charters, they are limited like the Bank of England to the issue of notes covered by gold in their vaults and their stockholders are also liable individually for all the notes issued. No danger of overexpansion in either England or Scotland. The Bank of Germany may issue a little less than $131,000,000 of uncovered and tax-free notes, and in addition it may issue an amount equal to whatever money it may have in its vaults. Beyond this it can not issue a dollar without paying a tax upon the issue of 5 per cent per annum. This tax makes the issue unprofitable and checks expansion. The report of the Comptroller of the Currency for 1911 shows that this bank holds cash in excess of its circulating notes. The total issue of the Bank of France against gold coin and other assets is limited by law to about $1,100,000,000 against which it holds about $700,000,000 in gold besides Government securities and other assets. Outside of a comparatively small amount due to it from France it aims to keep all its issue covered with gold. It believes in keeping its feet upon the rock of real values and ascribes the low interest rate in France not to its power to issue notes, but to its large reserve in gold.

In connection with this it is important to consider that those banks, in countries where confidence in such institutions is no doubt much greater than this bank can hope to secure, feel constrained to hold reserves ranging from 50 to 100 per cent of their liabilities. These figures are very significant when it is remembered that the policy pursued by those banks is to invest their money in the highest class of mercantile paper due almost on demand, so that practically every dollar of their indebtedness, including the bank notes, can be paid in a few days. How radically different is the arrangement in this plan? It prescribes a reserve of 50 per cent of all liabilities, but modifies this by allowing this central bank to deduct from such liabilities in figuring such reserves an amount equal to one-half of the seven hundred million of bonds that it is to purchase. This means that the seven hundred million of bank notes issued in place of the present notes are to be secured by a reserve of only 25 per cent, and this notwithstanding the fact that this bank is charged with the duty of keeping the bonds upon which they are supposed to rest during the period of its corporate existence. And let us not forget that this seven hundred million is only one item of our credit currency. Our greenbacks and depreciated silver swell this to enormous figures. The report of the Comptroller of the Currency to which I have referred says that we have already $784,000,000 of uncovered paper in addition to about $700,000,000 of silver worth 50 per cent of its face. France has the next largest amount of uncovered paper—some 223,000,000—and the largest amount of silver—some 400,000,000. But this is not all. Not only is the foundation upon which this staggering load of credit currency rests to be undermined and weakened, but to make collapse doubly sure the Monetary Commission makes provision for 200,000,000 more of untaxed notes which, they say, business will demand, and for fear that not even this will satisfy the greed of speculation they add to this vast sum 300,000,000 more at a nominal tax of 1½ per cent, and then they urge this plan as one in the interest of safety and as a panacea against panics. Why not advertise for a barrel of whisky for a drunken man to sober up on?

The history of every panic shows that it was due to an over-expansion of credits. Bankers and business men borrowed more money than they could pay. Suddenly everybody concluded to have a day of reckoning, and we called it a panic. We have just tried this kind of a remedy against panics. When the speculative craze that culminated in 1907 was staggering to its ruin in the fall of 1906, with call money from 30 to 40 per cent in New York, the Secretary of the Treasury, at the behest of the banks, forced into circulation in the course of two months $100,000,000 of bank notes besides some $23,000,000 of Government gold from the Treasury, but it only added zest to the spirit of speculation and made the gloom of 1907 still darker.

We all remember the panic of 1893. Are we willing to legislate to create another such disaster? During the panic of 1893 we had afloat about $346,000,000 of greenbacks, and our silver circulation was about $190,000,000 below par, making a total of credit money of $536,000,000 besides the bank notes. For the maintenance of this money at par the vast resources, the boundless credit and the faith of this Government was pledged. It held in the Treasury the seigniorage upon the silver coinage worth some $70,000,000 and a reserve in gold of about $100,000,000; still what happened? The Treasury was forced to sell $362,000,000 in bonds, at 4 and 5 per cent interest, to secure enough gold to keep this money at par, and President Cleveland hastened to call Congress together for the express purpose of repealing the so-called Sherman Silver Purchasing Act, under which some $50,000,000 in silver was added to our circulation each year. A very insignificant sum when it is remembered that the silver was purchased at its actual value and no more silver dollars were issued than an amount at par equal to the money paid for the silver.

When this central bank is in operation we shall still have the same amount of greenbacks as we had then. We have a larger amount of silver, and it is worth considerably less per dollar, as the silver in the silver dollar was then about 67 cents, while now it is worth only about 50. Our bank-note circulation was then only about $375,000,000, while now it is in excess of $700,000,000, to which it is proposed to add untold millions, not of notes resting upon available resources and subject to prompt redemption, but notes that must be kept afloat to prevent bankruptcy, and that can only be kept afloat by borrowing from Peter to pay Paul. This bank is to start with a demand liability seven times greater than its available resources, a liability which it is in effect forbidden to pay during its corporate existence. Its very life depends upon an irredeemable bank-note circulation. Every argument that has been made against flat money can be made against this plan. It is surprising that men who in the past have steadfastly opposed all such schemes appear to favor this. Do the lessons of the past serve no useful purpose? The limitations imposed upon the banks of issue in Europe are the result of sad experience. In England those limitations were written in 1844 as the result of the panics of 1825, 1836, and 1839, all due, as the people of England then believed and still believe, to an excessive issue of bank notes. No amount of persuasion has induced the English people to relax these restrictions, though often a subject of bitter controversy.

Not only is the power to issue bank notes rigidly limited in most countries, but there appears to be a growing disposition to provide for a large measure of governmental control—not simply supervision. The central banks of Germany and France are controlled by their respective Governments; and the Bank of England is so closely allied to the English Government that it is almost a Government institution, though privately managed. The German Government actually manages the Bank of Germany. The stockholders may advise and may prevent the bank from making loans to the Government, but are otherwise practically without influence. The governor of the Bank of France is appointed by the State. He has the general direction of the affairs of the bank, presides at all meetings of the directors, and may veto any of their acts. No paper can be discounted that he disapproves of, and he appoints all the employees. This plan for a central bank gives the Government absolutely no control; a provision is even inserted in the proposed bill to prevent Congress from amending the act except at the end of each 10-year period. All the participation that the Government is accorded in the management of this bank is just about enough to permit it to have some knowledge of what the bank may do. I would hesitate to place such a bank under the management of the National Government, but I hesitate still more to turn over to such an institution without any security, as is proposed, hundreds of millions of Government money each year—the money that the Government must have to maintain its very existence. Under the proposed act it is not discretionary with the Government to deposit its money with this bank; it must do so.

I have but little patience with the extreme solicitude expressed by many that politics may interfere with such a bank. If it should pursue a course injurious to the public, politics ought to interfere; if it does not, the danger is extremely slight. It is almost impossible to stir public interest and feeling sufficiently to correct any evil, let alone doing to business an act of injustice when it is pursuing a proper and legitimate course. But is there not another side to this question of politics? May we not hesitate to form this vast combination of all the banks in this country, with their hundreds of thousands of stockholders scattered over every hamlet between the two seas? If this central bank is formed, it will bind together all the banks and give them many interests in common. Contemplate the vast power that this organization will have, not only over banks, but over business and the Government itself. It will have power to reward and punish friends and enemies. It will bring into close touch with the vast banking and business interests men who are natural leaders. These men will inevitably drift into politics, and with such an organization behind them, cemented together by self-interest and class pride, can you measure its power? Perfect this organization and put it behind any demand for additional privileges, for additional favors, and what will happen? I do not believe that it is of the slightest importance that Wall Street is not given direct control. No such organization can possibly escape Wall Street domination.

No country has a counterpart to this scheme. In every other country care is taken to keep the central banks as independent of other banks as possible. Here just the opposite is proposed. Is it good sense to provide that the banks that elect the officers of this central bank and its branches shall apply to those very officers and have them grant or refuse the favors they ask—officers that must depend upon the good will of those banks to retain their positions—or to provide that a board elected by the banks, and in effect their agents, shall determine how high a rate they must pay this central bank to discount their assets? The Government is to get the earnings of this central bank beyond 5 per cent upon the stock; but with this power in the banks to fix the rate of discount, how much profit do you suppose the Government will get? How different is the position of the manager of a European central bank. There he occupies a quasi public position. He is charged, either by law or custom, with the duty of guarding the currency of the country and with protecting both public and private interests. He is uninfluenced by past favors or promises of future rewards. His position permits and demands of him his best judgment in the interest of all. In considering whether this

bank is planned to be solvent it is of the utmost importance to know that the officers in charge are bound not only by their honor as men, but also by self-interest to maintain its solvency.

Those who advocate this plan never tire of telling us what a great advantage this central bank would be in that it would hold the reserves of other banks and thus be able to supply other banks with an abundance of money if needed. The impression put afloat is that the reserves deposited with this central bank are to be treated as a common fund for all the banks. Nothing could be further from the truth. A bank that may have any of its reserves in this central bank can only draw its own. The impression is even abroad that all reserve money is to go into this central bank, but that is not the plan. The law in regard to reserves is to remain practically unchanged except that any money deposited with the central bank may be counted as a part of the reserve of the bank making the deposit. This means that a bank may strip itself of all its reserves. It may leave in New York or other reserve city, if a country bank, three-fifths of its reserves as under the present law and send the balance to the central bank. If the plan provided for sending all or any considerable part of the reserves to this central bank, the protest would be long and loud. Care has been taken that the reserve city banks are not to suffer. They are still to be permitted to pay interest on reserves that other banks may deposit with them, while the central bank is not permitted to pay a penny. This arrangement will permit the central reserve city banks to retain their present deposits of bank reserves. Still this central bank may accumulate some reserves, as it is not expected to pay out any money. If a bank withdraws its deposits from this central bank it can not secure any relief. The method by which a bank is to secure any reserve money from the central bank is to sell it some of its assets and have the central bank print some notes and give to it in payment. This is the much-vaunted method of making available our bank reserves—the one feature that appears to have appealed to the Monetary Commission so strongly that it gave to its creation the name National Reserve Association.

A lack of elasticity in our currency has been the stock argument of every advocate of asset currency and is, of course, presented in support of this plan. It is true that if this bank is established it could, with the aid of the other banks, expand the currency to an almost unlimited extent, and with such aid contract the currency several hundred millions below what we now have by using our bank reserves to pay notes issued in place of our present notes. The expansion and contraction of asset currency is often spoken of as automatic, and where redemption of the notes is promptly compelled, that is to some extent true; but no one can seriously contend that there will be anything automatic in the issue and retirement of the bank notes proposed under this plan. The large commercial nations of Europe have striven to prevent their banks of issue from exercising the power of expanding and contracting the currency. Are we willing to put this power in this bank? The small amount of uncovered and untaxed notes in England, Germany, and France are a permanent part of the circulation of those countries and do not serve the purpose of expanding or contracting the currency. Instead of giving to the Bank of England the power to expand or contract, great care has been taken to deprive it of any such power. Mr. Horace White, in his book Money and Banking, says, speaking of the Bank of England:

> Nobody has any discretion as to the amount of notes which shall be in existence at any time. Setting aside the fixed sum issued against securities the remainder of the circulation is just what it would be if it were composed of gold exclusively.

To prevent the Bank of England from making use of its note-issuing power to expand or contract the currency the bank act of 1844, now in force, separates the issue department from the banking department of the bank and determines the amount of money that may be transferred from one to the other. The method employed by the European banks to expand and contract the currency is this: To contract, they raise the rate of discount, which is in effect the same as raising the rate of interest. This discourages persons from selling papers to the bank, as it becomes too expensive for objects not absolutely necessary. In the meantime the bank's assets, such as bills of exchange and notes that it may have purchased, become due and are collected in, and money from these accumulates in its vaults. A high rate of discount also tempts people to purchase paper, and this releases to the banks the hoarded money. By lowering the rate of discount and using this money in the purchase of paper the currency is again increased.

A bank acting on this principle can not afford to charge too high a rate of discount as it will drive away business and cause a loss of profit in its competition with other banks, nor can it afford to make the rate too low for fear that it will not have money enough with which to meet its own obligations. This is the method relied upon by the central banks of England, Germany, and France. The tax of 5 per cent upon the German note makes such notes unprofitable unless rates are very high. The tax upon each note issued by the Bank of France is small; but as the French people are not accustomed to the general use of checks these notes must do double duty and circulate so rapidly that the expense of maintaining them in circulation and securing them by a sufficient reserve makes the tax a heavy burden. It is claimed by that bank that it actually suffers a loss upon its circulation. The method of these banks is simply to save up their own money when they anticipate that they will have use for it in the future and loan it out when they can afford to do so. The proposition here presented is to allow our banks to loan every dollar that they can buy, borrow, or get in any fashion, and then if they run short sell some of their notes to this central bank and have it start the printing press to run off some more money so they can go on and loan still more. This is an old scheme, often exploited, of living on the interest on the debts that you owe. It is not safe. It never was safe as a business proposition. The rugged, stubborn, common sense of England, Germany, and France, wise from sad experience, restrains by rigid rules the greed that kites credits upon credits. They insist that business shall not be done on hope and faith alone, but that at least some fair share of the money that is used must be earned before it is spent.

The diligent care with which the interests of certain banks have been guarded is manifest, not only in prohibiting this central bank from paying interest on bank reserves deposited with it, while other banks may do so, but in the absolute monopoly that the banks are to enjoy as sole owners of its capital stock and sole beneficiaries of its powers. No one can deal with it except the Government and a bank owning stock in it. The citizen, if he is to profit at all, must first pay toll to some intervening bank. It is true that the European banks deal chiefly with their respective Governments and the banks, but I doubt that any central bank can be found that does not deal with the citizen on equal terms with the banks; they do in England, Germany, and France. This is very important. It is the means by which those central banks protect the citizen against unfair treatment from other banks. Without according this privilege to the citizen it is idle to contend that this bank will equalize rates of interest in the different parts of the country. Not even the fact that the Government is required to deposit with this central bank hundreds of millions of the people's money each year, and that without interest or security, is considered a sufficient reason for allowing the citizen to deal with it. The Bank of France, when first organized, dealt only with the Government and the banks, but that has long since been changed. It must serve all alike and not a favored few.

From a study of the class of paper upon which money may be obtained from this central bank, it is apparent that not only is the public to be excluded from dealing with it, but the country banks are placed in very nearly the same position. It will be noticed that outside of Government and State bonds, which country banks seldom carry, there are only two classes of paper that can be discounted by a bank without the guarantee of a local association composed of not less than 10 banks with an aggregate capital and surplus of not less than $5,000,000, namely, certain notes and bills bearing two names, due in 28 days, and made not less than 30 days prior to the day of sale, and accepted bills of exchange due in 90 days bearing three names.

Very few country banks would have any considerable quantity of such 28-day paper, and if they did it would be quite useless to attempt to discount it. When a country bank needs to discount at all it nearly always requires a loan for a longer time. A sale of such paper would not ordinarily give 28 days, as a bank could seldom furnish a supply that would all mature in just that time. The average date of maturity would be nearer half that time, and as the bank selling has to indorse the paper it would have to repay the central bank as the paper became due to protect its indorsement and its customers. This would be a mere waste of time. Country banks deal in notes, and have, as a rule, few opportunities to obtain 90-day bills of exchange. Such a bill may be discounted the day it is made, while a promissory note, given for the same consideration, bearing the same responsible signatures, and in legal effect exactly the same, can not be discounted unless it is due in 28 days and was made not less than 30 days before the day of sale or is guaranteed by the local association.

To get these acceptances the banks in the large commercial cities will say to the wholesaler, the jobber, or the manufacturer: "We can not use your note. When you sell goods on

time you will have to ask the purchaser to accept a bill due in the future. With your indorsement we can sell that at the central bank and get money for 90 days; on your note we can only get money for 28 days, and then only after you have held that note for 30 days." This leaves the country bank with practically no opportunity to get money from the central bank. His only other chance is to secure the guarantee of his paper by the local association, but as this has to be paid for in addition to the discount on his note at the central bank and as an application for such a guarantee would probably be considered as a sign of weakness, he would no doubt have to depend for his accommodations upon some bank that could deal with this central bank. This advantage on the part of the banks in the large commercial centers would unavoidably give them control of the central bank; their influence over the country banks would easily be sufficient so as to permit them to name the officers. Once in the hands of a few large financial interests, rules could be adopted that might discriminate still more effectively against the country banks.

The plan of the Monetary Commission does not attempt to remedy the real defect in our banking system. The law permits the national banks not located in a reserve or central reserve city to deposit three-fifths of their reserves with banks in the central reserve cities, namely, New York, Chicago, and St. Louis. Banks in New York City bid for these deposits by paying interest upon them and then use these reserves in stock-exchange transactions of a character very close akin to gambling. When the banks that have made these deposits need their money it can not be returned if there is any unusual demand, as they are tied up in stocks and bonds that are not marketable.

The banks in New York City get the bulk of these deposits and have as to bank reserves the same duties to perform as have the central banks of Europe; but how do they perform that function? They hold close to $450,000,000 due to other banks, besides an enormous amount of other deposits. Six banks in New York held during the panic of 1907 more than $600,000,000 of deposits, of which more than half was due to other banks. These six banks held more deposits than the central banks of England, Germany, and France combined, and against these enormous liabilities they held less than half the reserves considered necessary in those countries, and assets, many of them, that those European banks dare not touch.

This plan provides for no change in this arrangement. The New York banks are still to continue to hold the same share of the reserves of other banks, and their business is to be in no wise limited or disturbed. This situation, created by a statute that in effect sends these bank deposits to New York—as that is the only place under the law where they can be kept and draw interest—has been the chief source of our troubles. When banks attempt to withdraw from New York any considerable part of these reserves it creates a money stringency, and if the withdrawal is unusually large it precipitates a panic. It is in this artificial, stilted credit system built upon these reserves that the danger exists. This is clearly shown in our past experiences. Every panic has started in New York, because of a lack of ability on the part of the New York banks to meet their obligations. A failure of the New York banks to pay necessarily involves every bank that has money on deposit with them, and so a panic in New York means a panic all over the country.

As a remedy against this situation it has been suggested that interest should not be permitted on bank reserves. This would tend to prevent the congestion of so large a part of these reserves in New York and thus lessen the danger of a country-wide panic when speculation runs riot there. But the chief merit of this suggestion is that the New York banks would not be compelled to make loans to earn the interest which they must pay in their competitive race for these deposits. They would then be able and might be required to hold larger reserves and conduct their business on safer lines. It is claimed that it would not be practicable for Congress to pass a law to prevent banks from paying interest on such deposits, because State banks would still continue the practice; but I can see no good reason why an excise tax could not be imposed upon all banks, State as well as national, that do not hold reserves such as Congress may prescribe and upon all deposits payable on demand subject to interest. Such tax could be made to effect the purpose.

Upon a comparison of our system of money and banking with the systems of the most successful countries of Europe I believe that the impartial observer will find that ours is far better adapted to our needs than any European system that we could import. Here a bank in a city or a village is owned and managed by the citizens of the place, who are interested not only in the bank, but also in the prosperity of the town, and consequently devote the money of the bank to the local needs of the community. The officers are often the leading men in their respective towns and among the most public-spirited. They are not, as most of the bank managers in Europe, mere agents, managing branches of some larger institution, controlled at a distance by men who do not know and care less about the place. The money controlled under a branch-bank system will go where it can earn the most without regard to other considerations. Our bankers have greatly aided us in building up our country. They know intimately the character of our business men and the needs of the communities they serve. They encourage local enterprise at a risk that no branch-bank system would tolerate.

Aside from this difference there is much more similarity between money and banking here and in Europe than the advocates of this plan would have us believe. Take, for instance, England. It has outstanding a small amount of uncovered bank notes; they are no safer, more flexible, or serviceable than ours. They are secured by an indebtedness from England to the Bank of England and by the assets of that bank, the same as our bank notes, which are issued by our Government, secured by Government bonds and the assets of the banks to which they are issued. The other bank notes of England are issued by this bank against gold, which it must hold dollar for dollar in its vaults. Our Government performs the function of issuing like notes, and against every one of them it holds its equivalent in gold. These notes, or gold certificates, as they are called, are in every way as good as the English bank note. These gold notes would be greatly weakened if the function of issuing them should be transferred to this central bank, as this bank is to hold only 50 per cent instead of dollar for dollar for their redemption, and instead of having back of them the Government of the United States this bank would promise to redeem them if one of its stockholders should ask for it. The German system is practically the same as that of England, except that the Bank of Germany may issue uncovered notes on the payment of a tax of 5 per cent per annum. In this respect it is more like our system than that of England.

Under what is known as the Vreeland-Aldrich Act—the act that created the Monetary Commission—authority was given to form currency associations, with power to issue bank notes guaranteed by the United States and all the banks in the association. These notes must be secured and are subject to a graduated tax. This act also allows an individual bank, without the guaranty of the currency association, to issue such notes against bonds other than bonds of the United States, but subject to a like tax. Currency associations have been organized and are prepared to issue bank notes at any time in case of real need. This gives to our currency much greater elasticity than that of England. It makes it possible for our banks to convert their assets into bank notes. This is the one thing for which the plan of the Monetary Commission is especially commended—the one and only feature of the plan guaranteed to cure panics. Without this power the central bank would be a wreck that even the rats would desert. Strange that those who favor this central bank do not appear to have heard of the currency associations; still, they would no doubt be every bit as effective against a panic as this central bank, and they are much safer, as they do not encourage panics by an overexpansion of currency and credits. It is for fear of encouraging such expansion that England has steadily refused to even provide for an emergency currency.

Most of those who are anxious for currency and banking reform appear to be chiefly concerned in the profits they hope to reap from tax-free notes. I want to be certain that reform means greater safety to the public and that the profit on uncovered notes goes to the Government. The act creating the currency associations provides for their termination in 1914. These associations should be continued, and, rather than the central bank, I would give them power to hold Government deposits and bank reserves. Let the banks guarantee and sell to them short-time commercial paper for notes of these associations, guaranteed by all the banks, like our emergency currency. Prevent the use of these notes as reserves and tax them like the German bank note, so they will only be issued during periods of great business activity. Let each association raise or lower the rate at which it may purchase paper or raise the interest on the notes to enable it to husband its resources. In lieu of interest on bank deposits payable on demand provide that the currency associations furnish to banks depositing with them exchange on other currency associations in some proportion to such deposits. The notes of a currency association would, aside from the paper for the purchase of which they may be issued, have behind them the Government and all the assets of all the banks in the association issuing them,

instead of the narrow foundation upon which is to rest the whole credit structure of the United States according to the plan of the Monetary Commission, namely, one-tenth of the capital stock of the banks that may become stockholders of the central bank. If the currency associations were given the powers I suggest, it would practically accomplish the legitimate objects sought by the Monetary Commission in the creation of a central bank, but it would not permit one section of this large country to dominate the destinies of the entire country. It would tend to build money centers in different sections capable of caring for the business of such sections.

I submit these observations because of the strenuous efforts that are being put forth to impose upon the country what seems to me a dangerous, utterly selfish, and un-American proposition.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, I desire to call the attention of the House to a very able paper on the subject of the water-front development of Hudson County, N. J.

Mr. John C. Payne, the author of this paper, is a civil engineer who has been identified with the professional life of New Jersey for the past 35 years. He is a well-known expert in litigation where engineering questions are in dispute. He has been honored by many appointments on commissions for the determination of questions of interest to the State. He was appointed by Gov. Edward C. Stokes as a member of a commission, of which ex-Gov. Franklin Murphy and ex-Gov. Foster M. Voorhees were members, to investigate and report on the whole subject of franchises granted by municipalities to public-utilities corporations. He was appointed by the court, together with ex-Gov. George T. Werts and Col. John J. Toffey, to appraise the value and damages to the terminal lands on the Hudson River of the Delaware, Lackawanna & Western Railroad Co. taken for and affected by the construction of the Hudson River tunnels of the Manhattan & Hudson River Railroad. He was appointed by Hon. Charles J. Parker, judge of the supreme court, a member of the Martin Act commission to adjust and levy the immense arrearage of taxes which had accumulated in Jersey City by reason of the failure of the citizens to pay and the inadequacy of the laws to enforce the collection of the same.

In 1876 Mr. Payne associated himself in the work of the riparian commission of the State of New Jersey with the Hon. Robert C. Bacot, the first engineer of the commission, who was appointed in 1864, and in the annual report of the State riparian commission to the governor of the State for the year 1907 the board made the following official and public recognition of the work of Mr. Payne:

The board desires to officially express its recognition of the fidelity and professional skill exercised by its secretary and engineer in the work of the commission.

Mr. John C. Payne has been associated with the work of the riparian commission for 30 years. He associated himself in 1877 with the Hon. Robert C. Bacot, the first engineer of the commission, appointed in 1864, and when Mr. Bacot, by reason of declining years, retired, in 1897, with honor and the respect of the commission and State, Mr. Payne succeeded him as secretary and engineer, and has continued as such until the present time; and the board takes pleasure in testifying to Mr. Payne's fidelity to the work of the commission and to the interests of the State committed to its care.

Mr. Payne is still the secretary and engineer of this important State commission, and attended the recent Eighth Annual Convention of the Rivers and Harbors Congress, at Washington, by appointemnt as a delegate by Hon. Woodrow Wilson, governor of New Jersey.

The paper referred to is as follows:

HUDSON COUNTY—ITS WATER-FRONT DEVELOPMENT.

Paper read before the Historical Society of Hudson County by John C. Payne, C. E., secretary and engineer of the Riparian Commission of the State of New Jersey, Thursday evening, March 25, 1909.

"Although our paper to-night has primarily to do with the development of the water front of Hudson County, I shall not attempt to go into the details of land transfers or the names of enterprises with useful but tiresome statistics which are the units that go to make up the grand sum of our worth; and I shall ask you to go with me to other parts of our State for some of the illustrations of the principles on which riparian interests are administered.

"Nor, indeed, shall I attempt to fully cover the ground of legal inquiry and decision of all the cases that have claimed the attention of our courts, for that would make my paper far too long, and my purpose is rather to attempt to give a general view of the principles upon which the water front of our county has been developed.

ORIGIN OF THE STATE'S TITLE.

"The title of the State to the lands flowed by tide water at mean high tide is as ancient as the discovery and conquest of the country, because it is founded on the ancient law.

"Briefly, the history of the discovery and occupation of this part of the country is:

"That in 1497 Jean and Sebastian Cabot, under commission of Henry VII of England, sailed along the coast of North America and claimed for their sovereign the entire country the shore of which they occasionally saw at a distance.

"In 1524 J. De Verrazzano, a Florentine, in the service of Francis I, King of France, is supposed to have visited the Bay of New York.

"In 1525 Estavan Gomez, a Portuguese, in the service of Emperor Charles V, visited the Bay of New York.

"In 1598 some Dutch, in the employ of the Greenland Co., came into the Bay of New York and erected a winter shelter and a fort for protection against the incursions of the Indians.

"In 1603 Henry IV of France, by virtue of the discoveries of De Verrazzano in 1524, above referred to, gave to Des Monts that portion of the country lying between the fortieth and forty-sixth degrees of north latitude. This included the greater part of New Jersey; but the grant of the French King was ignored by James I of England, who, in 1606, granted to the South Virginia, or London Co., and the North Virginia Co. practically the same land.

"From the time of the earliest discoveries up to the Revolution the occupation and control of this part of the country was passed back and forth among the Dutch, the French, the English, and the Indians, and an account of this period, as affecting the locality, will be found in the interesting papers already read to you by Dr. Brett and Mr. Daniel Van Winkle, of this society.

"The title of the State to the lands under water is founded on the ancient doctrine of the sovereignty of the King. The first diversion of the title of the King is that of the grant from Charles II to James, the Duke of York, March 12, 1664. This grant covered much of the land along the coast from Maryland to Maine, and on June 24, 1664, James, the Duke of York, sold to Berkeley and Carteret that part of the grant from King Charles of March 12, 1664, now known as New Jersey, and in 1676 New Jersey was divided into East and West Jersey and held by what were known as the lords proprietors.

"In the year 1702 these proprietors surrendered to Queen Anne all the rights of government held by them, reserving, however, the rights of property. The title to the soil of the tidal waters was not within the reservation, but again passed by the surrender of the government of the proprietors to the Crown of England.

"Thus the title to the lands under water, being vested in the King of Great Britain, at and before the Revolution of 1776 became vested by the law of nations and the right of conquest in the people of the then Colony and now State of New Jersey by the successful War of Independence.

"Previous to this time, however, what is known as the board of proprietors of East Jersey set up the claim of title to lands and lands under water under grants made March 12, 1664, and June 29, 1674, by Charles II of England to James, Duke of York, and by the latter to Sir George Carteret and John, Lord Berkeley, June 24, 1664, and July 29, 1674; and by the legal representatives of Sir George Carteret to the said board of proprietors, February 1 and 2, 1683; and by a confirmation of said board of proprietors, made by James, Duke of York, March 14, 1683; and by divers other instruments, Indian titles, and otherwise. They claimed to have been recognized as owners of the lands under water by express acts of the Colonial Government and to have made large numbers of grants of said lands.

"The proprietors' right of property in the lands above water was and is unquestioned, but that of their rights in lands under water has been the subject of much discussion and litigation. The decision, adverse to their rights, is the case of Martin *v.* Waddell (16 Pet., p. 367), by the majority of the judges of the United States Supreme Court, and has been generally accepted as a final settlement of the question; but the opinion of the minority of that court was so strongly in favor of the rights of the proprietors that it has left a lingering question in their minds, which occasionally finds expression in grants of lands flowed by tidewater, which grants, however, are not recognized by the authorities of the State of New Jersey.

"The original grant to the proprietors was in consideration of what they expressed as a 'competent sum of money,' and in addition to all the lands in the described boundaries gave

"All rivers, mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and hereditaments whatsoever.

"And I presume, on the strength of this wording, they based their claim of title to lands under water, which claim, however, has never been admitted by the State, but has been successfully contested.

"This title gave the proprietors rights in all the lands and general property in the Province, and also in the Government. The right of government was exercised until 1702, when it was surrendered to the Queen. The whole property was subject to the rights of its Indian owners, and the grant from the King gave the proprietors the exclusive privilege of purchasing from the Indians. (See William Penn and others on this subject, Gordon's New Jersey, pp. 40, 41.) This privilege, though contested in the earliest provincial courts, was always sustained, and at the session of the first legislature after the proprietors' surrender to the Government, the law first enacted was that 'for regulating the purchasing of lands from the Indians.' (Neville, p. 1.) This law forbid, with heavy penalty, any person purchasing lands from the Indians except by authority of the proprietors; declared all such purchases previously made illegal, and required the possessors to take title from the proprietors within six months thereafter.

"The Indians highly valued their rights of fishing, as the reference to them in their deeds of sale show; and the immense quantities of shells, piled in heaps at all convenient places along the shores, bear witness that they improved these rights to great profit. There are a hundred acres or more of land at South Amboy which are covered from 6 to 18 inches deep by these Indian shell deposits. The soil about Communipaw is full of them, and they can be seen all along the creeks and bays from South Amboy to Cape May.

"The proprietors purchased all these rights of the Indians and paid satisfactory prices for them. The purchases were generally made in tracts of a few square miles each, until nearly the whole State was covered by their deeds. Many of these deeds are recorded in the proprietors' books and in the secretary of state's office, and at an assembly of all the Indian tribes of New York, New Jersey, and Pennsylvania, held at Easton, Pa., from October 8 to 26, 1758, two deeds were executed by the Indians and their attorneys, one of which, by the Delawares, was for all the land south of a line drawn from Sandy Hook up the Raritan River and its north branch to the Alamatong (Lamington) Falls, and from thence crossing to the Delaware River at the Paoqualin Mountain (Water Gap). In this the boundary along tidewater is low-water mark. The other deed, executed by the Minisink and Pompton Indians, was for all that part of the State lying north of the above-mentioned division line and terminated at the north by a straight line drawn across the country from the mouth of Tapaan in latitude 41° north, on the Hudson, to Cochecton, in latitude 41° 40′ north, on the Delaware.

GRANTS BY THE PROPRIETORS.

"Among the 'surveys' or grants to individuals, covered or partially covered by the tidewaters (the word 'survey' meaning a grant), made by the proprietors within Hudson County, was one in 1746 to 'Arch Kennedy, of Bedloes Island,' and on Holland's map of 1775 Bedloes Island is called 'Kennedy's Corporation.'

"Another 'survey' or grant by the proprietors, in Hudson County, in 1803, was to 'Elisha Boudinot, Budd tract, in Harsimus Cove.'

"In 1835 a 'survey' or grant in Communipaw Cove was made by the proprietors, of 'Black Tom,' which is now a part of the national docks warehouse enterprise.

"And as recently as March 4, 1880, the proprietors of East Jersey granted to George H. Cook the reef or island on which Robbins Reef Light stands; also the reef or shoal known as 'Oyster Island,' both in New York Bay.

"With these 'surveys' or grants of 'Robbins Reef' and 'Oyster Island' from the proprietors as a basis, application was made by George H. Cook to the State of New Jersey for a confirmatory title or the rights to the lands under water surrounding these 'surveys' as lands pertaining to riparian ownership, but the application was refused by the State, and no further claim has been made under these proprietors' 'surveys' or grants.

"It will be of interest to call attention here to the attitude of the United States Government toward the title of the State of New Jersey to its lands under water, and to the machinery of the State in conserving this relation:

"On March 16, 1875, the Legislature of New Jersey passed an act entitled 'An act authorizing the cession of jurisdiction and conveyance of lands of this State under tidal waters to the United States, to be used as sites for lighthouses, beacons, and other aids to navigation' (P. L., 1875, chap. 138, p. 28). This act provided that whenever the United States desired to acquire title to lands belonging to the State of New Jersey covered by the tidal waters, for the site of a lighthouse, beacon, or other aid to navigation, application might be made to the governor by a duly authorized agent of the United States, describing the site required; and that thereupon the governor was authorized and empowered to direct the riparian commission to make a survey and map and report the same to him; whereupon the governor was to convey the title of said lands to the United States Government upon such terms and conditions as might be agreed upon. The act provided further that no single tract thus conveyed should contain more than 10 acres, and that the State of New Jersey should retain concurrent jurisdiction over the same, so that all process, civil or criminal, issuing under the authority of this State might be executed by the proper officers upon any person or persons amenable to the same within the limits of the lands granted; and provided further that no part of such lands so granted should be used for quarantine purposes; and providing, finally, for the reversion of the lands to the State upon the discontinuance of their use by the Government for the purposes for which they were ceded.

"It was under this act and without regard to the grant by the proprietors to George H. Cook of the site of Robbins Reef Lighthouse, that is so attractive and prominent a feature of the shores of our country to its citizens returning from Europe, that the State of New Jersey, upon an application made by the United States Government in 1880, through its governor, then Gen. George B. McClellan, granted the rights to the United States Government, which accepted the same, thus putting the stamp of approval or confirmation upon the title of New Jersey to these lands under water as paramount to that of the proprietors.

"It will be noticed that the procedure for the United States to follow in acquiring lands of the State for lighthouse purposes is different to that of the Government or an individual in acquiring lands of the State for commercial uses. In the latter case application is made directly to the riparian commission, who pass upon the same, subject to the approval of the governor. It would be interesting to know what was in the minds of the legislature of 1875, when this act was passed.

"And further, in confirmation of this attitude or acceptance by the United States Government of the paramount title of the State of New Jersey to lands flowed by tidewater at mean high tide, it is interesting to note that in 1901 an application was made by parties interested in the exploitation of a scheme of development of certain lands under water lying about midway between Ellis and Bedloes Islands, in New York Bay, asking the State of New Jersey for a grant of the State's title to these lands. The State of New Jersey applied to the War Department for approval of the lines defining this development.

"The War Department declined to approve such lines on the ground that the rights and necessities of commerce would not permit of the construction in question, and adding that the United States Government, owning Bedloe and Ellis Islands, and using them for national purposes, were entitled to whatever rights and privileges belonged to riparian owners in the lands under water around and between these islands, and stating that it was not only possible, but probable that, in the near future, the United States might wish to use these lands for public purposes. This seemed like an intimation on the part of the Government of ownership or control; whereupon, the riparian commission inquired of the Secretary of War—

"Whether the Federal authorities claimed ownership in the lands under water in New York Bay, surrounding Ellis and Bedloe Islands, so that they may appropriate the same to the uses of the United States Government without making application therefor to the State of New Jersey.

"The answer of the Government, through the Secretary of War, is as follows:

"In reply I beg to state that the action of the Secretary of War, which was communicated to the riparian commission of New Jersey, was simply the modification of the harbor lines around Ellis Island, by extending the pier and bulkhead lines in accordance with the request of the Secretary of the Treasury. This action was no assertion of title of ownership in the lands under water, but simply a regulation of its use with regard to the navigable waterway and the interests of commerce.

"An interesting instance of the exercise of the claim of the proprietors to lands flowed by tidewater, came under the notice of the State authorities some few years ago, when two gentle and amiable ministers of the Gospel, hailing from that city noted for gentle and amiable citizens, appeared with a petition for the right to occupy part of an island in the lower tidal waters of the State; and the language of the petition is so unworldly, it may be of interest to quote it:

PETITION TO PURCHASE A CERTAIN MARSH ISLAND WEST OF HOLLY BEACH INLET, CAPE MAY COUNTY, STATE OF NEW JERSEY.

"To the honorable the riparian commission of the State of New Jersey:

"The petition respectfully represents—

"1. That your said petitioners are citizens of the United States and of the State of Pennsylvania, residing in the city and county of Philadelphia.

"2. That in March of the year 1902 while spending some time at Holly Beach, in the county of Cape May, State of New Jersey, noticing

with favor a portion of unoccupied marsh island bordering the west edge of the first main channel west of Holly Beach, across which said island the county bridge from Holly Beach to Rio Grande (now completed), was then building, they, the said petitioners, did stake off and apportion to themselves on the aforesaid marsh island, portions of the same for the purpose of erecting thereon summer cottages for the use of themselves and families.

"3. That your said petitioners, pursuant to their first intention, have erected on the said portions of the said marsh island cottages as aforesaid, and also have interested other persons to do the same.

"4. That the said petitioners have rendered the said portion of marsh island accessible and desirable for occupation by certain improvements, the cost of which they have borne, among which is a substantial foot-walk bridge 250 feet or more in length.

"5. That the said petitioners having been the pioneers and originators of this colony, desire to secure the said marsh island for settlement by respectable settlers, and for the protection of those persons already settled thereon, and to that end have had the said marsh island surveyed, a plan of which survey, together with a description of the same, is hereunto affixed and marked with the letter 'A,' and made part of this petition.

"6. That the said marsh island is not improved land of the State, nor is it included within any lands designated for improvement, but it is wholly covered by from 2 to 3 feet of salt water every ordinary tide, and is a mud flat covered with sedge grass at low tide.

"7. That your petitioners desire your honorable commission to fix such reasonable and just price as may be deemed proper for said marsh island, upon payment of which by your petitioners a clear and defeasible title thereto may be granted them.

"8. That your petitioners desire your honorable commission to fix a time and place when and where they may appear and be heard regarding this petition for purchase, and such other privileges as your honorable commission may deem fitting.

"And your petitioners will ever pray, etc.

"It just happened that at the time the newspaper men were devoting some attention to this department of the State. Anyone who has had experience with the young gentlemen who write up the daily news knows what an energetic and enterprising lot of young men they are; how cleverly, out of little, they can build an ornamental and attractive structure.

"The newspaper men got hold of this unique case, and in the papers appeared such head lines as these:

"Baptist ministers seize a New Jersey island—They noticed it with favor and so they simply swiped it—Will trust in God and Senator Hand," etc.—

"and wrote the matter up in the following facetious way, which cleverly contained very much of truth:

"Each one of the four riparian commissioners of this State at their meeting this morning sat bolt upright in his chair and gasped in utter astonishment as two Philadelphia Baptist ministers, with much washing of hands with invisible soap and unctuous tones, gently preferred the modest request that the board should give them the title to an island in Cape May County, which the reverend gentlemen had, as they felicitously termed it, 'noticed with favor,' and quietly preempted it, without so much as by your leave gentleman of the State of New Jersey.

"'Eh?' said the chairman.

"'What?' ejaculated the board's counsel, horrified.

"'Bless me!' exclaimed another commissioner.

"'Dangerous precedent,' observed the secretary, 'for instance, if some one should notice with favor my house, what then?'

"To make matters all the more complicated behind the ministers sat Senator Robert E. Hand, of Cape May County, who had before the board an application for the very identical island, too. Genial Bob, quietly enjoying a 'chaw,' listened blandly to the ministers' arguments and regarded the entire proceedings as a huge joke. His application was in first, and since truth must be told, Bob, to use a well-known metaphor, had neatly euchred the ministers. Bit by bit the commissioners were put in possession of the facts of a very singular case, the beginning of which is best told in the ministers' own refreshing language, as set forth above.

"So like the Israelites of old, these Philadelphia ministerial pioneers found a promised land, and they rushed back to their kith and kin in far away sleepy Philadelphia and conveyed to them the glad tidings. They engaged the services of Robert E. Hand, a guileless dock builder, oyster planter, general contractor, and everything else in Cape May, to set the pilings for the cottages. Bob was only too delighted, and very soon there was a small colony of the elect of Philadelphia on stilts. But Bob, like Dickens's famous character, Joey B., 'was sly, devilish sly,' and when he found that the worthy colonists had no title to their land, he resolved to put that right by asking one in his own name, doubtlessly for the purpose afterwards of making the ministers a present of it.

"While this was being done, the secretary had everything not screwed down in the offices, which might be 'noticed with favor' removed to an inner room." (This was the facetia of the newspapers.)

"The fact in the case was that the east Jersey proprietors had made a grant to one of the parties, although, as stated in the petition, 'the Marsh Island is wholly covered by from 2 to 3 feet of salt water at every ordinary tide.' The conclusion of this matter was that the grant by the proprietors was ignored by the State, and these amiable ministers, who were most admirable gentlemen, were confirmed by the State in their title to the little Venice they had 'noticed with favor.'

STATE BOUNDARY LINE.

"Reference was made to a survey or grant by the proprietors in 1746 of Bedloes Island, in Hudson County, to Kennedy. Apprehending it may be questioned by some that Bedloes Island was and is in Hudson County, a brief history of the determination and location of the boundary line between New Jersey and New York will be of interest:

"The exact definition of the boundary line between New York and New Jersey seems not to have interested the earlier inhabitants of these two States, and so apparently unimportant an incident or industry as that of gathering oysters and other shellfish from the waters of Raritan Bay is responsible for the determination and finally the actual location of this boundary line.

"The value of lands under water in Raritan Bay was recognized early in the last century. Raritan Bay is a shallow, land-locked body of water, subject to the ebb and flow of ocean tides and fed by many fresh water streams, possessing every requisite necessary for the successful and profitable cultivation of shellfish.

"Beds of natural growth, where oysters and clams grew in great abundance, were found by the early settlers, and for a long time these proved sufficient to supply the wants of the scanty population. The rapid growth of population and the apparent danger of depletion from overfishing soon rendered artificial propagation necessary, and about the year 1810, the first oysters were planted and cultivated in Raritan Bay.

"At first all the land under water in Raritan Bay was considered as common to the residents of both States, and no attempt was made to divide them according to State lines, and not until the industry began to grow in importance, and the land consequently to increase in value, did local jealousies and disputes arise between the citizens of New York and New Jersey.

"These disputes soon grew to be of a serious nature, and sometimes ended in bloodshed. * * * Especially was this so after the legislature of each State had made it a misdemeanor for citizens to take or cultivate oysters in the waters of the other State, and in 1834 a treaty or compact was entered into by the two States in which it was agreed that 'the boundary line between the States of New York and New Jersey shall be the middle of the Hudson River, of the Bay of New York, of the water between Staten Island and New Jersey and of Raritan Bay to the main sea.' This agreement was entered into on September 16, 1833, and confirmed by the Legislature of New York February 5, 1834; by the Legislature of New Jersey February 26, 1834; and approved by the Congress of the United States June 28, 1834. This, though vague, was sufficiently definite for a long time, but the rapidly increasing number of planters and the great demand for oyster lands soon led to the occupation of the lands in the most valuable part of the bay. The indefinite nature of the description of the boundary line given in the agreement of 1834 became a source of constant dispute, and in 1886, pursuant to a joint resolution of the legislature, Gov. Green appointed Robert C. Bacot, A. B. Stoney, and George H. Cook a commission on the part of New Jersey to cooperate with a similar commission on the part of the State of New York to locate and mark out in Raritan Bay the line of 1834. The commission concluded its work and made its report to the governor on December 20, 1887.

"The work of this commission was so satisfactory that it was continued to definitely locate and mark out the boundary between the States in Staten Island Sound, Kill von Kull, New York Bay, and the Hudson River. It was in the latter part of this commission work that the Hon. Robert C. Bacot, who was chairman of the commission on the part of New Jersey, as well as the engineer of the riparian commission, clung so tenaciously and successfully to the contention that the treaty of 1834 fixed the middle of the channel of New York Bay, and not the middle of the area of the waters of the bay, as the boundary line, as contended for by the New York State commissioners. This resulted in giving to the State of New Jersey not only a greater area of land under water, but in fixing the boundary line in the center of the deep-water channel, and placing Ellis and Bedloe's Islands, as well as Oyster and Robbins Reef, within the State of New Jersey and in Hudson County.

"A curious and amusing incident occurred off the shores of Greenville about the year 1875:

"The State of New Jersey had made a grant of lands under water in New York Bay, opposite the shores of Greenville, the grant extending some 3,000 feet into the waters of the bay. The grantees had proceeded to bulkhead the outer end of this tract and to fill it in with refuse from the city of New York. This in time came to be a great nuisance, as the malodors arising from the effect of the summer sun were wafted by the prevailing southeasterly breezes of summer to the then bucolic residents of the sylvan shores of Greenville. They protested, but the protests were not loud enough to reach over the intervening half a mile of water from their shores to the offending filling. And so the aid of the law was invoked for relief, and the late Charles H. Winfield, that eloquent practitioner of the law, was employed to secure, through the courts, relief for our citizens.

"In the trial of the case the defense was set up by the offending parties, under that ancient and exploded theory that the city of New York controlled the waters of the Bay of New

York to the New Jersey shore, and disregarding also the fact that they had accepted the title and paid the State of New Jersey for the lands in question, that the Greenvillians were not entitled to any relief, as the offense they complained of was within the jurisdiction of New York and not of New Jersey.

"Mr. Winfield, resourceful in repartee, as well as in law, replied to the court, with convincing effect, that leaving out the question whether the locus of the filling was in New York or New Jersey, there was no question that the odors were in New Jersey, and that they were indicting the odors and demanded relief. The court took that view of it and afforded the relief asked for.

"The examination and care of the monuments marking the boundary line of the State is one of the many duties devolving upon the riparian commission of the State. By act of April 4, 1891 (P. L., 1891, p. 324), the riparian commission is authorized and directed to cause an examination of the monuments and to report to the legislature their condition, and to make necessary repairs, etc.

STATE CONTROL OF ITS RIPARIAN LANDS.

"No particular supervision or control seems to have been exercised by the State over its lands under water until 1851, when the legislature passed what is known as the wharf act, to which I shall refer later, entitled 'An act to authorize the owners of lands upon tidewaters to build wharves in front of the same.' (P. L., 1851, p. 335.)

"It appears, however, that since the beginning of the nineteenth century the legislature of the State of New Jersey has from time to time made grants, the more important of which were located under the waters of the Hudson River and New York Bay.

"In 1802 a conditional grant of 2 acres was made to Nathaniel Budd, which was a small part of the grant by the proprietors to Elisha Boudinot in 1803. (This grant by the proprietors covered about 53½ acres of land under water, and lay between Fourth and Twelfth Streets in Jersey City, Pavonia Avenue running about through the center of it.)

"In 1804 a grant was made to the associates of the Jersey Co., covering practically the land under water in front of the southern part of old Jersey City. A map in a good state of preservation is still in existence, showing the Hudson River water front from Harsimus or First Street south to South Street or the Morris Canal Basin. It is a map advertising the sale of this property, and has an interesting engraving of the water front of Jersey City, showing the old Pennsylvania station and ferry slips, the Cunard docks, with the single smokestack, side-wheel steamers, partly square rigged as sailing vessels, and also, approaching the slip, an old-fashioned walking-beam ferryboat, with the name *D. S. Gregory* on the paddle box.

"In the background appears the roof and spire of the old Washington Street Presbyterian Church, of which, within the memory of many still living, Dr. Imbrie was the pastor.

"This church enjoyed the unique distinction of having been transported piecemeal from where it originally stood on Wall Street, New York City, across the river and reerected in substantially its original form. It stood on the east side of Washington Street, adjoining the park on its southerly side and nearly opposite the Gregory homestead. One of the Gregory boys was the organist in the church, and the writer of this paper, when a young man, sang in the choir. It was out of no disrespect to the amiable and able pastor, Dr. Imbrie, that at the beginning of the sermon on warm summer mornings a part of the choir would silently steal down the stairs from the organ loft and seat themselves under the peaceful shade of the trees in the park, hearing, if not listening to, the voice of the earnest old doctor, as it came through the windows until warned by its cessation that the time had come to resume their places and part in the service.

"This church was subsequently torn down and apartment houses erected on its site.

"The legend on the map in question reads as follows:

"David Scott, auctioneer. Map of valuable property in Jersey City, belonging to the associates of the Jersey Co. and others. Sixty lots in blocks C to I, fronting on and extended 150 feet east from Hudson Street, will be sold at public auction in Jersey City on Wednesday the 24th June, 1857, at 2 o'clock p. m.

"The side-wheel, square rigged, ocean steamships shown in the engraving of 1857 are interestingly foreshadowed in the following act of the Legislature of New Jersey, passed in 1848 (P. L., 1848, p. 256), as follows:

"Relative to the pilot laws of the United States.

"1. *Be it resolved by the Senate and General Assembly of the State of New Jersey*, That the passage of the act of March 2, 1837, by Congress, by which the business of pilotage in the bays and harbors adjoining this State and the State of New York was thrown open to citizens of this State appointed as pilots under our laws was an act of justice to the State of New Jersey and loudly called for by the appalling disasters upon our coasts, which before that time continued to occur in quick succession.

"2. *And be it resolved*, That the results of the experience of the last 10 years, the greatly diminished number of wrecks of vessels approaching our shores, the superior vigilance and care of the New Jersey pilots, the danger of a renewal of the melancholy scenes and loss of life which attended the wrecks of the *Mexico* and *Bristol*, the impolicy and injustice of again erecting a monopoly, encouraging criminal remissness on the part of the pilots, all combine to furnish an unanswerable argument against the repeal of the present law.

"3. *And be it resolved*, That the recent establishment of a line of ocean steamships from Great Britain, whose terminus is at the port of Jersey City, furnishes an additional argument against the repeal of that act.

"4. *And be it resolved*, That the governor of this State be requested to forward a copy of the foregoing resolutions to our Senators and Representatives in Congress.

"Approved February 11, 1848.

"In 1836 the State made a grant to Nathaniel Budd of the entire 53½ acres lying on the Hudson River between Fourth and Twelfth Streets in Jersey City, practically the same tract granted by the proprietors to Boudinot in 1803.

"In 1838 the State made a grant to the Hoboken Land & Improvement Co. practically covering all the land under water in front of Hoboken.

"In 1848 the State made a grant to Stephen Vreeland covering land under water adjacent to Caven Point.

"In 1849 a grant was made to Ingham & Jenkins covering lands under water at Bergen Point.

"In 1869 a grant was made to the United New Jersey Railroad and Canal Cos., which is known as the Pennsylvania Railroad, of lands under water in front of the Pennsylvania Railroad Co.'s property.

"After March 31, 1869, the control and administration of the riparian interests of the State was placed in the hands of commissioners appointed by the governor and confirmed by the Senate.

THE WHARF ACT.

"In 1851 the authorities of the State seem to have recognized the necessity of placing the supervision and control of the construction of wharves or docks in the hands of the local authorities affected by these improvements, and on March 18, 1851 (P. L. 1851, p. 335), the legislature passed what is known as the wharf act.

"This act gave the shore owner the authority to build docks or wharves in front of his lands and outlined the necessary procedure to be followed in obtaining the right to do so. It set forth that any owner of lands situated on tidewaters who might desire to build a dock or wharf to extend beyond the limits of ordinary low water should first obtain a license for that purpose from the board of chosen freeholders of the county in which the lands might lie; it provided that applications should be advertised in a newspaper published in the county, and, as throwing a little light on the advance we have made, provided that in the event of a county in which no newspaper was published that the notice might be published in the paper of an adjoining county. This notice was to be published for six weeks and was to be put up in five of the most public places in the neighborhood of the lands in question, and the notice was to specify the location and dimensions of the dock or wharf intended to be built. The freeholders, upon proof of these formalities having been complied with, were to make an examination and if, in their judgment, the improvement did not appear to be injurious to public navigation, and after giving opportunity to those opposed to be heard, granted the license sought.

"This license was to specify the limits of the improvement, be recorded in the minutes of the freeholders, and recorded in the clerk's office of the county.

"It was also provided that the dock in question should be built within five years of the time of issuing said license and that the rights to the same should thereafter be vested in the shore owner, and contained an interesting provision that it should not be assignable, except with and as pertaining to the land in front of which it was constructed, and that it should pass by any sale of said lands as appurtenant to the same, thus clearly being a recognition of the inherent right in the shore owner to the uses and advantages of the waterway.

"It was also provided that in case of an owner situated on tidewater, which was a boundary line between two counties, practically the same procedure should be gone through with by the freeholders of both counties.

"There were other provisions which are more in the nature of details and not interesting in this connection.

"It is of interest, however, to note that the legislature in 1851 defined the terms used in the act, and the eleventh section is as follows:

"*And be it enacted*, That the term 'shore' in this act shall be construed to mean the land between the limits of ordinary high and low water; the term 'shore line' to mean the edge of the water at ordinary high water; and the term 'shore owner' to mean the owner of the lands above and adjoining the shore line.

"This act applied to the entire State, of course, and numerous docks were built under it, perhaps a greater number in Essex, Hudson, and Union Counties than in any other riparian counties of the State.

"No compensation to the State appears to have been provided for in the act, and what the expenses were to these shore owners in acquiring their licenses is a matter known only to the parties interested. There was much good-natured gossip on this question; without doubt the committee of the freeholders appointed to examine the locality of the dock applied for was hospitably treated by the applicant. There is no reason to doubt that the applicant provided glasses through which a view, favorable to his application, might be obtained by the freeholders, and, as was the custom in those days of few hotels and less expeditious means of travel, the comfort of the visiting freeholders was looked after as a matter of kindly hospitality, if nothing else.

"A former governor of this State upon applying as counsel for the full right of the State to land on which existed a dock built under one of these freeholders' licenses was asked by the State representatives if he knew what the license the owner had obtained from the freeholder had cost him. The ex-governor, who was known for his genial nature, smiled in a reminiscent way, shaking his head, and said he could not tell.

"In 1869 the supplement to the act of 1864, creating the riparian commission, was passed, and the wharf act of 1851 was repealed so far as it applied to the waters of the Hudson River, New York Bay, and Kill von Kull (to Enyards Dock on the Kill von Kull), Enyards Dock being about at the foot of Ingham Avenue and Bayonne.

"Attempts were made thereafter to continue the work of construction under freeholders' licenses, but the State objected and commenced suit to prevent this being done and was successful in its endeavors.

"The freeholders continued to have authority to grant licenses in the rest of the riparian counties of the State until July 1, 1891, but on March 20, 1891, an act was passed repealing the wharf act as to the entire State, provision being made in such repeal that the freeholders might continue to exercise their authority under the act of 1851 until July 1, 1891, and the further condition that any reclamation authorized under such licenses should be completed before January 1, 1892. So that, notice being served on the shore owners by the act of March 20, 1891, that the wharf act was to go out of use on July 1, 1891, a great rush was made in the intervening three months, particularly in Hudson, Union, and Middlesex Counties, to secure these licenses, and there being but six months between July 1, 1891, and January 1, 1892, within which to complete any structures authorized, expedients were resorted to in an attempt to comply with the provisions of the wharf act of 1851, and the holders of these licenses hastened to make reclamation of the lands under water, so as to come within the provisions of the act. These improvements consisted, in many instances, and in most instances, of simply placing piles or monuments at intervals along the land covered by their respective licenses. In many instances these piles were strung along, covering spaces of from 100 to 3,000 feet. In some instances some form of construction was attempted, such as piles connected by a stringpiece; in others a double row of piling had been driven, capped, and planked.

"Neither this form of construction nor the method of obtaining the licenses conformed with the requirements of the act of 1851, and a case was brought to issue in 1894 to test the questions involved.

"A landowner in 1891 had secured one of these licenses from the freeholders and had driven a line of piling, as above described, and then sold the land with this license and this construction attached. The purchaser then proceeded to build a substantial and usable dock under color of title by this license and reclamation. The State thereupon, through the attorney general, filed an information to compel the removal of the dock erected by the owner as an encroachment upon lands of the State. After a careful presentation of the case on the part of the State and of the landowner, the court decreed that the land in question was located on lands of the State, without the authority of the State, and was therefore decreed to be a purpresture upon the lands of the State, and that the landowner should cause the removal of the same; also, that the landowner should pay the costs of suit. This case is that of The State, Attorney General, informant, *v.* The American Lucol Co.

"This finally disposed of the question, both of the right of the freeholders to grant licenses and the character of the improvements to be made under the same, and although the right to the use and continuance of a specific dock, properly built under freeholders' license is not questioned, it is not the title of the State, and when conveyance of shore-front property is now made the full title of the State is sought.

"In 1864 (P. L., 1864, p. 781) the legislature appointed a commission to look into the subject of the riparian rights of the State, and in 1865 this commission made a report. In 1869 (P. L., 1869, p. 1017) the act was passed creating the riparian commission and repealing the wharf act as to the Hudson River, New York Bay, and Kill van Kull. In 1891 (P. L., 1891, p. 216) the wharf act was repealed as to the rest of the tidal waters of the State, and thereafter the riparian commission was the only source through which riparian grants were made.

"The fact of the absolute ownership of the State in these lands under water was not acquiesced in by all of the legal authorities.

"In 1864, when the legislature was questioning the more methodical administration of these lands, the opinion of legal authorities was sought as to the rights of the State; and while most of the authorities agreed that the State's title was absolute, Hon. F. T. Frelinghuysen, attorney general of the State, in an opinion given to the senate on the question as to whether the State had a right to dispose of the lands under water adjoining the shore to other than riparian owners, after careful reasoning and citing of cases, concludes:

"That the State can not authorize another than the riparian owner to interpose between him and tidewater and can not take the shore between high and low water mark for public use without giving compensation.

"The present rule and practice is that the State may consider the application of a nonriparian owner after the riparian owner has had six months' time within which to make the application himself; but the act of March 31, 1869, provides that a grantee who is not the owner of the ripa—

"shall not fill up or improve said lands under water until the rights and interest of the riparian owner in said lands under water (if any he has) shall be extinguished—

"and this is followed by the method of procedure to conserve his rights.

"The act of March 20, 1891, however, provides that the owner of the ripa shall have six months' notice of the application of a nonriparian owner, but makes no mention of the 'rights and interest (if any he has)' in the lands under water applied for.

"It would seem as though the owner of lands fronting or bounding on a tidal stream had some rights of access to and use of the water, which he could not be deprived of without due process and compensation. Gov. Marcus L. Ward, on April 11, 1864 (Legal Documents, 1867, p. 25), in filing, without his approval, a bill granting certain lands under water in the 'South Cove' to Mathiessen & Wiechers Sugar Refining Co., on the ground that the company were not the owners of the ripa, used the following language:

"It appears to me that the owners of lands adjacent to tidewaters have a better right to those waters for certain purposes than other citizens of the Nation. It would create consternation among the owners of such lands through (sic) the State to learn that no respect whatever was to be paid to the advantages derived from their adjacency to tidewater.

"This inherent right in the upland or shore owner is recognized by the State of Pennsylvania: By act approved June 8, 1907, a 'board of commissioners of navigation for the River Delaware and its navigable tributaries' was established, and the law and practice of the State is expressed by the board as follows:

"It has never been the practice in Pennsylvania to distinguish riparian rights from other rights connected with the land; owning to the water line, the owner has the use of the water, just as the owner of land abutting on a street has the use of a street.

"The contrary view seems to be supported by a decision of the court of errors and appeals in this State in the case of Stevens *v.* The Paterson & Newark Railroad Co. (5 Vroom, 532), but a writer in a report to the Legislature of New Jersey, in 1883, furnishes the following interesting statement of fact and citation of cases in relation to the ground for this decision:

"We desire it understood that we should not assume to sit in review upon any decision of that court if we conceived that the court itself would still adhere to the decision then made, but the circumstances are such as to lead to the inevitable conclusion that the court which decided the Stevens case would overrule that decision were the opportunity to present itself. That case was decided in the year 1870, and the point was determined upon legal authorities cited by the learned chief justice who delivered the majority opinion. Reference was made to the case of Gould *v.* Hudson River Railroad Co. (N. Y.) (2 Seld., 522), and so far as the court was controlled by the American decisions it is safe to say that it made the case of Gould a leading authority. But it is perfectly clear that the court sought to ascertain and determined to declare in favor of the English rule of law upon the point as to the right of the shore owner. In ascertaining the rule of law upon that point as applied by the English courts our courts cited and mainly relied upon the case of Buccleuch *v.* The Metropolitan Board of Works, decided by the English Court of Exchequer, the decision of which came to hand while our court was considering of its decision in the Stevens case. That decision of the exchequer court was adverse to the right of the shore owner, and being then unreversed, was treated by our court as properly stating the English rule of law upon that point; and upon

this the Stevens case was decided adversely to the right of the shore owner. Chancellor Zabriskie, who took part, however, rendered a very elaborate dissenting opinion, in which he held that the riparian proprietor had a right to the natural privileges conferred on his land of which he could not be deprived even by the State without due compensation.

"After the decision of the Stevens case by our court upon the strength of the case of Buccleuch *v.* The Metropolitan Board of Works, as determined in the court of exchequer, an appeal was taken in the latter case to the House of Lords, and after elaborate argument the decision of the exchequer court was on April 30, 1872, reversed and the right of the shore owner established by the highest court of England. (Law Repts. 5 (House of Lords), 418.) It may be well for us to see just what the House of Lords there decided. The case arose as follows: The Duke of Buccleuch was the owner of a lease and in possession of Montagu House, which had an ornamental garden in its rear which adjoined the River Thames, and the natural flow of the water at high tide brought it up to his garden wall—the frontage of the garden on the river was 145 feet. The metropolitan board of works, under authority of Parliament, constructed an embankment along the River Thames which cut off the flow of the water to the Duke's garden. We now cite some of the propositions stated by the judges in the House of Lords:

"'The Duke was entitled as riparian owner to the regular flow of the water all along the extremity of his garden. * * * Now, the deprivation of the water right is clearly an injurious affecting of the premises to which it is annexed within the proper meaning of the term.

"'No doubt has been entertained by any of the judges who have had to consider this case that the plaintiff is entitled to compensation in respect to the taking of his causeway and the consequent injury to his property by depriving it of the direct access which that afforded to the Thames. * * * The plaintiff, as owner of land abutting on a navigable river, was entitled to a right of access to the stream along his whole frontage, and not merely at the spot where his jetty projected. * * * The Duke had the land constituting the residence Montagu House, with the courtyard, offices, and garden attached, and had annexed and appurtenant to it the jetty or landing place, and although he had not the bed of the river, he had the easement or right or privilege, by whatever name it may be called, of the flow of the River Thames in its natural channel up to his garden wall. He had one entire thing. He had not the land alone, or the jetty alone, or the right of the flow of the water of the river alone; he had all combined together; and if anyone had done an act injurious to the land or the jetty or to the right to the flow of the water, he would have had a legal right of action against him. If the owner of the soil of the bed of the river or anyone else had constructed an embankment and roadway upon the jetty or landing place, so as to shut out the Duke's premises from the river, he could have maintained an action against him for two causes: First, for destroying his jetty; secondly, for depriving him of his riparian right. * * * The property of the plaintiff in error in this case was what is commonly called riparian property. The meaning of that is that it had a water frontage. The meaning of its having a water frontage was this, that it had a right to the undisturbed flow of the river, which passed along the whole frontage of the property in the form in which it had been formerly accustomed to pass. That being the state of things, this water frontage, with these rights which the plaintiff in error possessed, were taken for the purposes of the act. Beyond all doubt the water right was a property belonging to the plaintiff, for which compensation was to be made.'

"And the writer goes on to cite other English cases to the same effect, and states that the American rule as determined by the Supreme Court of the United States is in full accord with the principles laid down in the English cases cited, following this assertion with references to a great number of adjudicated cases, and concludes as follows: The conclusion is that these decisions of the highest tribunals, both in England and in this country, have wholly subverted the rule laid down in the Stevens case, and affirmed that the shore owner has such a vested right to have the water flow to his ripa as he can not be divested of by the State without the exercise of eminent domain.

"I am bound to admit, however, that the decision in the case of the Mayor and Council of the City of Hoboken *v.* Pennsylvania R. R. Co. (124 U. S., p. 656) is rather disconcerting to this view. The syllabus in this case holds generally that:

"The act of March 31, 1869, is not objectionable under the State constitution on account of its title, that the interest of the State in the riparian lands is a distinct and separate estate, and that a State's grantee holds the exclusive title against the adverse claim of right of way by a municipality by virtue of an original dedication to high-water mark.

"Although there have been cases in New Jersey where application has been made to the State by a nonriparian owner, the question of the equity of the riparian owner has never been passed on by the riparian commission, for the reason that in some of these cases the application has been made with the consent of the riparian owner, and in others the riparian owner has, before the expiration of the six months, availed himself of his right and presented his own application, so that the question of the rights or equity of the shore owner has not arisen.

"Hon. Abraham Browning, Cortland Parker, and George M. Robeson agreed practically that the State had the right to dispose of these lands under water without regard to the owner of the upland in front of which they were situated; and yet, running through the reasoning and decision of all these men is a recognition that up to 1851 the shore owner, under what was called the 'common law,' had certain courtesies or rights, and these rights have been recognized in the decisions of the courts to the extent that any reclamation of lands under water between high and low water line, made previous to the year 1869, vested the title to such lands in the riparian owner.

"This custom or principle was affirmed in the great case of the Trustees of the School Fund and the Lehigh Valley Railroad *v.* The Central Railroad Co. of New Jersey, in the following manner:

"About the year 1863 the Central Railroad Co. bought the fringe of the shore, or a strip 3 feet in width, all the way from about where the old abattoir stood on the shore at Lafayette around, to, and across the mouth of Mill Creek, to about Warren Street in Jersey City, and under this ownership, as well as under a claim of right through its charter, proceeded to construct, by building on a trestle, a railroad, which is still the line of the Central Railroad, to the Central Railroad Ferry, and also proceeded to fill in a considerable part of what is known as the South Cove or Communipaw Bay.

"In 1865 the commission appointed to examine into the subject of riparian rights and to submit maps submitted a map showing certain basins and lines for improvements in these same waters. The Central Railroad Co., disregarding these lines, proceeded with improvements and developed and filled in large areas.

"In 1872 the riparian commission, by direction of the legislature, granted to the New Jersey West Line Railroad Co., to whose title and charter the Lehigh Valley Railroad Co. had succeeded, a block of land some 500 feet in width by about 4,000 feet in length, running through the heart or axis of the lands under water afterwards granted to the Central Railroad Co., about one-half the area of which had been, up to that time, bulkheaded and filled in by the Central Railroad Co.

"Now this block of land, 500 feet wide by 4,000 feet long, was in front of upland to which the New Jersey West Line Railroad Co. neither had, nor claimed to have, any title, but was granted on the assumption that the State was the absolute owner of its lands under water, and without the courtesy of the six months' notice provided for in the act of 1869; but I have an impression that the rights or claims of the Van Horne family, who owned most of the upland in front of which this land under water lay, were satisfied or quieted.

"The Central Railroad Co., which had been requested and pressed by the State authorities to either desist from filling in these lands under water or to apply to the State for a proper grant for the same, did apply in 1874, and a grant was made in that year to the Central Railroad Co. for $300,000, of all the lands under water in Communipaw Cove and New York Bay, as well as in some other waters of minor importance, in front of upland owned by the company, with the exception of the land granted to the New Jersey West Line Railroad Co. and some others not germane to this phase of the question.

"No attempt was made by the New Jersey West Line Railroad Co. to occupy or use the land and land under water granted by the State in 1872; but the Lehigh Valley Railroad Co., having succeeded to the rights of the New Jersey West Line Railroad Co., with the cooperation of the trustees for the support of public schools, who were interested in the question, proceeded, by suit in ejectment, to establish its title to the land in question, and succeeded in this suit as to the entire area covered by the grant, with the exception of a very small portion lying between the original high-water line, which had been filled in by the Central Railroad Co. previous to the year 1869; thus affirming, in a case of stupendous importance and financial magnitude, the principle above set down that previous to 1869 reclamations made between the high and low water line became the property of the adjacent shore owner, and also that the State was the absolute owner of the lands under water and could, with the possible limitations above suggested, convey the same to anyone, regardless of the shore or upland owner.

"There is an idea or an impression prevalent, even among lawyers, that adverse possession does not operate or run against the State; that is to say, that the rule that ordinarily applies to an individual having had adverse possession of lands for the period of 20 years, vests title to the same in such possessor, does not apply to the State of New Jersey. This is, however, not true.

"A general statute of the State of New Jersey, which will be found in No. 2 of the revision, page 1978, section 27, provides:

"That no person or persons, bodies politic or corporate, shall be sued or impleaded by the State of New Jersey for any lands, tenements or hereditaments, or for any rents, revenues, issues, or profits thereof, but within 20 years after the right, title, or cause of action to the same accrue, and not after.

"But this fact, while it would no doubt vest title in lands filled in below high-water line, if the State did not assert its title within 20 years of the time the encroachment was made, the rights of the State to the lands under water in front of the same would not in any way be impaired or changed.

"So that the practice, founded on law and subsequent legislation and decisions of the court is, that a person owning land fronting on the navigable water at mean high tide is entitled to apply to the properly constituted agent of the State for title to the lands under water out to such line or lines for improvements as may be fixed by the State through these agents, and thereafter to attach all the rights and emoluments incident to the navigable waters in question, such as the right to fill in and build upon and exercise the ordinary property rights as well as to collect wharfage and such rights as are incident to navigation.

"The practical application of these doctrines and of the administration of these interests of the State is that the commission or authority having it in charge make an examination of the waters under contemplation and decide where the line for solid filling and the line for piers may be placed, which shall at once make the shore attractive and useful for commercial development and convenient of approach by vessels, and at the same time conserve and not encroach upon or interfere with the general navigation by the public of the waters in question.

"Upon receipt of an application for such water rights by the owner of the shore or ripa (and in the case of a nonriparian owner the proceeding is only delayed six months), the commission having previously fixed the lines above referred to and filed a map showing the same, in the office of the secretary of state, proceeds to acquaint itself with the value of the lands in question, or rather, to fix such a price as will adequately compensate the State for its equity in these lands, at the same time seeking not to embarrass or discourage the location of commercial industries or enterprises desiring the rights.

"When this price has been fixed and agreed to by the applicant, the question of his title is submitted to the legal advisor of the board and upon approval of the same a description and formal grant conveying the rights of the State is prepared, is signed by the commissioners, is submitted to the governor for his consideration and signature, if approved, has then the State seal attached and attested by the secretary of state, and is then ready for delivery upon receipt of the consideration. This consideration, when received, is paid into the State treasury, and is then invested and the proceeds devoted to the support of free public schools.

"A number of interesting questions arise in the administration of this trust, which, while perhaps of particular interest to the legal profession, are of interest to every thoughtful mind, as a part of the administration of the great water front of our county and State.

"The question as to the location and direction the lines of these lands under water shall take is an interesting one; what is known as the Massachusetts rule has been generally followed in this particular, and, briefly stated, it is that where a shore line is continuously straight, or practically so, for any considerable distance, the lines of the lands under water are said to run at right angles to this shore line, and the only limitation to this principle is, how much of the shore shall be considered in the application of this rule.

"In the practice in our own tidewaters, before the creation of the riparian commission, a shore owner at Edgewater, in Bergen County, in 1866, procured from the freeholders under the wharf act of 1851, a license to build a dock, and the description in this license illustrates one of the phases of this branch of the subject.

"The license in question was issued under the act of 1851, and the description is as follows:

"License to build such dock, wharf, or pier in front of his said lands, in the township of Hackensack, in the county of Bergen, beyond the limits of ordinary low-water mark in Hudson River:

"Beginning at the northeasterly corner of the lands owned by the licensee, where the northerly boundary line of said land terminates at law-water mark on said river"—you will note the presumption is that the licensee already had the right to go out to low-water mark—"and running thence easterly and perpendicular to the stream or currents of said river about 500 feet"—it is not difficult to apprehend the confusion that would arise from making all of the grants along an ordinary river perpendicular to the stream or currents of the same—"thence southerly along and parallel with said stream or current about 100 feet; thence westerly on a line perpendicular to said stream or current about 500 feet to low-water mark; thence along low-water mark northerly 100 feet to the place of beginning.

"And this license is signed by G. G. Ackerman, director, and witnessed by M. M. Wygant, clerk, and is proved by the said clerk before Manning M. Knapp, master in chancery, March 12, 1866.

"But when the riparian commission, in 1869, fixed exterior lines for solid filling and piers, they took in a much longer section of shore front than that contemplated by the freeholders, and the consequence was that the line for solid filling fixed for the section considered by the riparian commissioners, was not parallel to the smaller section previously considered by the freeholders, and a line at right angles to the line fixed by the commission was not parallel to or coincident with the line fixed by the freeholders for the license in question.

"The licensee in this case, after 1869, when the wharf act was repealed as to the Hudson River, continued the work of constructing this dock for which he had the license in 1866, and was stopped by the State of New Jersey on the ground that his rights had expired or had become forefeited under the repeal of the act, and he was obliged to take out the rights to continue his work from the State, which he did in 1875, and when this grant was made by the State, through its riparian commissioners, it was made on the broader principle of lines perpendicular to an exterior line that should parallel a greater extent of shore front than that contemplated by the freeholders in 1865; the result being that a section of land under water in the form of a trapezoid was left ungranted by the State, and was afterwards added to the grant made in 1875.

"Again, the Massachusetts rule provides that where there is a pronounced cove, with jutting capes on either end, causing a less frontage on the exterior line than on the shore, it becomes necessary to apportion the frontage on the exterior line proportionally to the frontage on the shore; and a pronounced example of this condition is the New York Bay shore between Caven Point and Constables Hook.

"The principle laid down was equitable and in our State became legal, for in a suit in ejectment to try the question of title to lands on the Passaic River, over which there was a conflict arising from a difference of opinion as to the direction these lines should take, the rule above set forth was affirmed by the court in the case of the Delaware, Lackawanna & Western Railroad Co. *v.* Cornelius Hannon, in 1875, reported in Eighth Vroom, page 276.

"Still another development or modification of this question of the bounds of the lands under water arises from the legal proposition that accretions made and joining to the upland inure to and become the property of the owner of such upland; but the direction of the side lines of such upland owner across this accretion to the new high-water line was the subject of dispute until adjudicated upon by the courts.

"One can readily see, in the case of an owner fronting on the shore, the side lines of whose land approach the shore rapidly converging and leaving but a limited frontage on the high-water line, if this high-water line is extended by land formed in front by accretion, that the continuation in straight lines of these original land lines might very easily meet before the new high-water line was reached and the owner be deprived of any frontage whatever on the water; or, on the other hand, where these land lines in question diverge as they approach the shore, to continue them in straight lines would unduly increase the frontage of such owner by the time they reached the water.

"Another very interesting development of the law of accretions was very thoroughly shown in a case some 25 years ago, in which the owners or successors in title of the Highlands of Navesink sought to eject the Central Railroad Co. and others from the occupation and use of the present strip of land running between the ocean and the Shrewsbury River, between Sandy Hook and Long Branch.

"The title to the locality now known as the Highlands, just south of Sandy Hook, in Monmouth County, on which the conspicuous Twin Lighthouses stand, was vested in the Hartshorne family in 1761, and the Highlands were divided into two equal parts by a line running very nearly east and west. This partition line began at a point back in the country and came down in very nearly a straight line by definite courses and distances to the 'sea.'

"About 25 years ago the successors to the Hartshorne title began suit to eject the Central Railroad Co. and others from the use and occupation of the strip of land running between the ocean and the river, in front of the Highlands, on the ground that their title ran to the 'sea.' Their claim was that their title went across the river and across this strip of sand to the present ocean or 'sea.'

"An examination of the very ancient maps in the possession of the Government in the Congressional Library at Washington, as well as the reading of history, disclosed the fact that at the time of this deed, in 1761, the 'sea' did actually wash up against the foot of the Highlands; there was no strip of sand intervening between the river and the 'sea' and Sandy Hook joined on the Highlands, at what would be the northeast part of the same. The surveys also demonstrated that the distance measured from the original starting point ended at the foot of the Highlands, west of the river, and did not carry across the river to the present shore of the ocean. The Government maps and history also showed that this strip of sand had grown up and joined by accretion to the extension northward of Long

Branch and Monmouth Beach, and after a very carefully conducted suit, in which the late Chancellor Williamson and Mr. Robert W. De Forrest appeared for the railroad company and the present Judge William H. Vredenbergh appeared for the successors in title to the Hartshorne family, the courts decided that the lands in question were formed by accretion, joining on to the land to the south, and the railroad company and others, having taken title through this source, were rightfully in possession.

"Dr. Cornelius Brett, in his very valuable paper read before this society March 27, 1908, entitled "The Dutch Settlements in Hudson County," laying the foundation for a series of historical papers, on page 3 says:

"On certain old maps, immediately after Verrazano's voyage in 1527, there began to appear the name of 'Norumbega.' The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"I have with me this evening a facsimile reproduction of a map of this locality, made about the year 1615, which agrees almost exactly with Dr. Brett's description of the map of 1527, and where it differs, it is a tribute to the doctor's delightfully literary and yet discriminating reading and knowledge of maps.

"The doctor says of the maps of 1527:

"The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"This was literally true and describes the map of 1615 I have before me, except in this map, nearly 100 years later, some attempt has been made to suggest measurement and triangulation, for the degrees of latitude are shown.

"The writer of this paper has in his possession copies he made in 1882, at the Congressional Library in Washington, of maps of this locality made in 1680 and 1776, which, with the map of 1615, form an interesting exhibit of the progress of cartography in 160 years. These maps show plainly that, at the time there was no strip of sand, as now, forming the Shrewsbury River, but that the sea or ocean washed up against the Highlands, and the inlet described by Cooper is very clearly shown on the interesting United States Coast Survey chart, published about the year 1844.

"I know of no more attractive and truthful description of this locality than that contained in Fenimore Cooper's 'The Water Witch.' He is leading up to the dramatic disappearance of the beautiful niece of Alderman Van Beverout. The worthy alderman saw no sin in pushing commerce a step beyond the limits of the law, and after a bargaining conference with Master Seadrift, of the brigantine *Water Witch*, who seemed to divide his time between smuggling and love-making, the niece disappeared. Shortly afterwards, during a storm, the *Water Witch* also disappeared, and the gallant English captain—Ludlow—of her Majesty, Queen Anne's frigate *Coquette*, in love with the niece as well, was much puzzled to account for her disappearance. He found, upon sounding the inlet the next day, that there were two fathoms of water at high tide, thus explaining the disappearance of the *Water Witch*.

"Cooper's description of this locality, however, agrees so closely with the conditions of the coast in his day, as shown by the United States Government charts, I am impressed with the thought that the graceful author used them as the mise en scene for his story of happenings back in good Queen Anne's time; he says:

"A happy mixture of land and water, seen by a bright moon and beneath the sky of the fortieth degree of latitude, can not fail to make a pleasing picture. Such was the landscape which the reader must now endeavor to present to his mind.

"The wide estuary of Raritan is shut in from the winds and billows of the open sea by a long, low, and narrow cape, or point, which, by a medley of the Dutch and English languages, that is by no means rare in the names of places that lie within the former territories of the United Provinces of Holland, is known by the name of Sandy Hook. This tongue of land appears to have been made by the unremitting and opposing actions of the waves on one side and the currents of the different rivers that empty their waters into the bay on the other. It is commonly connected with the low coast of New Jersey, to the south; but there are periods of many years in succession, during which there exists an inlet from the sea, between what may be termed the inner end of the cape and the mainland. During these periods Sandy Hook, of course, becomes an island. Such was the fact at the time of which it is our business to write.

"On the subject of maps, I want here to pay tribute to the accuracy of the maps of the United States Coast and Geodetic Survey. It would require a paper in itself to give any idea of the devotion and fidelity of the United States Government engineers to this vitally important work from the selection and measurement of the base line, an operation as delicate as the most delicate surgical operation; the determination of the primary triangulation, with its development into the secondary and tertiary; to the filling in of the minutest details, the extent and enormous importance of the hydrographic work to the commerce of the world, as well as to the lives of the millions of human beings coming to and leaving our shores, is too little understood and therefore too little appreciated; but I want here, after an acquaintance with and professional use of the coast survey charts of our Government, extending over 30 years, to testify that I have found them minutely and absolutely accurate and reliable; and I regard the United States Coast Survey Department second to none in importance in its administration of the affairs of our great Nation.

"An interesting decision affecting the law of accretion was given in what is known as the "Shriver Case."

"On July 17, 1897, William Shriver made application, in due form, and complied with all the requirements of the board in furnishing an accurate survey of the lands in front of which the riparian rights were desired, abstract of title, and so forth, and after consideration of the application and action thereon, the board, on August 31, 1897, executed the grant and delivered the same. The grant in question covered a strip of land under water the width of the lot owned by Shriver, and within the side lines of the same, extended from the high-water line as it existed at the time of the grant, about 1,000 feet into the Atlantic Ocean, said grant stating that it was conditional upon Shriver being the riparian owner.

"Subsequent to the time of the grant by the State the action of the ocean was such as to make up or form land in front of the high-water line as it existed at the time of the grant, and upon Shriver taking possession of this accretion the Ocean City Association, in the supreme court, brought suit in ejectment against Shriver to recover possession of the land, and judgment was rendered against said association. Upon the case being carried to the court of errors and appeals, however, the judgment of the supreme court was reversed and judgment given the Ocean City Association.

"The following is a brief statement of the case as presented to the courts:

"The plaintiff, the Ocean City Association, in 1880 purchased a tract containing several thousand acres of wholly unimproved land, known as Pecks Beach, in Cape May County, and lying between the Atlantic Ocean and Great Egg Harbor Bay. On this tract a summer resort known as Ocean City has grown up. In 1883 the association caused a map to be made, showing a part of the above tract laid out into streets, and blocks divided into lots. On this map Ocean Avenue was delineated, practically parallel with and distant some 250 feet inland from the high-water line of the Atlantic Ocean, and the space so intervening was undivided. By deed bearing date October 29, 1884, the association conveyed lot No. 849 to one Henry B. Howell. This lot is on the westerly side of Ocean Avenue, between Ninth and Tenth Streets. It had between it and the Atlantic Ocean, Ocean Avenue and the strip of undivided beach above referred to, and was simply described as a lot 50 by 135, lying between Ocean Avenue on the east and a 15-foot alley on the west. Howell, by deed dated April 21, 1895, conveyed this lot by the same description to William Shriver, the defendant in this suit. There was evidence that the ocean, after 1880, gradually worked inland, carrying away the undivided beach and Ocean Avenue or the greater part of said avenue in front of the lot in question, and that in 1895 the ordinary high water came up to this lot. In 1897 the ocean began to recede, and the grant of the riparian commissioners to Shriver in 1897 indicates a high-water line in Ocean Avenue and west of the center line of the same. The grant by the riparian commissioners to William Shriver, of August 3, 1897, covered in terms a tract of land under water at mean high tide, the width of his lot and within the side lines of the same, extended from the high-water line as it existed at the time of the grant 985 feet into the Atlantic Ocean to the commissioners' exterior line.

"The syllabus of the opinion of the court of errors and appeals, written by Depue, C. J., and dissented from by Magie, Ch., and Dixon and Collins, J. J., is as follows:

"Held, that if the plaintiff (The Ocean City Association) was the owner of the land on the line of ordinary high water in front of this lot at the time of its deed to defendant's grantor, it is the owner of the land obtained by accretion, since the riparian owner is entitled to all alluvial increase, and defendant did not become the owner of the land conveyed by the riparian grant, and therefore an instruction that if the high-water line in 1895 advanced to this lot it became a riparian lot and whatever alluvial increase the ocean in its advance, brought to and in front of the lot belongs to the defendant was erroneous.

"From the reasoning of the court in this case it would seem that if land is carried away by erosion of the ocean, the title to the land so carried away is not lost, but if the ocean recedes and the land reappears and the original ownership is capable of identification, the subject does not lose his property.

"And this principle is set forth in the famous treatise 'de jure maris et brachiorum ejusdem,' ascribed to Lord Chief

Justice Hale, the acknowledged authority on this branch of the law, in the following quaint language:

"If a subject hath land adjoining the sea and the violence of the sea swallow it up, but so that there be reasonable marks to continue the notice of it, or though the marks be defaced, yet if by situation and extent of quantity and bounding upon the firm land the same can be known, though the sea leave this land again or it be by art or industry regained, the subject doth not lose his propriety.

"Under this case and adjudication it is of importance for us all, in acquiring riparian rights, either as adjuncts to our business enterprises or as part of our seashore homes, to learn what the position or location of the high-water line was at the time our title originated.

"A very ancient exercise of the ownership of the State over these lands under water took the form of granting to persons the right of fishery, and as early as 1783 this right was exercised by the State and has continued down to the present time. I believe such a fishery right existed in front of the Van Buskirk farm on New York Bay at Constables Hook.

"These fishery rights consisted of a grant of the right to use the shore between high-water mark and low-water mark for the purpose of drawing seines or nets that were used for the best known and popular purpose of catching shad, and those who have witnessed the extensive operations of the shad fisheries on the Delaware will have some idea of the extent and value of these rights. These rights are held paramount to the rights of the upland owner to acquire the land under water for commercial purposes and must be reckoned with or extinguished before they can be disregarded.

"These rights are not so valuable now as they were formerly, for the reason that they are not so productive, the shad being not nearly so plentiful and in some cases having almost disappeared. It will be a surprise to most of us that the catching of whales was ever a New Jersey industry, and nothing indicates in so marked a way the natural changes that take place in the course of years as a reference to an act passed by the Assembly of New Jersey in 1693, which recites as follows:

"'Whalery in the Delaware River has been in so great a mesure invaded by strangers and foreigners,' etc., and enacting:

"'That all persons now residing within the precincts of this province or within the province of Pennsylvania who shall kill or bring on shore any whale or whales within Delaware Bay or elsewhere within the boundaries of this government, to pay one-tenth of the oil to the governor.'

"In the very interesting paper read by Mr. Daniel Van Winkle, president of this society, under the title 'The Dutch under English Rule, 1674–1775,' reference is made, on page 12, as follows:

"Van Vorst's possessions were separated from the mainland by the Mill Creek; a stream of goodly size that wound its tortuous way from the bay at about the present intersection of Johnston Avenue and Phillips Street, and thence in a northerly direction, crossing present Grand Street about 150 feet east of Pacific Avenue, continuing thence still northerly through the marsh to the Point of Rocks, the present site of the Pennsylvania Railroad roundhouse, and along the base of the hill, around back of Aharsimus Cove, meeting the waters of a creek emptying into the bay at Hoboken.

"This stream was of great advantage to the old Dutch residents for readily transporting their farm products to the markets of New York. A favorite landing place was at Newark Avenue where the West Shore freight house now stands, and also at the bridge that crossed the stream near Priors Mill, that stood about the present junction of Freemont Street and Railroad Avenue. Perhaps we may better realize the importance of this stream by inserting the following ad.:

"'11th October, 1770, to be sold.—A large white wood periagua 5 years old, now in good order, with a new suit of sails. She is 32 feet long and 7 feet wide. Suitable for a miller or farmer. She now lies at Priors Mill, in Bergen, where any person may view her.'

"This graphic and interesting description leaves in our minds a delightful picture of a quiet stream that rose and fell with the tides of New York Bay and Hudson River, washing the shores of Communipaw and 'Mill Creek John Van Horn's farm,' and on whose bosom floated the commerce of that ancient time, stopping at the busy shipping ports of Priors Mill and others along its line; but the facts to-day are that the creek in question is nearly obliterated. Some sections of it remain as the axis of a swamp, but the greater part of it has been filled in and is covered by buildings either for dwelling or commercial uses.

"Still, the title of the State to the lands originally flowed by this ancient stream, so graphically portrayed, remains; and even to-day, when property is transferred, any part of which occupies the site of the now obliterated Mill Creek—this 'stream of goodly size'—it is necessary, before the title companies will guarantee and insure the title, for the State to release, by deed signed by the governor and sealed with the great seal of the State, attested by the secretary of state, its ancient rights in the premises.

"It must have been with some surprise, and, it may be, indignation, that our neighbors, the Stratfords, in the course of the formation of a company in the development of their important paper industry on Cornelison Avenue, just south of Montgomery Street, as recently as 1905, found it necessary to secure the State's title to the lands anciently flowed by Oyster Creek, which lazily meandered, a tributary to Mill Creek. We can hardly imagine such a thing as taking oysters from this locality.

"In considering the development of the water front of our county we shall find that our early legislators found it necessary to remonstrate and protest against the actions and attitude of our neighbors across the Hudson. This question is not a sentimental one as regards the interest and history of Hudson County's water front.

"Previous to August 11, 1880, the matter of fixing exterior lines for docks, etc., on the waters of New York Bay and waters tributary thereto was left largely in the hands of the municipalities interested and resulted in encroachments on the waterways that were viewed with alarm by students of the subject. I think without doubt both New York and New Jersey were open to criticism; but in a report made by a commission appointed by our legislature in 1848 to ascertain the extent and value of the lands under water in Hudson County reference is made to the boundary-line agreement of 1834, as follows:

"The boundary line between the States of New York and New Jersey, * * * shall be the middle of said river, etc. Since the date of this agreement, very extensive alterations of the New York shore, etc., have been made, etc., and yet larger extensions are in serious agitation. It is respectfully submitted that measures should be adopted to ascertain and locate this boundary line by survey monuments, etc., before it is involved in incertitude and possible dispute, etc.

"This suggestion was not adopted, and the very result predicted followed. It was not until 1888—40 years after—that the boundary line was definitely fixed, and it was necessary to resurrect and reconstruct the maps of the shore line of 1834 in order properly to do so.

"This report of the commissioners in 1848 is a most interesting one and will repay careful reading in its entirety; but I will give some extracts which, I think, will interest you.

"The report states that the commissioners met in Jersey City on June 6, 1848, and at subsequent times; that they had a map prepared to exhibit the water line of the county of Hudson; that the map was prepared 'in a manner entirely satisfactory by Andrew Clerk, Esq., of Jersey City'; and a series of 13 written questions were submitted to the corporation of Jersey City and others, 'and full and explicit replies obtained.'

"The commissioners make graceful asknowledgment in the following language:

"The commissioners desire to make grateful acknowledgment for these and other facilities, and indeed for a kind and courteous reception on the part of all with whom they came in contact in the prosecution of their inquiries.

"Then follows an interesting description of the shore line of Hudson County and a reference to the ancient grants and laws affecting the subject.

"I shall refer here to only a few of the questions and answers above referred to.

"Fourth. To what purpose or uses are or may the lands between high-water line and the channel or New York line be applied?

"Answer by Jersey City:

"Some of the lands below high-water line on the east side of Hudson County are occupied for piers and wharves. A portion of said lands have been reclaimed and applied to streets, building lots, etc. Nearly all the flats on the east side of the county may be advantageously applied to the same and kindred purposes.

"Sixth. To what uses are such lands applied which lie south of Jersey City, and to what further uses may they be applied, if reclaimed, under the authority of the State now and prospectively?

"Answer by Jersey City:

"The lands flowed by the tides south of Jersey City are all natural oyster beds and furnish subsistence to a large number of fishermen. If reclaimed, these lands would be valuable as building lots.

"Eighth. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer by Jersey City:

"About 10 acres of land formerly covered by water have been reclaimed in Jersey City by filling in with earth to raise it above high water. It is used for streets and building lots and is worth at least $200,000. The entire profits of the speculation have been received by the 'asociates of the Jersey company,' who, as pretended owners, either reclaimed the land and then sold it in building lots to others, or, as in most cases, sold * * * the submerged land in its natural state, to be filled up by the purchaser. A small portion of the reclaimed land is held by lessees of the associates for a coal depot and landing place for the Cunard steamers.

"Tenth. What was the extent of the projected improvement north of Jersey City?

"Answer by Jersey City:

"The projected 'improvement,' so called, is believed to embrace at least 12 acres.

"These answers will cause us to smile as we contemplate the present development of the water front of our county.

"This same series of questions was propounded to H. Southmayd, Esq., and I give his answer to the eighth question, as it gives so intelligent a description of the conditions in lower Jersey City at that time:

"Question 8. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer. Jersey City in the year 1804 contained 73 acres 3 rods and 30 links, as will appear by a map of Richard Outwater made about that time. When the associates bought Mangin's map was made and laid out all of Jersey City, containing 73 acres, as before stated, including 23 acres of land under water unreclaimed lying around the city. Eleven acres of this 23 are still under water and unreclaimed. Nearly 4 acres of the land reclaimed have been reclaimed by the New Jersey Railroad for their depot and for the depot of the Hudson River Railroad Co., for which they paid but a nominal consideration to the associates of the Jersey company, nearly 2 acres, or a block of 32 lots, by the Morris Canal Co., also paying a nominal consideration, the remainder being 104 lots, or about 6½ acres, by the associates of the Jersey company and their grantees. Besides this, the associates, 30 or 40 years since, reclaimed a strip of land east of Hudson Street of about 20 feet wide, beginning at Essex Street and extending to York, about 1,000 feet; and recently the land now used by the Cunard Line of mail steamers between Jersey City and Liverpool was reclaimed by the associates, containing about 30 lots, exclusive of wharves and streets. The uses for which the property thus reclaimed has been put have been stated to wit, the strip of land east of Hudson Street, the Cunard improvement for the accommodation of that line of steamers, the New Jersey Railroad and Hudson River Railroad depots, the Morris Canal Wharf Some of the land reclaimed is now owned by private individuals; that is to say, some lots on Hudson Street and some on Montgomery Street and other parts of the city, on which dwelling houses, hotels, stores, manufactories, foundries, etc., have been erected. Forty-eight lots have been given for church, school, market, and public grounds. The manner in which this land has been reclaimed has been mostly by building bulkheads, filling them up with broken rock, stone, and by surplus earth from the streets and rubbish from the city of New York. Recently the mud outside of the bulkhead has been applied to the filling up inside by a dredging machine; this, though expensive, is in a measure compensated by the greater depth of water obtained.

"J. D. Miller, Esq., made a general reply to the thirteenth question only. Mr. Miller states that:

"He is the owner in right of his wife of about 200 feet of shore in township of Van Vorst, in the county of Hudson, extending along and fronting on Harsimus Bay or Hudson River. It is an ancient shore, against which the tides always have and still do flow. It has been held and enjoyed by the former owners as a shore for more than 200 years. * * * The land under water in front of this shore has been used and enjoyed from time to time by the former owners, to some extent, for an oyster fishery.

"Mr. Miller expresses the opinion that he is entitled to the right of enjoying and improving all the lands under water in front of said shore, subject only to the adjudicated and acknowledged right of the State of New Jersey, a very wise and proper answer and one that was very much of the same purport, but 16 years earlier, than the opinion of Chancellor Zabriskie.

"Some of the categorical answers will cause a smile as we look at the present development of the water front of Jersey City.

"In the year 1849 the legislature passed an act to compensate these commissioners, as follows (P. L. 1849, p. 336):

"*To compensate the commissioners therein named:*

"*Be it resolved by the Senate and General Assembly of the State of New Jersey,* That the treasurer of this State be authorized and directed to pay to the commissioners appointed by resolution of 23d of February, 1848, to investigate and report as to the extent and value of the lands under water owned by the State, within the limits of the county of Hudson, as follows:

"To William H. Leupp, chairman of the said commissioners, for per diem, mileage, and drawing report, $200.

"To Martin J. Ryerson, one of said commissioners, for per diem, mileage, and services, $150.

"To George F. Fort, one of said commissioners, for per diem, mileage, and services, $150.

"*To Andrew Clerk,* for preparing map for the State, by order of said commissioners, $75.

"Approved March 2, 1849.

"The Andrew Clerk above mentioned being the partner of Robert C. Bacot, engineer.

"New Jersey seems to have kept its eyes jealously on New York, for on March 14, 1855, the legislature passed a joint resolution (P. L. 1855, p. 800), as follows:

"In relation to encroachments made in the harbor of New York.

"Whereas it is alleged that, by certain erections made and contemplated in the East and Hudson Rivers, under and by authority of the State of New York, the usefulness of the Brooklyn Navy Yard is impaired, if not endangered, and the channels of the East River and the Hudson River much innovated upon and narrowed to the injury of the main entrance channel of the harbor of New York and to the injury of the Jersey shore, and also to the navigation of the Passaic River, leading to Newark, the largest port of entry in this State; and

"Whereas, also, counter encroachments upon the part of New Jersey would greatly injure the navigation of the Hudson, and impair the usefulness and capacity of the harbor of New York; and

"Whereas, also, the establishment of a water line, outside of which no erections should be made, would seem to be necessary to arrest similar innovations in future: Therefore be it

"1. *Resolved by the Senate and General Assembly of the State of New Jersey,* That the Legislature of the State of New York be requested, so far as the same may be within its power, to cancel and repeal all grants to build and erect wharves, piers, bulkheads, and docks, in the immediate neighborhood of the Brooklyn Navy Yard, the erection whereof would injure and impair the usefulness thereof, and to remove the more glaring erections in the East River, to the injury of the commerce and harbor of New York, and also to the injury of New Jersey; and be it

"2. *Resolved,* That the Legislature of the State of New York be requested in such manner and by such means as it may think best, to survey, lay out, and establish in the rivers and harbor of New York an exterior water line, beyond which no erections shall hereafter be made to the injury of the commerce of New York, or to, either directly or indirectly, injure the State of New Jersey; and be it

"3. *Resolved,* That the governor of this State be requested to forward an attested copy of the above resolutions to his excellency the governor of the State of New York, to be laid before the legislature of said State.

"Approved March 14, 1855.

"We can hardly think the concern of our early legislators for the Brooklyn Navy Yard was wholly unselfish, for this was followed up by what must have seemed to the citizens of the cities of New York and Brooklyn an impertinent, if pertinent, report to the legislature of our State, as follows:

REPORT.

"The joint committee of the two houses appointed in conformity with the communication from his excellency Gov. Price, communicating an invitation to meet the governor and the committee of commerce of the Legislature of New York for the purpose of viewing and considering the encroachments upon the bay and harbor of New York,

REPORT

"That on the 30th day of January last, your committee, accompanied by his excellency Gov. Price and E. L. Viele, Esq., the engineer of our State geological survey, proceeded to New York, and at the time appointed met his excellency Gov. Clark, of the State of New York, the committee of commerce of said State, the State engineer, with other gentlemen occupying important offices under the government of that State.

"That your committee, in connection with the above-mentioned authorities of the State of New York, the governors of New Jersey and Connecticut, accompanied also by officers of the Government in charge of the navy yard, with other persons representing the commercial interests of New York, proceeded to examine certain encroachments made, and in progress, and contemplated upon the Brooklyn side of the East River.

"Your committee upon the first view of the matter regarded such encroachments as matters with which New Jersey had no interest, and should not express any opinion; but upon reflecting they came to the conclusion that such encroachments were prejudicial to her, inasmuch as they jeopardized the interests which New Jersey has, in common with every other State of the Union, in the Brooklyn Navy Yard, and the immense Government expenditures at that point.

"The report then goes on to state the effect of these encroachments at the navy yard upon the Sandy Hook Channel, affecting the interests of New Jersey through her water front on the Hudson River and New York Bay, and stating the extent of the encroachments on the East River, the effect on its channels, and, calling attention to the injury done, report their visit to Jersey City as follows:

"The committee also visited Jersey City for the purpose of examining if any and what encroachments had been made there, and it was a matter of just pride to your committee that, comparatively speaking, no encroachments had been made upon the Jersey side; yet your committee think that the wharves and piers lately erected by the New Jersey Railroad Co. are extended farther than well comports with the interests of New Jersey in this important matter of keeping unimpaired the harbor of New York.

"By these two docks some encroachment, in the opinion of your committee, has been made on the channel of the Hudson River, narrowing and deepening the river at this point. The same authority which claims the legal right and which authorized these extensions could, had they seen fit, have extended them by the same claim of power some thousand feet farther into the river, producing the same deplorable results now existing in the East River between New York and Brooklyn. Your committee are informed that the right by which these innovations are made, or claimed to be made, are claimed under the charter to the Jersey Associates, giving them power to improve their lands under water. It would seem that a power of this kind to impair the great interests of New Jersey in the harbor of New York should be found in a strict construction of explicit legislation, and if the rights by which these encroachments are made are restrainable, they should, if possible, be restrained by timely legislation for the public good.

"The committee then goes on to call attention to the necessity for the full flow of the tide through the Hudson and East Rivers, the Passaic and Hackensack Rivers, in order to keep unimpaired the Sandy Hook Channel, and concludes its report by saying:

"Inasmuch as the State of New York has been the cause of this triple injury to New Jersey, your committee are of the opinion that the Legislature of the State of New Jersey should, by resolution, express her dissatisfaction thereat and request in a friendly way the State of New York to repeal all fraudulent grants improperly obtained from the State to the injury of the navy yard or the harbor and, by purchase or otherwise, remove other innovations upon the East River that now exist to the injury of New York and New Jersey.

"Two joint resolutions were prepared in accordance with the above report calling attention to the situation as set forth in the report and providing for the appointment of commissioners to advise as to the proper control of the development of these water-front lands..

"What the feelings of these ancient legislators would be if they could view the changes that have taken place in our shore front since their time is hard to conjecture. They 'viewed with just pride (in 1855), that, comparatively speaking, 'no encroachments' (as they called the development of our water

front) 'had been made upon the Jersey side, except the New Jersey Railroad Pier and Cunard Dock,' and they 'regarded with concern the power given the Jersey Associates and others to improve their lands under water and thought they should be restrained for the public good.'

"How fortunate for us as a county their fears and forebodings were not regarded seriously, or we might still have Harsimus Cove as an oyster ground and the shore of the Hudson River about the middle of Hudson Street. It might, however, be some consolation to them to know that the 'South Cove grant' is still as it was in 1872 and still a name to conjure with.

"Maj. William L. Marshall, now brigadier general, Chief of Engineers, United States Army, was asked whether he thought the scour of the currents was going to maintain the required depth in the 'Ambrose Channel,' which you know is the new and direct channel from the Narrows to the sea. Gen. Marshall conceived the idea of this important work, and it is still under his charge, although he is now Chief of Engineers. The general smiled in his good-humored way and replied: 'Well, if it don't, there are plenty of dredges that will.'

"And the direful results which were feared in 1855 have not followed; the great development of our water front is ours; and if we have to dredge a little now and then, we have the commerce that requires it and the means with which to do it.

"On August 11, 1880, Congress passed an act empowering the Secretary of War to establish harbor lines, and on October 4, 1888, the Secretary of War authorized the appointment of a board of engineers to be called the New York Harbor Line Board, composed of United States Army officers, who were necessarily by their training also engineers; this board to act in an advisory capacity to the Secretary of War on all matters relating to the waters of the Bay of New York and waters tributary thereto. This law has been amended from time to time, the present law on the subject being contained in section 11 of the river and harbor act of March 3, 1899.

"Since 1880 all applications for the establishment of dock lines must be made to the Secretary of War, who refers them to this harbor-line board, who, after public hearings, advise and recommend lines to the Secretary of War for his approval; and under the river and harbor act of March 3, 1899, no structure or filling in is allowed to be commenced in these waters unless the lines for the same have been passed upon by the Secretary of War.

"The State of New Jersey, as well as the city of New York, has been active and persistent in securing the consent of the Secretary of War to the extension of the dock lines on the Hudson River, New York Bay, and waters tributary thereto. Both sides have succeeded in securing extensions, until it seems that the waterway of the Hudson River could no further be judiciously encroached upon. The claim or charge is made by New York that Hudson County has been a greater trespasser than New York, and instances the extension of the shore line of Harsimus Cove some 3,000 feet in support of this charge; but it must be remembered that Harsimus Cove is or was an indentation into the westerly shore of the Hudson River, between Castle Point and North Point, in Jersey City, on which Edge's windmill stood, had very little water over it, and the filling in of the same was an advantage to the regimen of the Hudson River; while New York has made its greatest encroachment some 1,300 feet into the river at its narrowest point, opposite Castle Point, leaving only a width of half a mile in the river at that point.

"We must remember also in this connection that the channel of the river is on the New York side of the center, and within the past month we have been treated to the strange sight of an ocean steamer, the *Deutchland*, hard and fast aground just in front of the ferry at the foot of Exchange Place, Jersey City, by reason of the northerly winds making an unusually low ebb tide.

"But what compensation time brings. Directly underneath where this steamer was held by the mud of the river bottom, busy men were working and construction cars were running to and fro through the twin tunnels that will soon connect Exchange Place, Jersey City, with Cortlandt Street, New York; and directly under where the ancient ferryboat, *D. S. Gregory*, is shown in the advertisement previously referred to, of lots for sale on Hudson Street in 1857, run these two tunnels that shall take us, in two or three minutes, to the business center of New York, while, with the *D. S. Gregory*, it took us half an hour at best, and sometimes half a day.

"The history of the development of Hudson County would not be complete without reference to these tunnels and to the courage and genius of the men who have made them an accomplished fact.

"The first tunnel was from Fifteenth Street, Jersey City, to Morton Street, New York.

"The tunnel in question has a history involving the financial and engineering ambitions and hopes of men long since ruined and dead. The river ooze, through which the present construction to-day so eloquently and convincingly testifies to the skill and energy of the engineers who planned and executed it, once held in its slimy embrace the bodies of men whose lives had been drowned out by the inrush of the waters of the Hudson River, and although the tragedy is now almost forgotten, in the New York Bay Cemetery, in Jersey City, stands a modest shaft, surmounted by the figure of a man. On the face of the stone the legend reads: 'In memory of Peter Woodland, aged 32, killed in the disaster at the Hudson River Tunnel, on Wednesday, July 21, 1880.' And he was a man, for he elected to drown with 14 of his workmen in his effort to save them rather than save himself.

"The history of this tunnel, or these tunnels (for there are two), each designed for single track—one eastward and one westward, but coming together at either end—goes back over a quarter of a century.

"In the year 1874 a company obtained a franchise and began operations. The method of construction adopted was the use of compressed air, but the shield, so successfully used by the present engineers, was not thought of, and to its absence was due the frightful tragedy above referred to. After the accident in 1880 work was abandoned until 1890, when a syndicate of English capitalists was formed, which prosecuted the work, accomplishing about 1,500 feet in the north tunnel and about 600 feet in the south tunnnel. Striking a ledge of rock, however, at this time, and no doubt striking much more formidable rocks in their financial boring, the project was abandoned.

"Then came Mr. William G. McAdoo, a New York lawyer, as president, who associated with himself Mr. Charles M. Jacobs and Mr. John V. Davies, the eminent engineers; and under the masterly supervision of these men the river tunnels are an accomplished fact.

RECEIPTS.

"The total receipts from the sale of riparian lands up to the present time amount to about $6,000,000, and the greater part of this has come from the sale of the water front of Hudson County. It is estimated that there are still in the possession of the State lands that will come into use within a reasonable period valued at perhaps three and a half million, and still other lands that will have to wait for future development, valued at perhaps ten million.

"The administration of this valuable and important interest of the State is one requiring careful consideration. It is a subject but little understood; it is a matter in which the interests of a greater part of the State seem opposed to that of the other part, and, as in other important matters, opinions are most freely expressed by those having the least knowledge on the subject.

"The policy of the State has been to sell these lands for commercial development. This has brought a considerable revenue into the State and into the school fund; it has made possible the establishment on our shores of important industries. A representative committee, composed of senators and members of the legislature in 1906, who gave this subject careful consideration and made a personal examination of the improvements, stated in their report that they—

"were not prepared to advise that the policy which had made possible this development was really wrong—

"and while this is negative praise, it is their opinion after careful consideration, and if any other conclusion could have been reached, it no doubt would have been.

"The opinion is expressed by people who evidently do not fully understand the subject that these lands should have been 'held,' as they term it, for the use of the State.

"In the first place, this opinion carries with it an apparent ignorance of the fact that while the State is the owner of the land under water, subject to the rights or equities, if any, of the shore owner, it owns no upland; has no means of access from the land to the water, or of access from the water to the land; and, as a practical question, the upland owner is the only person who can buy the land under water and administer it.

"Having in mind the fact that these lands under water are appurtenant to upland wholly under the title and control of private ownership, to obtain which, if there was any law making such a thing possible by the right of eminent domain, could only be acquired by the State upon payment to such owners of the full value of the upland, which value would have reflected in it the principal value which is now supposed to be attached to the land under water, there would be no practical way in

which it could appropriate and expend the millions necessary to any development, to say nothing of the impossibility of anticipating what kind of development would meet the requirements and needs of the various enterprises seeking location on our shores.

"Some of these tracts for which the State has realized enormous sums during the past years are comparatively small holdings, part only of the holdings and works of enterprises already located there and forming part of the tangible wealth and worth of the State—many of them unattractive water fronts needing the iniative of interested owners who have sought out and induced enterprises to come to this State and locate, and who have expended millions of dollars in making the location of these enterprises possible, but only after seeking them out and finding just what kind of development is demanded for that particular industry.

"In most of these cases these owners have become the pioneers in the development of a section that had theretofore escaped the notice or had not been impressed on men responsible for the establishment of manufacturing and other enterprises needing water front, and the result of this individual enterprise has been the creation of new communities as well as the rehabilitation of older ones.

"It would have seemed not only a commercial absurdity, but an affront to these men, who, in advance of their time and without the encouragement of their fellows, sought out these enormous enterprises and brought them to the shores of New Jersey, not to have had the cooperation and encouragement of the State in their efforts to induce the holders of capital to locate within the borders of our State.

"The impression seems to be in the minds of some that the State of New Jersey held in completeness and perfection some going concern, or at least a water front developed as to its docking and wharfing privileges, improved and made suitable for the erection of buildings and works, with surrounding accommodations for the housing and schooling and churching of the operatives of these works, with the necessary railroad connections, and, in short, a city complete and perfect, except for the occupants.

"The exact reverse of all this is true. The State owns not a single foot of upland. A great deal of the upland in question is difficult of improvement and development; a great deal of it must be filled up at enormous expense and the railroads must be brought to it; and, more than all, in almost every instance the water front itself is not capable, in its present condition, of use, but must be made so by the expenditure of large sums of money by the owner of the upland in order to create such a depth of water as to make the narrow frontage sold by the State available for commercial uses.

"In this connection it is of interest to hark back to the report of the legislative committee on this very subject of the policy of the disposition of the State's lands, in which Hudson County is so vitally interested, made to the legislature on January 15, 1883, over 26 years ago; the committee says:

"Had this question been considered at the outset of action by the State, doubtless much might have been said on both sides of the proposition of long leases by the State, but we are not prepared to suggest that policy now. It is urged with great force that the best commercial results can not be attained except by a title as complete as the State can give.

STATEMENT OF DEVELOPMENT.

"A statement of the location and extent of the water front *of Hudson County*, much of which has been reclaimed and improved, will be of interest:

"From the county line on the north to the north side of Weehawken Cove—about 3 miles—the exterior line for improvements is on an average 1,000 feet beyond the original shore line and comprises about 350 acres.

"This section includes the famous dueling ground where Hamilton and Burr fought.

"At Weehawken Cove, in front of the famous Elysian Fields, the line for improvements is half a mile beyond the original shore at its greatest distance, and the cove is about 1 mile in length and covers about 130 acres.

"The Elysian Fields was the scene of the murder of the attractive tobacco-shop girl, Mary Cecelia Rogers, on July 25, 1841. The Elysian Fields of that day, no doubt, corresponded to the Coney Island of a later day. This murder formed the foundation for Poe's 'Mystery of Marie Roget,' which was written in Philadelphia and appeared in Snowden's Lady's Companion in November, December, 1842, February, 1843.

"The facts in this celebrated case that made the Elysian Fields famous, or infamous, almost the world over are as follows:

"Mary Cecelia Rogers, when about 19 years of age, was known as 'the pretty cigar girl,' she having worked in John Anderson's tobacco shop at 321 Broadway. New York then had a population of 300,000, living mostly below Canal Street.

"Mary's widowed mother kept a boarding house at 126 Nassau Street.

"A few weeks before her death she left Anderson's employ and assisted her mother in the boarding house, when it became known that she had accepted an offer of marriage from Daniel C. Payne, one of the boarders, a young man employed as a cork cutter at 47 John Street.

"On a beautiful Sunday morning, the 25th of July, 1841, Mary told her fiance, about 10 o'clock in the morning, that she intended spending the day with her aunt, a Mrs. Downing, who lived at 68 Jane Street, and she would return by the Broadway stage, reaching Ann Street about 6 o'clock in the evening.

"Although the morning was fair a violent thunderstorm broke out in the afternoon, the rain falling in torrents. The storm was so formidable that Payne—who does not appear to have been a very ardent lover, although he committed suicide soon after the death of his betrothed—did not go to meet the stage, thinking Mary, on account of the storm, would remain at her aunt's overnight; and it was not until noon of the next day that the fact of her disappearance became known: and although probably the best known young woman in New York, not a person could be found who had seen her after she left her home at 10 o'clock on Sunday morning.

"On the Wednesday following her dead body was found floating off Castle Point, Hoboken, bearing every indication of having been murdered and plundered.

"Numerous arrests were made, but nothing was discovered until John Adams, a New Jersey stage driver, gave information that he had seen Mary Rogers arrive in Hoboken by Bull's ferry, accompanied by a tall, well-dressed man of dark complexion, and go with him to a resort near the Elysian Fields, known as Nick Moore's, but kept by a Mrs. Loss. Mrs. Loss admitted that this was true, and that after partaking of some refreshments the pair had gone in the direction of the woods. Two months after the death of Mary Rogers Mrs. Loss informed the police that her sons had found the girl's parasol and gloves in a thicket near by. It was now believed that the time and place of the tragedy had been discovered, but opinions differ as to whether she had been murdered by the tall, dark companion or by one of the gangs of ruffians that frequented the Fields at that day.

"It appeared that Mrs. Loss was shot by one of her sons (accidentally, he said) on October 24, 1842, and died on the 9th of November following. It seems that Mrs. Loss could not keep from talking of the Mary Rogers affair, and it is supposed that the sons, fearing their mother would reveal the secret of the murder, encompassed her death by the alleged accidental shooting.

"In 1904 a Mr. Clemens discovered a vital clue in the newspaper of August 5, 1841, as follows:

"On August 3, the body of an unknown man, about 35 years of age, was found floating near the foot of Barclay Street. The body had been in the water some days. The unknown was a tall, swarthy man, and was without a coat.

"The conclusion Mr. Clemens comes to—and he thinks it is strange it should not have occurred to the authorities at that time—is that Mary Rogers and the 'tall, dark man' were marooned by the terrific rainstorm and were killed by the sons of Mrs. Loss and cast into the river.

"It is a curious and interesting coincidence that the name of 'Loss,' so tragically prominent in the celebrated case of 1841, should be the same as the surveyor who made the map of Hoboken in 1804, which is the authority for the original shore line, and is mentioned in hundreds of conveyances and titles in Hoboken as the 'Loss Map of 1804.' I do not regard this similarity of names as any reflection on the character of the surveyor of that ancient time any more than I do the similarity in the names of the indifferent wooer of the unfortunate Mary Rogers and that of the writer of this paper; the old adage, perhaps, applies: 'A rose by any other name,' etc.

"The front of the city of Hoboken, from Castle Point to Hoboken Ferry—about three-quarters of a mile—has the line for improvements about 1,200 feet beyond the original shore line and covers about 150 acres.

"At Harsimus Cove, from Hoboken Ferry to Montgomery Street in Jersey City—about a mile and a half in length—the line is, on an average, 3,200 feet beyond the original shore line and comprises about 575 acres.

"At Communipaw Bay, to the line of Communipaw Lane—about a mile long and three-quarters of a mile wide—containing about 475 acres.

"New York Bay to Constables Hook—about 4 miles long—the exterior line for improvements is about 6,000 feet beyond the original shore line, covering about 2,500 acres.

"Kill von Kull front of Bayonne—3¼ miles in length—almost entirely developed, with an average distance of 600 feet beyond the original line for improvements, covering about 230 acres.

"With the miles of but slightly improved stretches of Newark Bay and Hackensack and Passiac River shores, comprising about 5,000 acres in all, on which now stands the water front development of Hudson County. It is a matter of growth coincident with the development and growth of the Nation, and is a monument to the enterprise of the pioneers who brought it about and to the spirit of New Jersey that made it possible.

"A talented and enthusiastic young minister, lately called to one of our prominent churches, said recently:

"I am not interested in the past development of the water front of Hudson County, but I am interested to know what the development is going to be in the future.

"I say to that young man, he can predict, with fair certainty, what the future development will be by studying the development of the past, and in no other way.

"What this development would have been if left in the hands of the municipalities comprising the county is entirely conjectural, but it may be of interest to recall that the legislature, by act of April 4, 1872, granted to the city of Jersey City, for the nominal consideration of $1,000, a tract of land under water in the lower part of old Jersey City, lying between the extension of Van Vorst Street and Grove Street, containing about 20 acres. This grant was made conditional upon the payment by the municipality of $1,000, but so little was thought of this now considered valuable tract of land that the municipality refused to pay this nominal sum and thus perfect its title.

"Under the presumption that the municipality had forfeited its rights to these lands under water in question the State of New Jersey, in 1874, purported to vacate the same, and embodied them in a grant to the Central Railroad Co. of New Jersey. Subsequent litigation, however, brought forth the decision of the courts of last resort in the State that the title of the municipality of Jersey City to these lands was still in force, and the city thereupon carried out the provisions of the act and became the absolute owner of these lands. The fact remains, however, that from 1872 up to the present time—a period of 37 years—no use has been made by the municipality of this tract of land under water and no development attempted.

"In 1878 the State granted to the municipality of Jersey City a tract of land under water on the Hudson River 130 feet in width, adjoining Morgan Street on the south, and for some reason no profitable use has ever been made of this water-front holding.

"In 1886 the State granted to the municipality of Bayonne three tracts of land under water—one on New York Bay near the foot of East Thirty-fifth Street, one on Kill van Kull at the foot of Ingham Avenue, and one on Newark Bay at the foot of West Thirtieth Street.

"No development or use has been made of the New York Bay tract; a dock has been built on the Kill van Kull tract; and a dock has been built on the Newark Bay tract, both used by the public.

"These are about the only cases of municipal administration of water-front property in Hudson County.

THE USE MADE OF THE PROCEEDS OF THE SALES OF THE STATE'S LANDS UNDER WATER.

"On March 31, 1869 (P. L. 1869, p. 1017), an act was passed creating the present board of control of the riparian interests of the State, and section 10 of that act provided that the moneys received from such sales should first be appropriated to the payment of the expenses of its administration, then to the payment and liquidation of the State debt, and afterwards invested and the interest paid over to the trustees for the maintenance of free schools.

"On April 6, 1871 (P. L. 1871, p. 98), an act was passed devoting all moneys thereafter received from the sale and rental of lands under water to the support of free public schools.

"On March 19, 1890 (P. L. 1890, p. 92), an act was passed repealing the above and making the proceeds of the sales and leases of these lands made after the passage of the act applicable to the 'necessary' expenses of the State. This was under Gov. Abbett's administration, but on April 24, 1894 (P. L. 1894, p. 123), under Gov. Werts's administration, an act was passed repealing the last-mentioned act and devoting the proceeds of the sales and leases of the riparian lands again to the support of free public schools.

"In an opinion by Attorney General Samuel H. Grey in 1901 the learned attorney general expressed the opinion that any money, stock, or other property appropriated to the support of free public schools under the provision of the constitution (art. 4, sec. 7, par. 6) were constituted a fund that could not be devoted to any other purpose than the support of free public schools. And in the light of this opinion it is questionable whether the use of the moneys from the sale of the riparian lands between the years 1890 and 1894, during which period they were diverted to general State purposes, was a lawful use of the money; but there is no question that now all of the proceeds of the disposition of the State's lands is devoted to the support of free public schools throughout the State.

"Article 4, section 7, paragraph 6 of the constitution of the State provides:

"That the fund for the support of free schools and all money, stock, and other property which may hereafter be appropriated for that purpose shall be securely invested and remain a perpetual fund.

"The board having control of the fund is called "trustees of the school fund," and is composed of the governor of the State, the secretary of state, the attorney general, the State comptroller, and the State treasurer.

SOME OF THE COMMISSIONERS.

"In conclusion, in connection with the development and administration of the water front of Hudson County, it is interesting to note the names of some of the men who were intrusted with this duty.

"We find that, in 1848, a committee, composed of W. H. Leupp, Martin J. Ryerson, and George F. Fort, were appointed 'to investigate and report as to the extent and value of the lands under water owned by the State within the limits of the county of Hudson,' and reported to the legislature.

"It is an interesting fact that the George F. Fort referred to in 1848 was governor of the State of New Jersey from 1851 to 1854, and is the uncle of the present governor of New Jersey, Hon. John Franklin Fort. So the fact appears that the administration of this great asset of the State began in the same family, in 1848, that is administering it in 1909, 61 years after.

"In 1864 a committee was appointed to inquire into the subject of the riparian rights of the State, and among the commissioners appointed for that duty we find the name of Jacob R. Wortendyke, father of the present assistant engineer of Jersey City, and of Mrs. Watson, the wife of Dr. W. Perry Watson; also at that early day we find Robert C. Bacot, Esq., for many years an honored resident of Jersey City, as superintendent and engineer; and it is interesting to note that Mr. Bacot continued as such superintendent and engineer until the year 1897, a period of 33 years, when, by reason of age, he retired with the respect and regret of those associated with him in the administration of this trust.

"In 1869 the commission contained the name of Peter Vredenburgh, father of James B. Vredenburgh, the eminent counselor of our own city, and of Judge William H. Vredenburgh, of Freehold; also the name of Hon. Bennington F. Randolph, father-in-law of Gov. Joseph D. Bedle, and others.

"No thoughtful person can regard the subject of the development of our water front without interest.

"There stands on a prominent point of land on the east shore of the Hudson River, inclosed by a plain iron barrier, under the shadow of Grant's Tomb, a simple stone monument, on which is inscribed, 'Erected to the memory of an amiable child.' This stone has stood there a hundred years and more. I know of no better spot from which to obtain a view of the magnificent development of the water front of the northern part of our county than this; and I know of nothing that so strongly impresses the mind with the fact of the passage of time.

"As you look on the resting place of this sleeping child, 'the world forgetting, by the world forgot,' you are back a hundred years in the quiet of undisturbed nature. Raise your eyes, and you look on another order of things—the life and activities of the commercial world of to-day.

"Or stand on the upper deck of one of our uptown ferryboats, or one of the Staten Island ferryboats, and let your eyes thoughtfully rest on the development of the shores of our county—all gained out of the mud and slime of the shoals of our water front—and you will be impressed by what has been accomplished.

"How easy it is to criticize, and what wonders are not performed by men, whose chief claim to distinction is an abnormally developed hindsight.

"But we write of men of the past. What they lacked in spectacular and sensational activities they made up in solid worth and character, and theirs is an inheritance to be preserved. They laid the foundations with dignity and builded with integrity; and the Hudson County Historical Society does well to add to its archives the names of men and their achievements which have stood the test of time."

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman, the only connection between the subject of the pending bill and the subject which I rose to mention in the brief space of one minute is the fact that all sailor men and others on shipboard are apt to catch cold, and in this connection I desire to ask unanimous consent to extend my remarks in the RECORD in order to have printed a very able, scientific, and practical address delivered by my old professor on the practice of medicine, Dr. William Hanna Thomson, of the city of New York, on the subject of catching cold and the methods of preventing it; a most practical and useful address, which he made when he was installed as president of the New York Academy of Medicine, and which I commend to all the Members of the House and their constituents. [Applause.]

The address above referred to is as follows:

HOW PEOPLE "CATCH A COLD" AND HOW TO CURE IT—DR. WILLIAM HANNA THOMSON GIVES SOME PRACTICAL AND TIMELY ADVICE.

[By William Hanna Thomson, M. D., LL. D.]

"A fact which concerns everyone is that the commonest cause of disease and death outside of hot, moist climates is from 'catching cold.'

"I first drew attention to the mechanism of this derangement in my inaugural as president of the New York Academy of Medicine in 1899. But, though this is true, the mechanism of this disorder is wholly unknown by the general public, and it is high time that the medical profession should widely circulate the facts which have been discovered relating to this important subject. 'Catching cold' is by no means the same thing as being chilled by cold, for a person may be warmly clad all over and yet by simply getting his feet wet in melting snow catch a cold which may cause his death from all sorts of internal complications, resulting from a localized chill of his lower extremities.

"The first explanation which we would offer is that the constant flow of arterial and not of venous blood is absolutely necessary to the maintenance of the integrity of every bodily tissue. This was strikingly illustrated by the experiment of Overbach, who, after simply clamping the arteries of the kidneys for 40 minutes, so deranged the internal structure of those organs that albuminuria was caused for 20 days before the kidneys returned to their normal condition.

"Throughout the body, therefore, a most careful supervision over the flow of the blood through the arteries is maintained, because even a very temporary interference with the arterial flow produces serious changes in the parts supplied by those arteries. It should be steadily borne in mind that the trouble arises wholly from interference with the flow through the arteries, and not at all with the returning blood through the veins. The flow in the veins of the legs may be obstructed for weeks at a time, with a result that both legs will be greatly swollen with dropsy; but when the cause is removed the dropsy is all absorbed, and the tissues soon prove to be in as normal a condition as ever.

"Quite otherwise is it with obstruction in the arteries. Conheim showed that tying the arteries of a rabbit's ear so that no blood passed through them for two weeks was followed by violent inflammation and disorganization of the tissues of the ear when the ligature was loosened. A remarkable provision is therefore made in the body for regulating the flow of arterial blood. Without that provision our bodily lives would quickly come to an end.

"For example, when the stomach is digesting food it requires nine times as much blood as when it is empty—in other words, there must be some mechanism which allows its arteries to dilate while it contains food and then to have them contract when it is empty.

"A deer when it is feeding dies instantly if shot through the stomach, but it may run for miles if shot there when the stomach is empty. All this arterial regulation is under a special division of the nervous system, called the vasomotor nerves. These nerves ramify upon the coats of the smaller arteries, and stimulation of these nerves will cause the arteries to contract so that they are scarcely visible. On the other hand, if these nerves are cut, the arteries then relax to their fullest extent, and it is therefore a study of the laws of the distribution of the vasomotor nerves which affords us the first clue to the problem of 'catching cold.'

"Thus, one of the laws of vasomotor association is that the arterial circulation of all organs in symmetrical pairs is so adjusted that what happens in one of the pairs is reflected through the vasomotor nerves to produce exactly the same result in the other pair. Thus it is easy to see the pulsation of the arteries in the translucent ear of a rabbit, but those arteries at once disappear if the other ear be pinched. Injury of one eye is often followed by the most serious results in the other eye.

"I once took advantage of this law when a boy put a pistol shot through the palm of his hand. The bullet severed the palmar arterial arch, which is supplied by the radial artery coming from the thumb side and by the ulnar artery coming from the opposite side of the wrist. It was necessary, therefore, to tie both ends of the severed palmar arch, but it was difficult to find these wounded vessels on account of the steady hemorrhage which was taking place.

"I accordingly had the other hand dipped in ice water, and the hemorrhage was immediately checked enough for me to find the wounded vessels without trouble.

"If two thermometers be put in the armpits, and a third thermometer be held in the left hand, then plunging the right hand into ice water will cause the thermometer in the left hand to fall from 2 to 5 degrees, while the thermometers in the armpits are not affected. This law, however, applies only to the organs in symmetrical pairs, such as the two hands, the two ears, the two eyes, and the two feet, but does not apply to pair organs which are not symmetrical, such as the two lungs and the two kidneys.

"But another important law is that the vasomotor nerves supplying the skin are always associated with the vasomotor nerves supplying organs or tissues underneath that part of the skin. This law explains the whole subject of surface applications.

"A poultice, for example, is always sedative in its effects, and relieves internal pain not because the poultice strikes clear through into the pleura or inflamed lung, but acts only on the vasomotor association between the outer and inner parts. Hence we may stimulate, as well as depress, by this association.

"A blister or dry cupping is actively stimulating, and thus may be very useful to clear away venous congestion following inflammation, but should not be used during the active determination of blood to a part at the onset of an inflammation.

"But the obverse of this association is still more important to remember. Every inflammation of an internal organ causes the vasomotor nerves of the skin over that organ to be in a highly sensitive condition, so that the internal inflammation may be much aggravated by neglect to protect that part of the skin. This is particularly illustrated in inflammations of the heart, which may be made much worse by having the skin over the heart exposed to the cold. I have often detected the beginning of consumption in the apex of one lung by the application of a cold hand causing the patient immediately to cough when laid over the affected side.

"Besides these laws of vasomotor association there are other important associations which are special between widely separated parts. Thus, the feet are closely associated with two important regions. The first of these is with the circulation of the organs within the pelvis. No one who has inflammation of the bladder or a condition of chronic dysentery ought to get his feet wet lest he thereby aggravate the symptoms due to these disorders.

"The second important association of the feet is with the circulation of the throat. Local chills of the feet may be quickly followed by an attack of sore throat, which extends to the larynx, producing hoarseness, and then may proceed down the windpipe to the bronchial tubes, thus causing bronchitis.

"Still another important association is between the nerves arising at the nape of the neck and the whole artificial circulation of the head and face—in fact, we may say that at the nape of the neck is the chief executive office which presides over the whole circulation above the diaphragm, including, of course, the circulation of the mucous membranes.

"One domestic remedy, for example, was to check nosebleed in a child by slipping a cold key down the back of its neck. How local the primary excitation may be is shown by results of exposing the back of the neck to a cold draught of air. The most extensive inflammation of mucous membranes may result from a prolonged exposure there, though the rest of the body may be warmly clad. Nasal catarrh, which is an inflammation of the mucous membranes of the nose, or, in fact, catarrh of the whole respiratory tract, may soon follow exposing the back of the neck to a cold draught of air.

"These vasomotor associations have their widest illustrations in the causation and course of bronchitis. Sometimes getting the feet wet begins, as we have explained, a cold, which first makes the voice hoarse, and then from the larynx proceeds steadily downward the trachea and larger bronchi until the smaller air tubes become involved.

"Oftener than that, however, the vasomotor centers at the nape of the neck, as we have just said, set up a catarrhal inflammation of the nasal passages, and then with this derangement in the beginning of the breathing apparatus, it progressively invades the whole respiratory tract.

"But what I wish particularly to explain here is the mechanism of the many fatal complications of bronchitis.

"To begin with the disasters which follow upon the plugging of a main bronchus by the accidental lodgment in it of a foreign body. If this be not removed, death inevitably ensues from a most disorganizing pneumatic process of the part supplied by the bronchus, in which are not only all the air vesicles wholly destroyed, which they are not in croupous pneumonia, but the interlocular, as well as the intervesicular connective framework, is rapidly damaged. No ruin of pulmonary tissue compares with this for completeness.

"Now, it should be borne in mind that both the larger and the smaller bronchi should never contain anything but air. Their walls are simply moistened by a bland, slightly saline fluid, and in no part of the body is the saying more true that no mucous membrane should ever secrete mucus. When, instead, its surface is coated with mucus, it is already in a morbid condition, denoting inflammation.

"In the bronchi this is doubly true, for secretions there, no matter how fluid, are to all intents and purposes foreign bodies, and must be got rid of. If they can not be got rid of, the part supplied by that bronchus is subject to the same disorganization as that described following the plugging of a main bronchus. It is then that we have a localized, but ruinous, broncho-pneumonia, however small its area may be.

"Broncho-pneumonia, therefore, occurs in every disease accompanied by bronchitis whenever, as in children, the powers of expectoration are feeble, particularly in measles and whooping cough, and is the most common cause of death in all such affections. But its initial mechanical cause should not be lost sight of, the practical aim always being to make the secretions so fluid that they can be easily coughed away. In adults this is usually accomplished with ease. In infants, as already explained, the immediate results are very serious. The small, occluded bronchi now lead to the same disorganizing process in the little lobules supplied by the bronchus, which occurs as the result above described accompanying occlusion of a main bronchus. Scattered pneumonic processes are therefore found through both lungs, for bronchitis, unlike croupous pneumonia, is a bilateral affection.

"In some cases, however, the plug in a small bronchus may act as a valve, interfering with the inspiration, but not with the expiration, thus leading to atelactasis or collapse of the lobule, so that in broncho-pneumonia we find both pneumonic consolidation of lobules along with collapsed lobules, either condition, of course, equally interfering with the breathing.

"In infants, therefore, this whole process leads to most distressing efforts to get air. The little patients toss from side to side in their vain endeavors to breath until signs of carbonic acid poisoning show the last effects of gradual suffocation; but we meet with practically the same conditions in aged patients from their feeble powers to expectorate.

"Remembering, however, the purely mechanical operation of their respiratory obstruction, I once had an old lady 84 years old, mother of a prominent New York judge, raised feet upward by her nurses, while her head touched the floor, and while in this position I assisted her expectoration by pressure on the sides of the thorax during expiration. She thus got rid of large quantities of mucus and was soon restored to bed quite comfortable, ultimately recovering.

"In no disorder of the lungs does the morbid condition so facilitate infection by every variety of microorganism, including tuberculosis, a not uncommon sequel, especially after measles.

"This subject finally brings us to an important fact connected with catching cold, and that is that catching cold exposes us to every variety of microbic infections.

"Thus the outer skin everywhere swarms with microbes, which are the dread of the surgeon. On that account he does not dare to make the smallest incision through the skin without first disinfecting it by every antiseptic measure in his power. So long as the skin is intact these deadly microbes can not do anything, but just so is it with the inner skin or mucous membrane, which lines the tubes and cavities of the body.

"Thus, the mouths of healthy persons contain for a lifetime that deadly pneumococcus which carries off so many persons when it attacks the lungs with pneumonia. But this microbe can do nothing so long as the mucous membrane is protected by its carefully laid pavement of what are called epithelial cells.

"But let any portion of that mucous membrane be damaged by the shutting off of the cells from their arterial blood through the means of a cold caught either from the feet or nape of the neck, as above described, and the way is then opened for the infecting microbe to enter. The majority of infections, in fact, occur through the mucous surfaces whose epethelium has been damaged in the way described.

"Treatment. The various conditions above reviewed afford many indications for treatment. Thus chronic nasal catarrhs point to a weakened susceptibility of the vasomotor centers at the nape of the neck. Now, nothing so restores the tone of these weakened centers as cold properly applied. Thus a cold bath or shower bath invigorates the circulation, provided always that the reaction from the impression of cold is complete, but if no or equally imperfect reaction occurs the patient is worse off than ever; hence, chronic nasal catarrhs are best treated by sudden and very brief douching of the back of the neck with cold water, to be followed by active dry friction to assist or to promote the restoration of the circulation in the parts. During the douche the hair should be carefully protected from the water, for wet hair would only prolong the injurious effect of chill. Meanwhile the nose itself may be treated with insufflation of a fine powder composed of 2 drams of subcarbonate of bismuth with 6 grains of aristol.

"Bearing in mind what we have said about internal inflammation causing hyperesthesia or great sensitiveness of the corresponding area of skin over the seat of the inflammation, any area of chronic inflammation should have the corresponding cutaneous surface carefully protected. In health, if a cold hand suddenly be placed over the precordium, the heart will give a bound, but so all cases of heart trouble, whether the result of pericarditis or endocarditis, are very sensitive to surface impressions, which would not normally be felt. This explains the beneficial results following applications of large belladonna plasters, which should cover the whole area of the skin over the heart, but these facts are equally applicable in all chronic inflammatory conditions, whether of the lungs or of the pleura. Chest protectors on that account are reasonable. I prefer the application of cotton batting to any other such measure.

"Similarly every patient with chronic diarrhea should have the abdomen covered by some equivalent protection. In chronic, long-standing bronchitis I have the patients wear both shirts and drawers made with perforated chamois skin, worn just over a light undergarment. I have often been told by such patients that they could spend their winters at home, when before they used these protections to the skin they were unable to do so.

"Osler says in his Practice of Medicine:

"Thus, in the convalescence from measles and whooping cough it is very important that the child should not be exposed to the cold, particularly at night, when the temperature of the room naturally falls. In a nocturnal visit to the nursery—sometimes, too, I am sorry to say, to a children's hospital—how often one sees children almost naked, having kicked aside the bedclothes and having the night clothes up about the arms.

"In my practice I have all such children while tossing about, struggling for breath, and thus exposing themselves, put into bags of canton flannel, drawn about the neck so as to prevent them from exposing the skin to the cold air."

Mr. PADGETT. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HOBSON], a member of the committee.

Mr. HOBSON. Mr. Chairman, I do not intend to take up perhaps all of that time. I recognize the universal desire to make progress on our bill. My chief purpose in rising, however, is to refer to the apparent political line that seems to be forming in matters of the Navy. I say "apparent," because I believe that time will demonstrate that there will be no such real line of division. The gentleman from Illinois [Mr. FOSS] is alarmed unduly, and his alarm is premature. This Congress is not yet complete. After so many years of extravagant Republican rule it was a perfectly legitimate desire on the part of the Democratic Party to put a brake upon expenditures in the early days of this Congress. It is not too late after the ends of retrenchment have been met for that party to express itself finally upon the subject of battleships before this Congress is over. An adequate Navy is not copyrighted by the Republican Party. On the contrary, it is a plank in the Democratic platform at Denver in 1908. That plank reads:

The Navy: The constitutional provision that a Navy shall be provided and maintained means an adequate Navy, and we believe that the interests of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

There never has been a stronger naval plank in any platform of any party since this Government began.

Mr. FOSS. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. FOSS. Would I be impertinent if I should ask the gentleman if it was not largely through the gentleman's energetic efforts that that plank was inserted in that platform?

Mr. HOBSON. I am glad to be able to say, gentlemen, that I had the privilege of appearing before the resolutions commit-

tee at Denver and found a very cordial reception on the part of its members to the suggestions I ventured to advance. [Applause.] Mr. Chairman, an examination of the past records of our Navy supplies no warrant for the Republican Party to claim to be the father and the sponsor for the new Navy. On the contrary, the fact is that the Democratic Party has equal, if not superior, claims to this distinction. Secretary Chandler, Republican, has been mentioned in this connection. Secretaries Whitney and Herbert do not take second place to any Secretary who ever held the office.

The appropriations for the Navy made under the Democratic administrations show that the Democratic Party not only took no backward step, but made great progress in naval development. When the Democratic administration came into power under Mr. Cleveland in 1885 the appropriations for the Navy increased from $15,000,000 in 1884 to $16,000,000 the next year; they then went to $17,000,000, and in 1888 reached the high-water mark, for those days, of $25,000,000. [Applause.] Again, turn to the second administration of Mr. Cleveland and you will find that in 1893 the appropriations for the Navy increased from $21,000,000 the previous year to over twenty-two and a half million dollars, and in 1894 went up to $29,000,000, and in 1895 to $31,000,000, and in 1896 attained again the high-water mark for those days of $33,000,000, showing that the Democratic Party has been consistently progressive in its policy toward the Navy. Moreover, it has incorporated reforms in administration and has been constructive in its treatment of this great branch of national defense.

Furthermore, the control of the Naval Committee by the Democratic Party is going to mark a beginning of new and much-needed reforms and the adoption of many constructive measures, not only to cut down the expenses but to promote the efficiency of the service, the efficiency of administration, the efficiency of organization, the efficiency of the personnel, and the general efficiency of the Navy as our main reliance for national defense.

Take the question of types of battleships. It is a legitimate criticism that to-day we have not a single modern scout vessel. These *Dreadnought* cruisers are the only form of modern scouts that can occupy the sea. No auxiliary can remain upon the sea in the face of those, and yet there has not been under a Republican administration a serious effort to get such vessels as these. Furthermore, the question of the type of shell to use has been long neglected, and we are to-day behind all the rest of the world. It has been hard work to get a Republican administration to make even the simplest experiments in this important line of naval progress. Under Democratic control of the committee we now have a special subcommittee to take up with the Navy Department the question of experiments, and are in a fair way to determine the best methods of attack and provide against the expenditure of money for ineffective matériel. We have taken up the question of the reorganization of the navy yards and Navy Department and of the personnel. It is not only not warranted, but exceedingly unwise in either side to try to make a political matter out of this vital question. Every Democrat, like every Republican, recognizes the elemental principle of self-preservation, and all join together in providing for national defense.

When it came to the question of the Spanish War, was there any difference of party? No. Was there in any other foreign war? No. And there never will be. In my judgment, the Democratic Party will soon be in control of the Executive administration of the Government as well as in control of Congress, and it can be relied on to meet effectively and wisely all the responsibilities that come, including proper provision for and administration of the Navy and all other branches of the national defense. American institutions are built up upon the great Democratic principle of equality of opportunity for all and special privilege for none. This principle is the foundation for the civilization of the future to rest upon. It is absurd, on the face of it, to think that the party that embodies this principle would see it pushed backward by the nations of the Old World whose Governments are built upon the hereditary principle and the claims of privilege. On the contrary, the Democratic Party of all others can be depended on to advance that principle year by year, and to provide for its defense against assault. Take the Monroe doctrine established by our forefathers.

The Monroe doctrine is in effect an announcement that this hemisphere shall not be seized by any foreign power for special advantage. It does not restrict legitimate development or even colonization in the sense of sending citizens there, but it forbids the seizing and control of any part of it by a military power that would hoist its flag and assume special privilege there. You do not expect the Democratic Party, that stands for that principle—the party that announced and inaugurated the Monroe doctrine—to give up the Monroe doctrine. On the contrary, it can be counted on, as in the case of President Cleveland, to protect that doctrine with jealous care. When we examine the means for maintaining that doctrine it will be evident to those who have the responsibility that the only way for our ideas to prevail in a land beyond the sea as against the ideas of another nation in the same land likewise beyond the sea from them will be for us to control the sea.

Our liberal and generous policies in Cuba would have been accepted if we had held control of the sea as compared with Spain, and there would have been no war with Spain. The problems there would have been settled by diplomacy.

When Germany landed in Venezuela, we called upon her to retire. Why did she retire peacefully? Because we had control of the sea. It being clear that control of the sea is necessary to maintain the Monroe doctrine, the Democratic Party can be counted upon to establish that control.

Furthermore, we are now approaching the completion of the Panama Canal. Not only the Monroe doctrine but the Pacific Ocean in general will receive more careful consideration at the hands of the whole world, and especially at the hands of the American people and their representatives in both parties. Across the great Pacific Ocean Americans to-day maintain, or assume to maintain, the principle of the open-door policy. That is nothing more than the old Democratic principle of equality of opportunity in the commercial relations of nations with the neutral markets of the world. We are the real sponsor, and upon us must depend the real effectiveness of that policy. Of course, the Democratic Party and the Democratic statesmen in control of its policies must recognize that the only basis upon which that policy can be maintained and made effective is a strong naval force in the Pacific Ocean—substantially control of the sea as against any nation of Asia.

In the middle of the Pacific, at Pearl Harbor, near Honolulu, we have the most vital strategic point in the world. That harbor will control 4,000 miles of that ocean, practically the ocean itself. The nation which ultimately controls Pearl Harbor will direct the policies and future of that great ocean.

America now owns that harbor. Other nations desire it. One other nation has 35,000 troops in that island by official report. The permanent control of that harbor depends absolutely on the control of the sea. The nation that has free access to that island, so that its reenforcements can go over while it can cut off the sending of reenforcements from other lands, will of necessity control that strategic center. Democrats in responsibility will be just as alive to their vital interest as men of any other party.

Again, it is not necessary to discuss how we came into possession of the Philippine Islands. We all know we have a responsibility resting upon us in connection with the future destiny of those people. We would not allow peoples in South America to have their destiny determined by a great military power of another continent.

Do you think we would leave the destiny of the Filipinos, now in the hollow of our hands, to be settled by the foreign colonial policies of any monarch? America certainly would not, and least of all would the Democratic Party. Evidently we can only maintain our protection and assume the inalienable responsibility by having free access to those islands, which means control of the sea in the Pacific. In view of these considerations we can rest assured that a constructive party like the Democratic Party will proceed to develop the proper naval policy to protect these vital interests and insure the effectiveness of these fundamental Democratic principles.

Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. HOBSON. In conclusion I wish to call attention to the fact that our committee, with its Democratic majority, is now taking up the whole question of national defense on a broader scale than ever before considered in America, and has reported a measure which will create a council of national defense. The President will be at the head of the council, and on it will be the Secretary of State, the Secretary of War, the Secretary of the Navy, and eight Members of Congress, the chairmen of the great committees involved in national defense—the Committees on Appropriations of the two Houses, the Committees on Foreign Affairs of the two Houses, the Naval and Military Committees of the two Houses, and four experts—the Chief of the General Staff of the Army, the president of the Army War College, the officer of the Navy corresponding as nearly as practicable to the Chief of Staff, to be appointed by the Secretary of the Navy, and the president of the Naval War College. These are to be a council of national defense, to investigate thor-

oughly the whole question and formulate our general policy, and to recommend to Congress from time to time such measures as they deem expedient for the carrying out of that policy.

Every nation of the world of any importance in military affairs, where the question of national defense has been given serious consideration, has evolved some such council in some form. Recent wars have shown the increasing necessity for well-defined policy as the magnitude of war operations grow. In the war between Japan and Russia, Russia's council did not bring closely together the civil and military, and the civil permitted the war to be brought on before the military was ready. Then, again, the civil allowed the war to be terminated before the military was ready. The result of the war was adverse to Russia. If there had been that intimate connection in their administration between the civil and the military that there will be in our council they would have proceeded together. The war would have been delayed in coming on, and would have been extended in its prosecution; and the experts of the world believe the issue of the war would have been victory, instead of defeat, to Russia.

Following upon the heels of the Japanese-Russian war, the Russian Government strengthened and solidified their council of national defense.

The same happened with the English council in the prosecution of the Boer war. That war gave the British a great deal of trouble because the civil brought it on before the military was ready. Since then they have developed their council of defense along the lines I have indicated.

A study of the organization of the German Government and its defense policies goes to show that the great success achieved in recent years by the German arms is due to the fact that they have had complete cooperation between the civil and military branches. The lesson of history brings out the fact that the successful policies in war and successful foreign policies pursued without war have been the result of thorough cooperation of civil and military administrations. The Democratic Party in establishing this council will inaugurate a new era of economy and efficiency in the national defense——

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

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. HOBSON. I do.

Mr. HILL. I do not know much about naval affairs, but I wish to ask this question: Did the committee, in reporting this bill and ignoring the recommendation of the Navy Department for two battleships and two cruisers, do it with the idea that the present Navy, if maintained in its present condition, is sufficient for the defense of the country, or do they do it as a matter of temporary economy and propose to have the country take its chances on the defense?

Mr. HOBSON. I will answer, though the chairman of the committee is better able to interpret the party policies, if the gentleman asks me what my idea of it is. The party, and the committee reflecting that party, have simply called a temporary halt for purposes of investigation. The party seeks economy, but not a false economy that would sacrifice efficiency—this session is not completed yet—in the matter of battleships.

Mr. HILL. Now, I would like to ask the gentleman one more question, and that is, whether, in his judgment, that is a safe course of procedure?

Mr. HOBSON. I am frank to tell the gentleman, as I tell everybody who asks me about it and as I tell the public at large, that in my judgment the only policy that will maintain the Monroe doctrine in peace is to have control of the sea as compared with any nation that might attempt to colonize. The same situation holds true in the Pacific, and our Navy ought to be of such strength that our fleet in the Atlantic would be on a parity with any continental nation of Europe, while our fleet in the Pacific would be on a parity with any power of Asia; that is, our Atlantic Fleet should equal the German fleet and our Pacific Fleet should equal the Japanese fleet.

Mr. HILL. I do not refer to size as an instrument of offense. I am asking the gentleman's judgment as to whether, if the Navy is maintained in its present condition, it is sufficiently large to be a sure defense?

Mr. HOBSON. I am frank to tell the gentleman that it certainly will not be. At our present rate we will not be a second-class power long, but will rapidly fall to the rank of a fifth-class power. It would require more than four battleships a year to maintain a position as a second-rate power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, in my home State of North Carolina the 10th day of May in each year is set apart as a memorial day, on which the men and women gather in their respective communities to do honor to the living ex-Confederate veterans and to recall the virtues and the heroism of those who gave up their lives in the great Civil War. It is a day which evokes tender and grateful memories of that fratricidal strife, and for the larger number of those who participated the event is only a matter of history. We of the South find nothing inconsistent or unpatriotic in preserving the memory and recalling the courage and virtues of the men who wore the gray. To those of us who have no personal recollection of that great war we feel that we would be unworthy sons of those brave men if we forgot their virtues or ceased to be proud of the record which they made in a cause which they believed to be right. For all time to come their deeds and their achievements as men will make a bright page in history and add distinction to our country.

No brave soldier who followed Grant will deny this privilege or disparage the courage and manhood of his former foes. We are all American citizens, and as we of the South honor the brave men who fought to preserve the Union, so will all good men upon the other side and their descendants continue to honor the brave men who followed Lee and Jackson.

I was at my home in the town of Washington, N. C., on the 10th day of May this year and participated in the memorial exercises. The Daughters of the Confederacy joined with the veterans and the citizens in this sweet memorial. Under a bright sun, with a gentle breeze, the old and decrepit veterans marched with stirring music and accompanied by citizens and children. The exercises were held in the auditorium of the public-school building, where, as a part of the program, an address was delivered by Mr. R. D. W. Connor, of Raleigh, N. C. Mr. Connor is a young man of only 35 years, but he has accomplished much. He is the secretary of the North Carolina Historical Commission, secretary of the State Teachers' Assembly, and a leading member of the North Carolina Literary and Historical Association. He is a student and writer upon historical subjects and has contributed much toward preserving the history of the State and the country. His address was couched in such chaste language, was so replete with historical facts, and with all was so appropriate and patriotic that I resolved, after its delivery, to request a copy of the address with a view of asking the leave of the House to publish the same in the RECORD. It was an address which might have been delivered before any Grand Army post or before any audience in any State of the Union, regardless of their attitude or the attitude of their ancestors in that great conflict. Like myself, Mr. Connor belongs to the new generation who did not participate in the Civil War. The people of my State are proud of the Republic, loyal to the Constitution and the Union of the States, and have no higher ideal than the preservation of that Union for all time to come. If this speech could be read by the people of every section I believe it would contribute to cementing the ties which should bind us in one common patriotic purpose to preserve our Government, to perpetuate its institutions, and to maintain fraternity among all sections. If I am permitted to insert this speech in the RECORD it is my purpose to distribute it as far as possible in other sections, and particularly among the veterans of the Grand Army of the Republic.

I therefore ask leave, Mr. Chairman, to append as a part of my remarks the address of Mr. R. D. W. Connor, of North Carolina.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address referred to is as follows:

THE MEANING AND PURPOSE OF MEMORIAL DAY.

"Forty-nine years ago to-day the spirit of Stonewall Jackson passed over the river and rested in the shade of the trees. The flight of that heroic soul marked the 10th day of May as an anniversary to be forever hallowed in the grateful heart of the South. For in the career of Stonewall Jackson, more perfectly than in the career of any other man, was personified the Southern Confederacy. As the Confederacy by one bold stroke rose to a place among the powers of the world, so Stonewall Jackson at one bound leaped from obscurity to a place among the immortals of history. The Confederacy, in a brief spasm of glory, astounded the world by the brilliancy of its achievements, and Stonewall Jackson, like a passing meteor across the dark clouds of war, dazzled the eyes of mankind by the brilliancy of his genius; and as the English poet declared of the Confederacy—

"No nation rose so white and fair,
Or fell so pure of crime.

"So Stonewall Jackson, like a stainless knight of chivalry, rose to a place among heroes and, facing death with inspired heroism, left to fame a name untarnished by a single blot. In him, too, we find personified those qualities of fearless courage, dashing enthusiasm, and steadfast loyalty that characterized the soldiers of the South and won for them in defeat laurels as splendid as those that crowned the brows of their foes in victory. Nothing, therefore, could be more fitting than that the daughters of the South, searching the calendar for a day to consecrate to the memory of the Confederacy, should select the anniversary of the day on which Stonewall Jackson gave his life in defence of their homes and firesides.

"It is, then, in memory of this hero and of those who followed him that, in the very midst of an age inspired by the spirit of a living present, and cheered with the hopefulness of those who have learned to fight and win, we pause to-day to commune for a brief moment with a past that is dead, and to pay tribute to the memory of those who fought and lost. Truly a paradoxical situation. And yet, perhaps not so very paradoxical after all, for these memorial day ceremonies have a much deeper meaning than may at first appear. The past is dead, and yet it lives; our fathers lost, and yet they won; and to-day we come to review not the dead, but the living past; to commemorate not the defeat, but the victory of the vanquished. Looking back over the past we see in the American Civil War, underneath all the blare of bugles and the roar of cannon, the conflict of two great ideas. Behind the Stars and Stripes of Lincoln and Grant, we see arrayed the idea of nationality; behind the Stars and Bars of Davis and Lee, the idea of sovereign statehood. Looking out into the future, we see the day when the historian, coming to pronounce his judgment on the final results of that conflict, will declare that in the end both ideas were triumphant, for out of that struggle came a more perfect and more enduring Union, and out of it came a freer and a nobler State. Now, happily no longer in conflict, State and Union move along their destined paths to a common heritage of liberty and truth and justice for all mankind. In this happy consummation both Federal and Confederate have their allotted parts to play.

"The Confederate soldier, as I have said, represented the idea of sovereign Statehood. In defense of this idea thousands of men died on the field of battle, and for it to-day other thousands rejoice in an opportunity to live. What then is this thing for which men are so willing to give their lives? What do we mean by the State? By the State I mean something more than acres of land and millions of people; something more than constitutions and laws, than governors and legislatures, than courts and constables and prisons. I mean something more than material wealth and political power. The State of North Carolina is not the 52,000 square miles of territory lying between Virginia and South Carolina, the Atlantic and the Blue Ridge; nor is it the two and a half millions of people whose homes are here. The State is not to be found in the capitol at Raleigh, nor in the courthouses of our 100 counties. Soil and climate, fields and forests, rivers and mountains, railroads and factories, cottages and mansions, schools and churches—all these are but outward and visible forms of the real, living State. The first white men who settled on our shores 300 years ago found the same 52,000 square miles of territory stretching out before them; the same rivers pouring their waters into the same sea; the same mountain ranges lifting their lofty peaks up into the same blue sky; the same smiling plains and the same rolling hills presented to their view the same panorama of natural beauty and grandeur. They found forests growing then as they grow now. They cleared fields and built houses. They, too, had a constitution and laws, a governor, and a lawmaking body. All these things they had in substance as we have them to-day. They had the possibilities of a State, but they did not have the State itself, and certainly they did not have the State of North Carolina to which we acknowledge allegiance. If these things constituted the real State, it would be but a dead thing, the same yesterday, to-day, and forever.

"But the State is not a dead thing. It is a living, breathing, changing organism, never to-day what it was yesterday, and never to be to-morrow what it is to-day. The State of 1912 is not the State of 1812. Every generation in the past has added its contributions, modifying its character and changing its ideals; and every generation in the future must contribute something for good or ill. As Dr. McIver used to say: 'Sometimes we think it is a pity that a good man who has learned to be of service to his fellows should be called out of the world.' So sometimes we may think about an enterprising and useful generation, but after all the generations of men are but relays in civilization's march on its journey from savagery to the millennium. Each generation owes it to the past and to the future that no previous worthy attainment or achievement, whether of thought or deed or vision, shall be lost. It is also under the highest obligation to make at least as much progress on the march as has been made by any generation that has gone before. It is then in the contributions of all the generations that have gone before us, and in the contributions that we are to-day making to the generations that shall come after us that we find the real, living State.

"Let us suppose that it were possible to blot out of our lives all the story of the past, to erase from our memories all recollection of the men and events, the thoughts and the ideals, that have made us what we are to-day, to lose all knowledge of our forefathers' conceptions of liberty and law, all their successes and failures, their hopes and ambitions, their customs, traditions, and history—suppose all these things were torn out of our annals, what would we have left of the State which our Revolutionary ancestors founded and handed down to us? If we had never seen the gallant Wyatt rushing to his death at Bethel; if we had never watched with speechless wonder and admiration the long gray line of Pettigrew's division sweeping up the heights of Gettysburg; if we had never beheld the splendid figure of the gallant Grimes leading the last desperate charge at Appomattox, would we still have the same glorious old North State which we have now? Robert E. Lee, sitting despondently amid the ruins of his noble army, as his soldiers straggled by on the retreat from Petersburg, without order and without discipline, was suddenly aroused from his reverie by the steady, disciplined tread of a brigade keeping perfect step to the drumbeat. Quickly raising his head, while a pleased smile chased shadows of despondency from his face, he asked, 'What brigade is that?' 'Cox's North Carolina,' was the reply. Then, lifting his hat in salute, the great commander exclaimed, with deep emotion, 'God bless old North Carolina.' Blot all of these memories out of our lives and what should we have left? The same vast stretch of territory would still throw itself across the continent for a distance of 500 miles, the same plains and hills and plateaus would still delight the eye with their varied beauty, the same lofty mountain peaks would still cast their dark shadows across the same deep valleys, the same sky would still bend its blue arch above us, but in it all we should behold but a vain, hollow, empty shell of dead materialism, and not that State for which the Confederate soldier offered his life on the field of battle and which we to-day delight to love and serve. That State, ladies and gentlemen, we find in the hearts and minds of her people; in all they have been in the past, in all they are in the present, and in all they hope to be in the future; in the memories of the men and events by which, in peace and in war, in the council chamber and on the battle field, we have won our place among the States of the American Union; in the ideals upon which the State was founded by the fathers and in the aspirations that stir in us an ambition to serve the State and worthily to maintain what they have nobly secured.

"Such was the Confederate soldier's conception of the State, and as it was his duty and privilege to defend it, so it is ours to preserve and hand it down unimpaired to his children forever. For this purpose, then, that we may the better fulfill this duty, we have set apart this memorial day in order that we may annually pass in review what the State has been in the past, consider what it is in the present, and forecast what we shall make it in the future.

"The first purpose of memorial day, then, is to keep fresh in our minds what the State has been in the past, and surely it would be hard for one who loves his State to find a more important or a more pleasing task. A generation ago it was a favorite boast with us in the South that we had been too busy making history to have time for writing it. But when we come to think of the State as the Confederate soldier thought of it, we shall understand that not only is each generation under obligation to make at least as much progress on the march of civilization as any generation that has gone before, but it is also under equal obligations to preserve the record of its progress for the benefit of generations that shall come after it; for as history is the foundation of all knowledge and the measure of all progress, so a failure to record the great events of history would result in setting each generation back to the point from which its predecessor started, and would close to posterity the source of its richest treasures. Modesty, no doubt, is a commendable trait in the character of any people, but a sober, reasonable, and intelligent pride in the achievements of one's country is the best incentive to public virtue and real patriotism; and a people who have not the pride to record their history will not long have the virtue to make history that is worth recording.

"But I speak now of a State pride that is sober, reasonable and intelligent, for certainly there is nothing either patriotic

or elevating in that foolish, extravagant, and ignorant pride that provoked Kipling's famous prayer:

"If, drunk with sight of power, we loose
Wild tongues that have not Thee in awe—
Such boastings as the Gentiles use,
Or lesser breeds without the law—
* * * * *
For frantic boast and foolish word,
Thy mercy on Thy people, Lord!

"Such a pride develops neither virtue nor patriotism. It only excites the ridicule of the world and brings shame on the good name of the State. It places false values on unworthy things and degrades the character of the people. It produces self-conceit, provincialism, and stagnation, and destroys manly vigor and ambition. It is to be avoided as the worst enemy of true State pride. Rather let us use memorial day to cultivate a sober pride of country, which knows how to hold itself in proper reserve, yet ever stands guard over the true honor and welfare of the State; a reasonable pride of country, which knows the difference between the good and the evil, the true and the false, the beautiful and the ugly in the life of the State, and will accept the one but reject the other; an intelligent pride of country, which will seek to draw from the past lessons of service and inspiration for the present and the future.

"Love thou thy land, with love far-brought
From out the storied past, and used
Within the present, but transfused
Thro' future time by power of thought.

"The importance of the cultivation of such a pride among a self-governing people in the achievements of their country can not be easily overestimated. The great events in the history of a democratic country are the achievements of the people themselves. The Czar of Russia may issue his decree granting a free Parliament to his subjects and is entitled to claim all the credit and the glory as his own; but when an American Congress promulgates a Declaration of Independence or an American President emancipates 3,000,000 slaves, it is not Congress nor the President, but the people themselves, who speak. The American soldier, whether he wore the blue or whether he wore the gray, who answered the call of his country in 1861 and through four long years of war wrote his unsurpassed record of devotion to duty, of courage in the field, of endurance in suffering, of patience in defeat, of fidelity in temptation, of loyalty in the hour of trial, won for himself a place in history beside the imperial legionary of Cæsar and the old guardsman of Napoleon; but the glory of the Roman legionary and the glory of the French guardsman belong to them alone, the glory of the American soldier belongs to his country. So, too, the great men in a republic of self-governing people spring from among the people themselves, and in a republic no man is counted great by the accident of birth, but only by reason of some eminent service rendered to his fellow countrymen. Every man feels, therefore, that what other men have been and done, he himself may be and do. The fame of a Hannibal or a Cæsar, or of a Frederick or a Napoleon, is his own; but the fame of Lee and Grant, of Lincoln and Davis and Vance belongs to the American people. When we turn aside from our daily affairs, therefore, to commemorate the great events in our history, we simply take an inventory of the best that we ourselves have been able to contribute to the making of the State; and when we offer tribute to the great men of the State, we simply pay tribute to the highest types of character that we ourselves have been able to develop, for our own character is reflected in the character of the men whose memories we revere, whose lives we study, and whose virtues we admire.

"This, then, is the meaning of memorial day as it relates to the State of the past; for the State of the present it has a yet deeper meaning. From this study of our contributions to the State of the past we shall draw experience and inspiration for our contributions to the State of the present, for in a free State not only the demands of patriotism but also the qualifications of good citizenship require that those who control and direct the affairs of the State shall be familiar with the ideas and events that have shaped its destiny. In such a State every citizen is a director in its affairs and from time to time is called upon to decide great questions that will affect the welfare of the remotest posterity. In his hands he holds the fate of political parties; he controls public polices; he formulates social creeds; he solves educational problems; he determines great industrial issues; in a word, he forms public opinion, and in free States public opinion rules politicians, governs social conduct, regulates industrial affairs, and shapes the destinies of the people. This much at least every citizen must pay for the privilege of his citizenship; and if he is a patriotic citizen, intent upon the conscientious performance of his duty, he needs as the foundation stone of his citizenship a knowledge of the past.

"Oh, but men say, 'The past is dead, and we are practical men who live in the present. What need have we for the dead past?' The past is not dead. 'The roots of the present lie deep in the past, and nothing in the past is dead to the man who would understand how the present came to be what it is.' The present was born of the past and is the parent of the future. Every problem which you are called upon to solve comes to you out of the past, molded into shape by its influence and charged with its spirit. If your problem be to choose between candidates for the United States Senate, for governor, for constable, or for any other public office, your first inquiry is for a knowledge of their past. If your problem be to reorganize a bank, a school, a factory, or any other institution, your first task is to learn how the institution was formed and whence it grew. If your problem be to formulate a social creed for the guidance of your community, your first step is to learn what social creeds have risen and vanished before. If your problem be to determine upon an educational policy for your city, your county, or your State, you must first of all investigate the hundred policies that have already been put to the test. If your problem be to agree upon some plan for the better marketing of your cotton crop, for the regulation of labor, or to settle any other industrial policy, you must first of all know the origin and history of the trouble to be corrected. Whatever your problem may be you can not understand it clearly or solve it intelligently until you are familiar with its past.

"And yet how often do we see wise men who refuse to acknowledge this plain truth blundering along in their blindness, consulting their invention and rejecting their experience until they find that every step taken in advance seems to be hurled back by some silent and unnoticed power, and their enthusiasm gives way to despair, their hopes fade into recollections.

"What is this unseen power which seems to undo the best human efforts as if it were some overbearing weight against which no man can struggle? What is this ever-acting force which seems to revive the dead, to restore what we destroy, to renew forgotten watchwords, exploded fallacies, discredited doctrines, and condemned institutions; against which enthusiasm, intellect, truth, high purpose, and self-devotion seem to beat themselves to death in vain? It is the past. It is the accumulated wills and works of all mankind around us and before us. It is civilization. It is that power which to understand is strength, which to repudiate is weakness. (Frederic Harrison: The Meaning of History.)

"Surely no people in all the history of the world have had more reason to be impressed with these truths than we Americans of the Southern States. During the decade following the Civil War we saw a triumphant people, flushed with victory and drunk with power, attempt to remodel every institution of these Southern States in defiance of all the lessons of 10 centuries of English history. We saw them attempt to erect a political structure on a basis that turned back the wheel of time a thousand years. We saw them formulate a social creed proclaiming an equality between the white man and the black man that flew into the face of all civilization. We saw them plan an industrial scheme to place the former master under the feet of his recent slave; that gave the lie to the teachings of history throughout the ages. And we saw them all—institutions, political structure, social ideals, and industrial schemes, though supported by the arms of a victorious Nation, rise in the night only to fall crushed and destroyed in the day, leaving as their contributions to the State naught but the

" * * * sword and fire,
Red ruin, and the breaking up of laws.

"Crushed and destroyed, not because they were evil, evil though they were, but destroyed because they were not born of the past. The best work of some of the truest reformers in the history of the world has not been exempt from a similar fate. Indeed, the whole path of civilization is strewn with the wrecks of institutions, social and religious creeds, political and industrial structures, to which millions looked for the cure of all human ills and upon which they founded their hopes of human happiness—wrecked because their roots were not sunk deep in the teachings of the past. The past is the conservative, steadying, guiding power in the present; and the present, without the influence of the past, would be as unsteady in its motions, as helpless to guide its course, and as uncertain of its goal as a ship without sails, ballast, or rudder. No pilot is fit to be intrusted with the control of a ship who is ignorant of his chart, and no crew who are indifferent to their chart need hope to reach their haven safely; so no man is fit to be intrusted with control of the present who is ignorant of the past, and no people who are indifferent to their past need hope to make their future great.

"For this State of the future, memorial day has yet a deeper meaning. Paradoxical as this may seem, it is yet necessarily true. All our aims and ambitions and hopes look to the future. That State pride which the study of the past cultivates is a

meaningless vanity if it does not inspire in us high and splendid ideals for the State of the future. That equipment for service which such study develops has but little purpose if it does not enable us the better to realize those ideals. If we shall find that the contributions made by our fathers to the State of the past were good, shall we not resolve that our contributions to the State of the future shall be better? If we shall find that they have left to us a noble heritage, shall we not determine to leave to our children a yet richer legacy? If we shall find that they were ready without thought of self to bear the burdens of the state and equipped to do its service, shall we falter because we, too, have burdens to bear and services to perform? No State ever called her people into her service with greater confidence in their spirit of willingness and determination than North Carolina in 1861, and no people ever responded with a more absolute forgetfulness of self in their duty to their country. In like manner the State of the future is calling us into her service; and shall we not respond in like spirit? No invading foe threatens us with a foreign tyranny, no bugle calls us to arms in her defense; but there are other tyrannies none the less oppressive, other duties none the less important. There is the tyranny of ignorance, the tyranny of poverty, the tyranny of disease, the tyranny of a backward industrial life, the tyranny of prejudice, the tyranny of intolerance. There are schools to be supported, resources to be developed, social conditions to be reformed, fields to be cultivated, prejudices to be overthrown, truth and justice to be established—all great problems that have come to us out of the past. What, then, has the past to teach us with regard to their solution?

"The past will teach us that since the dawn of civilization ignorance has contributed nothing to the progress of mankind or to the amelioration of man's condition on earth; hence we shall learn that the supreme duty of the State of the future is the education of her children—not some of her children, but every child of them, without regard to its sex or condition, its wealth or poverty, its race or color. Ignorance is no respecter of persons. It chooses its agents regardless of their race, color, or previous condition of servitude. It is thoroughly democratic. It strikes through the ruler in the seat of power; it strikes through the money king on his throne of gold; it strikes through the beggar on the street. It is as blind as justice itself. The scholar in his study, the man with the hoe, the banker, the merchant, the manufacturer, the editor, the teacher the lawyer, the farmer, all feel the deadening effects of its blows, and wherever they fall they leave behind a trail of poverty and failure and suffering. It flaunts itself in our faces to-day with all the arrogance of long-intrenched power, daring us to more terrific battles and inviting us to more glorious victories than any that were ever won by the Confederate soldier. To these battles the State of the future is calling us as the State of the past called to our fathers:

"Bring up all your cohorts of truth and light and power. Open all your batteries and sound the onset, for the conflict is now on with the enemy. The powers of ignorance and of darkness are arrayed against us, and the fight must be to the finish.

"The past will teach us that material resources—unlimited water power, boundless forests, inexhaustible minerals, fertile soil, and genial climate—contribute nothing to the wealth or the power of a people who do not know how to use them. Gettysburg and Appomattox taught this lesson with fearful force, for behind the armies of the South were neglected fields, unopened mines, impassable highways, unexplored forests, and rivers that sent their waters unfettered to the sea; behind the armies of the North were cultivated farms and gardens, rivers that had been harnessed to the spindle and the loom, mines that had been made to yield up their secret treasures, forests that gave their timbers to be fashioned into a thousand useful forms, and great railroads and highways that carried life and vigor to the uttermost parts of the country. In 1865 the armies of Lee and Johnston surrendered not to the armies of Grant and Sherman, who faced them on the fields of Virginia and Carolina, but to the mills and factories that dotted the river banks of New England, to the open mines that poured their riches into the laps of California and Pennsylvania, to the trade and commerce that brought the produce of the world to the doors of New York and Chicago and Philadelphia. History teaches no lesson more forcibly than the lesson that Providence does not long tolerate a people who neglect the gifts of nature. And so in the State of the future, before we can come into our inheritance, we, too, must learn how to go down into the bowels of the earth and bring up the hidden treasures, how to penetrate the depths of the forests and hew down the timbers with foresight and intelligence, how to tunnel the mountains and bridge the gorges for great railroads and highways of commerce and travel. In a word, we must learn how to use the natural wealth that a generous Creator has poured into our laps or become the hewers of wood and the drawers of water for those who do know how to use them.

"The past will teach us that no State ever grew strong or prosperous except through the strength and prosperity of the great toiling masses of its people. Hence we shall learn that in the State of the future the 80 per cent of her people who cultivate her soil and not the 20 per cent who live in her towns will determine her power and wealth. The great economic problem of this State then, as Mr. Poe states it, is not the building of towns and cities but the increasing of the earning capacity of her average farm at least $500 a year so as to bring it up to the earning capacity of the farms in other parts of our country. In order to do this—

"We must rebuild our wasted soils, restore the valuable woods to our forests, construct economic and enduring highways, substitute in the country substantial structures of brick or stone for our frail tenements of wood, the meadows must send their fragrance to the valleys, the fruit trees must cover the hilltops with bloom, the schoolhouse, the church, and the factory must gladden the view from every summit. We must build a more complete and enduring rural civilization, where strong and vigorous manhood is reared and where the purest and rarest forms of womanhood are in bloom. * * * Every idle acre of land must be made to produce, every idle man and woman must be drafted into the army of toil, extravagance and waste must cease, intelligence must dominate matter, and universal vigor must take up the tasks of general frailty. (Seaman A. Knapp in an address before the North Carolina Teachers' Assembly, 1908.)

"Our industrial Lees and Jacksons must lead their armies of toilers against the foes that are beating back from our rural sections the comforts and conveniences and pleasures of modern life.

"The past will teach us that the foundation upon which rests the power and stability of the State is the physical well-being of its people. The battlefield soaked in human blood, strewn with mangled bodies, and groaning from the suffering of its victims, fills us with unspeakable loathing; and, turning away with horror-stricken faces, we cry aloud against 'man's inhumanity to man.' With a thousand voices from every pulpit and press in the land we denounce war as the great crime against civilization, and upon a thousand gilded trumpets we hail the dawn of universal peace as civilization's last and greatest triumph. But if war is a crime against civilization what shall be said of the existence among us of those conditions which produce preventable disease? Where war has claimed its thousands disease has reaped its tens of thousands. During the Civil War, whose heroes we honor to-day, while 19,000 brave North Carolina soldiers fell on the battlefield, disease increased the number to more than 40,000. For every American soldier killed in that struggle by bullets, three fell before the invisible shafts of disease. During the Spanish-American War the common house fly slew five times as many American soldiers as were killed by Spaniards, and in that short and unequal struggle for every American soldier who fell before a Spanish bullet disease slew 14. It matters not how brave the soldier may be, how loyal to his flag, how enthusiastic in his cause, no measure of bravery, no degree of loyalty, no amount of enthusiasm can avail him aught if his body be wasted with disease, if his limbs refuse to obey the demands upon them, if his mind be dulled and deadened by living under insanitary conditions. And what is true of the soldier in war is equally true of the citizen in peace. Rome, once the world's mightiest empire, we are told, was destroyed by malaria. Last year alone in the United States, among the most enlightened people on earth, one single preventable disease destroyed as many persons as were slain on both sides during the four years of our Civil War. No people weak and sickly from living under insanitary conditions can ever make a strong, a prosperous, and a happy community. Though they may dwell in the most beautiful region on earth, though manufactures may prosper, though agriculture may thrive, though the arts and sciences may flourish, though architects may cover the land with gorgeous temples and palaces, though they build navies and raise armies greater than any the world has yet seen, if they do not destroy the conditions that produce disease, disease will take its silent and insidious course, daily undermining the health and decreasing the vigor of the race, and that nation must perish. We shall learn no lesson from the past more vital to our welfare than the lesson that it is the duty of every community to protect the lives and health of its people.

"The past will teach us that the supreme test of capacity of any people for the great task of self-government is the degree of patience with which they are willing to submit to necessary and salutary restraints upon their will in the exercise of political power, and if I do not misread the signs of the times there is no lesson which we need to take to heart just at this time than this: Self-government, if it means anything, means self-restraint, self-restraint in the exercise of political power not merely by individuals, but also by communities, by States, and

even by mighty nations. In every self-governing community the well-considered will of the majority of those upon whom political power is conferred must, of course, prevail; but before that majority is fit for the task of self-government it must recognize the fact that there are certain great principles of right, justice, and liberty, fundamental, eternal, and unchanging, which it can not overleap with impunity, and which must always be maintained at every hazard by those in authority. These principles of government our fathers embodied in our State and Federal Constitutions for the protection of the weak against the strong, the minority against the temporary passions of the majority. But to-day there is rapidly developing among us a disposition to regard these restrictions with disfavor, to look upon our constitutions as antiquated documents, very good in their day but now decidedly behind the times; and we are growing more and more impatient with courts and judges who dare uphold their provisions when they conflict with the passing whims of the hour. Looking back over our history, I find that likewise the abolitionists denounced the courts and judges in the days of Chief Justice Taney and the Dred Scott decision; and so, too, did the carpetbaggers and their northern supporters in the days of Chief Justice Chase and the reconstruction acts. I would not to-day say one word that would revive the bitter memories of reconstruction, yet I would not have you soon forget the lessons to be drawn from that memorable epoch in our history. When the majority of the American people, swayed by vindictive passions of sectional hatred, attempted to reduce the whole South to a condition like that of a Roman province under the Cæsars, what great instrument stood in their way?

"The Federal Constitution. When that majority withdrew from southern leaders the benefits of the amnesty granted them by the President, when they forbade southern lawyers to practice in the courts and southern preachers to preach the gospel from their pulpits, when they abolished the right of trial by jury in the South and substituted for it trial by irresponsible military commissions, when they denied to the southern people the privilege of the great writ of habeas corpus, when by these monstrous violations of the Constitution they attempted to withdraw the protection of the law of the land from all those who refused to 'crook the pregnant hinges of the knee that thrift might follow fawning,' who was it that stayed their hands and saved the liberties of the southern people? It was none other than the judges of the Supreme Court of the United States. Thwarted in their purpose, the majority chafed and stormed, denounced the judges, and threatened to abolish the court, but the good ship Constitution rode clamly through the raging tempest and carried her precious cargo safely into port. And so to-day, when we become impatient at the salutary restraints placed upon our actions by that great charter of our liberties, when we feel inclined to join in the cry of those who condemn it as antiquated and unsuited to the times, when in our eagerness to make 'progress' we are tempted to demand that its time-tested provisions give way to hastily conceived expedients, let us pause—let us pause and call to mind the great part it has played in the establishment of human liberty on earth; let us look about us and consider how it has carried light and hope and inspiration to the teeming millions, not of America only, but of Europe, of Africa, of Asia, of Australia, and the far-off islands of the sea, and let us learn to place a little less confidence in the judgment of the day and a greater faith and reliance in the wisdom and the teachings of the ages.

"The past will teach us that no State has ever survived the assaults of time that was not built on the solid corner stone of truth and justice and equality of opportunity for all men. We shall learn, too, that there can be no truth without freedom of thought, no justice without freedom of discussion, no equality of opportunity without freedom of action. Every tyranny that has oppressed mankind since the beginning of history, whether it be the tyranny of autocracy, the tyranny of aristocracy, or the tyranny of democracy, flourished on intolerance of free thought, on suppression of free speech, and on denial of free action. In the State of the future we must set our faces like flint against every tendency to encourage these servants of tyranny. We must learn to expose every question affecting the welfare of the State to the searching light of free and full discussion and to abide the judgment of the people. But we must learn also that hackneyed oratory is not discussion, denunciation is not criticism, license is not freedom. We must learn that judgments rendered at the dictation of passion and prejudice are not likely to be 'true and righteous altogether.' We must learn that ideas are greater than persons, and principles more enduring than personalities. We must learn that as true liberty is liberty regulated by law, so nothing is more important to the people of a self-governing State than that stern and splendid regard for law which was the glory of Rome in her best days, and without which no people can be truly great or truly free. And, finally, we must learn that, while eternal vigilance is the price of liberty, eternal agitation is not eternal vigilance. Not till we have taken these lessons to heart shall we throw open the door of opportunity to every child in the State; not till then shall justice be enthroned in all the beauty of righteousness; and not till then shall 'Truth, shining patiently like a star, bid us advance, and we will not turn aside.'

"To educate the children of the State, to develop her resources, to revolutionize her industrial and agricultural system, to maintain her authority, to preserve her freedom—these are all great problems that have come to us out of the past; to solve them is the work of the future. We shall not solve them without the expenditure of much money and toil and sacrifice. But to these tasks the State is calling her best sons, and shall we shrink from her call? Consider the Confederate soldier. The one sentiment that overshadowed all others in his heart, was devotion to his State. For the State he lived, and in her defense he went forth to die. He knew no duty above his duty to the State, and he coveted no honor save the honor of the State. No labor was too hard, no burden too heavy, no sacrifice too great in her behalf. When she called him into her service, he invented no excuse, he uttered no murmur, he asked no reward. Inspired by his pride in her achievements, he imagined no greater joy than to share in the brightness of her glory; and warmed by her love, he sought no other fate than to go down with her in the darkness of defeat. If in the same spirit we too shall answer the call of the State of the future we may rest assured that we shall not go down with her in the darkness of defeat, but that we shall rejoice with her in the ever-increasing brightness of her eternal glory.

"Such then is that freer and nobler State that came triumphant out of the conflict of the sixties. Out of that conflict came also, as I have said, a more perfect and a more enduring Union—a Union of States, not of sections—of States sprung from a common source, created for a common purpose, and builded on a common foundation; a Union of States bound together by the history and traditions of a common past, united in the work of a common present, and destined to the glories of a common future.

"For this Union, memorial day, whether it honors the memory of those who followed Lee or the memory of those who followed Grant, has its final and deepest meaning. We shall not come to the observance of memorial day in the right spirit if our purpose be to rekindle the fires of bitter memories or of sectional animosities. But rather let us come in that spirit which declares:

"The sons will preserve and will magnify the fame of their fathers, but they will not foster or fight over again their feuds, since the fathers themselves * * * long ago renounced rancor and dissolved differences. * * * We will filially honor the shades of our ancestors, but we will not cut ourselves among their tombs. * * * Our fathers fought out the questions which their fathers left unsettled. We recognize and rejoice in the settlement of those questions. But we are resolved that neither the charm of historical study, nor the passion nor the pathos of poetry, nor the pious exaltation which shrines excite and monuments inspire shall to-day hold back North and South from the new and noble obligations, and from the benign and brotherly competitions of this teeming time. Better a decade of love and peace than a cycle of the mutilations and of the memories of the Civil War. (St. Clair McKelway, in an address before the Conference for Education in the South, 1903.)

"In such a spirit the Confederate soldier, after four long years of conflict, submitted to the judgment of the God of battles, and in such a spirit the Nation will yet acknowledge the great debt which it owes to him. He fought the war in good faith; he laid down his arms in good faith; and he accepted the result in good faith. No apology for his course arose to his lips to belie his conscience; no vain regrets lingered in his heart to embitter his spirit. He turned from the battle field to his civic duties feeling 'malice toward none,' but 'charity for all'; ready to lend his hand to the task of binding up the Nation's wounds, and determined to contribute by voice and conduct toward establishing and cherishing a just and lasting peace between the torn and bleeding sections. Keeping always in view the harmony, peace, and happiness of the whole country, joining in the desire of all good men everywhere to hush forever the passions and prejudices of civil strife, disdaining to renounce his own faith or principles, but willing to trust his vindication to—

"That flight of ages which are God's
Own voice to justify the dead,

"he called on all sections of his country to ignore sectional issues, and to address themselves to the task of restoring the Union in heart and soul.

"That task, ladies and gentlemen, has been accomplished: the Union has been restored. Fifty years after her secession the vanquished South sits in the councils of the Nation, an

equal member with the triumphant North. By order of the President the name of Jefferson Davis, which was stricken in the heat of civil war from a great national work made possible by his genius, has been recarved on the corner stone of Cabin John Bridge and his image has been graven upon the silver service of the mighty battleship which bears the name of *Mississippi*, to be an inspiration of patriotism to her officers and her gallant crew. The beloved form of Robert E. Lee, clad in Confederate uniform, stands by that of Washington under the Dome of the National Capitol. And in the seat of John Marshall a Confederate soldier with learning, wisdom, and patriotism worthy of his great predecessor guides the deliberations of the Nation's highest court of justice. To-day the South holds in her hands the destinies of this Union, and all men know that they are in safe and honorable keeping.

"A half century is but a brief span in the life of a Nation. Yet the fiftieth anniversary of the morning on which the opening roar of those guns in Charleston Harbor shook this Union to its very foundations and threatened to tear it asunder found these States more closely bound together in the bonds of brotherhood than ever before, saw this Union more firmly established than ever in its whole history, and, in the glorious words of Daniel Webster, beheld 'the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted nor a single star obscured, bearing for its motto no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and union afterwards," but everywhere spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land and in every wind under the whole heavens, that other sentiment, dear to every true American heart, "Liberty and union, now and forever, one and inseparable!"' The accomplishment of this mighty task within the brief space of 50 years is one of the greatest triumphs of civilization in the history of mankind, and in this triumph no section of our country has borne a more honorable part than the old Confederate States, no man has contributed more nobly than the old Confederate soldier. His wisdom and prudence, his saneness and patience, his loyalty and patriotism through all the years since the war have won for him a warm place in the Nation's heart, and there it shall abide forever.

"And to-day as we gather to do honor to his memory shall we not resolve to follow his example and emulate his spirit? Let us forget the bitter memories, the passions, and the prejudices left in the wake of sectional strife and join heart and soul with all throughout our common country who pay tribute to those, whatever banner they may have followed, who unselfishly answered the call of duty as God gave them to see and understand it. On this memorial day, dear to our hearts for the memories it brings, the gallant spirits of Federal and Confederate, who so freely gave of their best blood in the service of their country, call to us to give as freely of ourselves to our great reunited Nation, and in the service of that Nation to think the highest that is in us to think, to do the best that is in us to do, and to be the noblest that is in us to be."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP 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 passed without amendment bills of the following titles:

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 105. Joint resolution authorizing the Secretary of State, for and on behalf of Surgeon Eugene Masdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government and to present the same to the widow of the said Surgeon Masdin.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We have begun the reading of the bill. It is now 5.30 o'clock——

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, 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. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

DEFICIENCIES IN HOUSE CONTINGENT FUND.

Mr. FITZGERALD, from the Committee on Appropriations, reported a joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report (No. 755), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the joint resolution.

The SPEAKER. The gentleman from Illinois reserves all points of order.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill 18712, 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, was taken from the Speaker's table and referred to the Committee on Pensions.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, May 24, 1912, at 11 o'clock a. m.

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 the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce and Labor submitting estimate of appropriation for the establishment of an immigration station in Chicago, Ill. (H. Doc. No. 764); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, calling attention to the depleted condition of fund for the prevention of the introduction and spread of contagious and infectious diseases and recommending an appropriation of $500,000 for this fund (H. Doc. No. 765); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest, reported the same with amendment, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 6646) 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, reported the same without amendment, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6847) 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, reported the same without amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. UTTER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 24796) 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, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20220) granting a pension to Annie Hewson; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 24797) to repeal a portion of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes," approved March 3, 1909, and a part of the act making like appropriations for the fiscal year ended June 30, 1911, approved May 18, 1910; to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: A bill (H. R. 24798) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. LENROOT: A bill (H. R. 24799) relating to sleeping cars in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24800) for the purchase of a site and the erection thereon of a public building at Rhinelander, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A bill (H. R. 24801) making an appropriation of $14,500 for improvements in and about the immigration station at the port of New Orleans; to the Committee on Appropriations.

By Mr. RAKER: A bill (H. R. 24802) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 24803) to authorize common carriers subject to the provisions of the act of June 29, 1906, entitled "An act to amend an entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," to issue free transportation to traveling secretaries of Young Women's Christian Associations; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, favoring the abolition of the Commerce Court; to the Committee on Interstate and Foreign Commerce.

Also, memorial, of the Legislature of the State of Arizona, favoring reimbursement of settlers on Spanish land grants for improvements, etc., made while occupying them; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. UTTER: A bill (H. R. 24796) 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; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 24804) granting an increase of pension to Amos Berry; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 24805) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24806) granting an increase of pension to L. G. Wildoner; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24807) granting an increase of pension to Theodor Schwahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24808) granting an increase of pension to Silas M. Abers; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24809) for the relief of Yandell Wood and the estate of J. L. Wood; to the Committee on War Claims.

By Mr. DANFORTH: A bill (H. R. 24810) granting an increase of pension to John G. Van Trump; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 24811) granting an increase of pension to Samuel S. Brand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24812) granting a pension to Robert J. Branch; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24813) granting an increase of pension to William P. Smith; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 24814) for the relief of the heirs of Zimri A. Carter; to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 24815) granting an increase of pension to Miriam Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24816) granting an increase of pension to Marguerite Matheney; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 24817) granting an increase of pension to Eleanor E. Garner; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 24818) granting an increase of pension to Henry S. Pettit; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24819) for the relief of Coleman C. McReynolds, administrator of the estate of John McReynolds; to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 24820) for the relief of Walter M. Sheppard; to the Committee on Claims.

By Mr. PEPPER: A bill (H. R. 24821) to pay Charles Max Wittig $500 back bounty; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 24822) granting an increase of pension to Thomas D. Quaintance; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24823) granting an increase of pension to John Souchereau; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 24824) for the relief of Daniel Kennedy; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of United States Civil Service Retirement Association, protesting against House bill 24023, which limits the employees of the District of Columbia to an appointment of five years; to the Committee on the Judiciary.

Also, resolution of North Side Board of Trade in the city of New York, recommending the improvement of Bronx Kills, Harlem River and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolution of Protestant Episcopal Diocese of Washington, against use of Government funds to support schools which are in reality no longer secular but sectarian; to the Committee on Indian Affairs.

By Mr. BULKLEY: Petition of Cleveland & Buffalo Transit Co., favoring passage of House bill 24025, requiring more adequate life-saving equipment on lake and ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cleveland Federation of Labor, favoring requirement of more adequate life-saving equipment on lake steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of Batavia, N. Y., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BURKE: Papers to accompany bill for granting widow's pension to Mary H. Schmidt; to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of citizens of Gadsden, Ala., for passage of Lea-Sims bill to forbid interstate transmission of race-gambling odds and bets and the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Harrisburg (Pa.) Brotherhood of Locomotive Engineers and State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Alabama Federation of Labor, against proposed Federal compensation act; to the Committee on the Judiciary.

By Mr. DANFORTH: Resolution of Congregation B'rith Hamderish Hagodel, B'nai David Chavery Chatem, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Resolution of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, favoring passage of the Panama Canal bill, amended to read free tolls for American vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sons of Poland, of Buffalo, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolutions of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Pride of the West Lodge, No. 56, Independent Order B'rith Abraham, St. Louis, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Fraternal Order Americans, Independent Council, No. 1, St. Louis, Mo.; State Camp, Patriotic Order Sons of America, of North Carolina; and citizens of St. Louis, Mo., all favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Association of Foreign Language Newspapers, of New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Richmond Chamber of Commerce, favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of citizens of Silverton, Colo., relative to establishing a mining experiment station in Silverton; to the Committee on Mines and Mining.

Also, petition of Protestant Episcopal Church of the Diocese of Washington, relative to the garb worn by teacher and Indian children in Government schools; to the Committee on Indian Affairs.

By Mr. ESCH: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., and State Camp, Patriotic Order Sons of America, both favoring passage of House bill 22527, for restriction of immigration; to the Commitee on Immigration and Naturalization.

By Mr. EVANS: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Polish National Alliance of United States, of North America, of Chicago, Ill., protesting against passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of American Association of Foreign Newspapers, of New York City, N. Y., against passage of the Brown-Oldfield bills, proposing change in patent law; to the Committee on Patents.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of United Angler's League, of New York City, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petitions of the Richmond Chamber of Commerce, Richmond, Va., and Brotherhood of Railroad Trainmen, Chicago, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Women's Trade Union League of Chicago, Ill., favoring passage of House bill No. 11372, the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. M. Corbett, of Rockford, Ill., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of First Presbyterian Church, Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Polish National Alliance of Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of divers veterans of the Civil War, favoring the passage of House bill 1339, to increase pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petitions of City Council of the city of Chicago and sixteenth and seventeenth wards, of Chicago, Ill., both protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Memorial of Brotherhood of Locomotive Engineers, favoring passage of anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of New York State Vegetable Growers' Association, of Ithica, N. Y., favoring a parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of Hudson River Improvement Association of New Jersey, relative to improvement of the port of New York; to the Committee on Rivers and Harbors.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of the Cleveland Chamber of Commerce, Cleveland, Ohio, relative to House resolution 357, for collecting data of loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Arkell & Douglas (Inc.), New York, N. Y., favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturing Association, relative to the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of National Lumber Manufacturing Association, Cincinnati, Ohio, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Broome County Humane Society, Binghamton, N. Y., favoring the passage of House bill 17222, relative to shipping immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association, in regard to industrial education; to the Committee on Agriculture.

Also, petition of Bakst Bros., New York, N. Y., protesting against passage of the Richardson bill, H. R. 14060; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. GRAY: Evidence to accompany House bill 23096, claim of Henry L. Kester, late a private of Company E, One hundred and tenth Regiment Ohio Volunteer Infantry; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of Iron Molders' Union No. 101, Bangor, Me., and Princeton Grange, No. 293, Princeton, Me., both favoring passage of postal-express service (H. R. 19133); to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Papers to accompany bill for the relief of the heirs of Jimmie A. Carter; to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Hebrews of New Britain, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of United Brotherhood of Carpenters and Joiners of America, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Ogden Lodge, No. 127, Ogden, Utah, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Tremonton Commercial Club, Tremonton, Utah, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of State Camp, Patriotic Order Sons of America, North Carolina, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. LEE of Pennsylvania: Petition of citizens of Schuylkill Haven, Pa., favoring passage of Senate bill No. 1, establishing a national public health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., relative to adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Daniel Green, of Newport, Del., and John Tindle, Chattanooga, Tenn., both favoring bill for increase of pension to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. MAHER: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, which encourages instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: Petition of Trinity Mission, Winner, S. Dak., relative to conditions of the natives in Alaska; to the Committee on the Territories.

By Mr. McGILLICUDDY: Petition of members of Camp Hamlin-Hagerty, No. 3, Spanish War Veterans, of Lewiston, Me., favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. McDERMOTT: Petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., against passage of employers' liability and compensation act; to the Committee on the Judiciary.

Also, resolution of Polish colony of Chicago, Ill., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Square Deal Lodge, No. 752, Brotherhood of Railway Trainmen, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Coleman C. Dennison; to the Committee on War Claims.

Also, papers to accompany bill for the relief of Thomas Smith for loss sustained during Civil War; to the Committee on War Claims.

By Mr. MURRAY: Petitions of Boston Lettist Workmen's Association, of Roxbury, Mass., and Freedom Lodge, Order B'rith Abraham, of Boston, Mass., both protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of Billy Mortimer Post, No. 192, Minneapolis, Minn., favoring passage of House bill 14070, for relief of soldiers whose hearing is defective; to the Committee on Pensions.

Also, resolutions of J. B. Wakefield Post, No. 172, of Long Lake, Minn., favoring passage of House bill 14070, for the relief of soldiers whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. PARRAN: Petition of Remember the Maine Council, No. 41, Junior Order United American Mechanics, of Seabrook, Md., favoring passage of the Burnett bill providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Petition of citizens of California, in opposition to any change in present patent laws that will affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, favoring passage of the anti-injunction bill; to the Committee on the Judiciary.

By Mr. REDFIELD: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Hebrew Sunday School Society of Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 18327, for printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 22589, for purpose of erecting diplomatic buildings in Mexico, Tokyo, Berne, and Hankow; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of Daughters of Liberty of Asbury Park, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany bill for granting a pension to Isabella Elliott; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Philadelphia Board of Trade, Philadelphia, Pa., relative to erecting some diplomatic buildings; to the Committee on Appropriations.

Also, petition of the Richmond Chamber of Commerce, favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of American Association of Foreign Language Newspapers, New York City, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

By Mr. UTTER: Petition of citizens of Philadelphia, Pa., and Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WATKINS: Petition of Y. P. M. V. Society, parish of Bienville, State of Louisiana, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Twenty-second Assembly District Democratic Club, of Borough of Brooklyn, N. Y., favoring passage of the Hamill bill, to pension certain postal-service employees over 60 years of age and 30 years of service for the Government; to the Committee on Pensions.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., in favor of a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Texas: Resolutions of Smith County Medical Society, of Texas, favoring passage of the Owen bill (S. 1) to establish a national bureau of health; to the Committee on Interstate and Foreign Commerce.