SENATE.

TUESDAY, *July 23, 1912.*

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

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. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERSTATE TRANSPORTATION OF PRIZE-FIGHT PICTURES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, which were, on page 1, line 6, after "carriage," to insert "or to send or carry"; on page 2, in lines 2 and 3, to strike out "or any record or account of betting on the same"; and to amend the title so as to read: "An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes."

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

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

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 amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6340) 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 certain widows and dependent relatives of such soldiers and sailors.

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 amendments of the House to the bill (S. 5623) 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 certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House insists upon its amendments to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROTHERMEL, Mr. LOBECK, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii; and

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Local Division No. 417, of Peoria, and of Local Divisions Nos. 96 and 294, of Chicago, Brotherhood of Locomotive Engineers, all in the State of Illinois, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. PAYNTER, from the Committee on Claims, to which was referred the bill (H. R. 20124) for the relief of E. Rosenwald & Bro., reported it without amendment (S. Rept. 954).

Mr. BOURNE. From the Committee on Post Offices and Post Roads I report back with amendments the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (S. Rept. 955). I will state that the committee report will follow in a day or two, as soon as we can complete it.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases, reported it with amendments and submitted a report (No. 956) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 644. An act for the relief of Mary E. Quinn (Rept. No. 957); and

H. R. 13938. An act for the relief of Theodore Salus (Rept. No. 958).

Mr. SANDERS, from the Committee on Military Affairs, to which was referred the bill (S. 2677) to establish the military record of M. M. Pool, submitted an adverse report (No. 959) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 7237) to reserve certain lands and to incorporate the same and make them a part of the Santiam National Forest, reported it with an amendment and submitted a report (No. 960) thereon.

He also, from the Committee on Agriculture and Forestry, to which was recommitted the bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, reported it with amendments and submitted a report (No. 961) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 117) for the relief of Fred White, reported it without amendment and submitted a report (No. 962) thereon.

BILLS INTRODUCED.

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

By Mr. CHAMBERLAIN:

A bill (S. 7347) granting an increase of pension to George W. Thurman (with accompanying papers); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 7348) for the relief of J. W. Hayes, administrator of the estate of W. D. Wilson, deceased; to the Committee on Claims.

Mr. PERCY. I introduce a bill for the relief of Sargeant Prentiss Knut, which I ask may be read twice by its title. As the bill is thought to involve an international question, I ask that it be referred to the Committee on Foreign Relations.

The bill (S. 7349) for the relief of Sargeant Prentiss Knut, administrator of the estate of Haller Knut, deceased, was read twice by its title and referred to the Committee on Foreign Relations.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. REED submitted an amendment intended to be proposed by him to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and for other claims, which was referred to the Committee on Claims and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent to take up House bill 25069, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Gov-

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ernment for the fiscal year ending June 30, 1913, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The roll will be called.

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

Ashurst	Culberson	Kenyon	Pomerene
Bacon	Cullom	Lodge	Simmons
Bankhead	Cummins	McCumber	Smith, Ariz.
Borah	Dillingham	Martin, Va.	Smith, Ga.
Bourne	du Pont	Martine, N. J.	Smith, Mich.
Brandegee	Fall	Massey	Smith, S. C.
Bristow	Fletcher	Myers	Smoot
Bryan	Gallinger	Nelson	Stephenson
Burnham	Gardner	Overman	Swanson
Catron	Gronna	Page	Thornton
Chamberlain	Heyburn	Paynter	Townsend
Clark, Wyo.	Johnson, Me.	Percy	Warren
Crawford	Jones	Perkins	Works

Mr. THORNTON. I announce the absence of my colleague [Mr. FOSTER] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. WARREN. The Senator from Maine [Mr. GARDNER] gave notice of a desire to speak this morning. I understand that he is to be called from town, and, if agreeable to him, I now yield the floor to him for that purpose.

Mr. GARDNER. Mr. President, my excuse for imposing upon the time of the Senate is because I am obliged to leave the city to-morrow, and I will be detained for some little time. Consequently I felt it my duty to address myself this morning to the subject I wish to bring to the attention of the Senate. I think Senators will bear me out in the statement that I have not used very much of the time during the present session.

The PRESIDENT pro tempore. Will the Senator suspend for a moment? The Chair appeals to Senators not to indulge in audible conversation. The Senator from Maine will proceed.

THE BOURNE BILL AND A POSTAL-EXPRESS SERVICE.

Mr. GARDNER. Mr. President, for more than a generation the people of the country have been asking Congress for the enactment of legislation that would give them the advantages, enjoyed by the people of every other civilized country, of an adequate general parcel-post service. As the years went by and nothing was done conviction grew that Congress was indifferent to mere appeal. The voice of the people took on a more determined and significant tone, and to-day it has become a demand; and I know whereof I speak when I say that the farmers have made the securing of a thoroughgoing, adequate, postal package service, which will connect up the country and the city and bring producer and consumer together, their paramount issue. Promptly on the public announcement through the press of my succession to membership in this body I received letters from farmers and editors of the farm press in all parts of the country urging me as a farmer and direct representative of farmers to make the parcel post my first concern as a United States Senator.

I appreciate the compliment thus paid me by the farmers of this country, and can only hope to be equal to the responsibilities which go with its task. Senators may not know that in the 40 years this subject has been before the country no discussion of it has ever taken place on this floor. The subject is not a simple one, as, I regret to say, the public and nearly all those Members of Congress who have offered bills on the subject seem to regard it. These circumstances, I trust, will afford me sufficient excuse for rather prolonged consideration which I shall ask at your hands.

Let me premise that although nearly all countries are said to possess satisfactory agencies for the transportation of small shipments, prior to this Congress, so far as I am able to discover, no literature has existed to aid the student. Nothing has been done in Congress; nothing in the academies, even in those countries of Europe where the parcel-post agencies obtain, in the way of expository treatments of the subject, giving its characteristic features and essential elements. It remained for the Hon. DAVID J. LEWIS, of Maryland, to make the first thorough study of the subject, which is now in published form as Senate Document No. 379. Whatever the Senate may think of the constructive measures deemed necessary for relief by Mr. LEWIS, and I may add myself, Members of this body who wish to acquaint themselves with the elements of this subject will find his study the most painstaking and informing which has yet been printed. For the general analysis of the controlling conceptions of the subject, as well as the statistical and academical data which I submit, I wish now to give credit to his study without further reference in the course of my remarks.

FUNCTION OF THE PARCEL POST.

What is it we intend to do? What results do we expect to accomplish in the enactment of the legislation on the subject? In fine, what is the function of a parcel post? I would be pleased to have you closely follow my answer to this question. It is to provide effective transportation for the small shipment. And what is the small shipment? It is the article produced in retail form to which only transportation or delivery need be added to make it available for retail buyer or consumer.

The President of the St. Louis & San Francisco Railroad Co. has declared, and his figures are substantiated by those of our own Department of Agriculture, that the farmers who raise our vital necessaries get about $6,000,000,000 for what finally sells to the consumers for about $13,000,000,000. He said, in part:

> Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling.—B. F. Yoakum, chairman St. Louis & San Francisco R. R.

The report of the Secretary of Agriculture for 1910 gives the following as the percentages of the prices paid by the consumer which the farmer received for the foodstuffs named:

	Per cent.
Poultry	55.1
Eggs, by the dozen	69.0
Celery, by the bunch	60.0
Strawberries, by quart	48.9
Oranges, by dozen	20.3
Melons, by pound	50.0
Potatoes, by bushel	59.3
Watermelons, singly	33.5
Turkeys	63.4
Cabbage, by the head	48.1
Apples, by bushel	55.6
Apples, by barrel	66.0
Onions, by peck	27.8
Green peas, by quart	60.0
Parsnips, by bunch	60.0
Turnips, by bunch	60.0

This means that it cost $7,000,000,000 to get the products of the farm to the consumer. This added cost between the producer and the consumer was largely caused by the inefficient and insufficient transportation system, and if one-half of this $7,000,000,000, or $3,500,000,000, should be taken off the transportation rates and divided between the producer and the consumer it would result very materially to the advantage of both by increasing the profits of the producer and reducing the cost to the consumer. The high cost of living in the vital necessaries would thus really be reached and remedied.

Stated broadly, the characterizing function of the proposed agency is to provide direct transportation from producer to consumer of the retail forms of production—that is, of articles in sizes and forms adapted to the wants of the ultimate purchaser or consumer. With some exceptions these retail forms may be classed as the small shipment for which it is desired to secure adequate and economical transportation. And it is appropriate to suggest, as will be clearly seen upon investigation, that if the desired transportation facilities direct from the producer to consumer were introduced a very substantial measure of relief would follow in the matter of the high cost of living, especially with respect to the vital necessaries of life.

Nearly all farm products in use on our tables are produced in retail form. Because no direct conduit of transportation from the producer to the consumer is available these retail forms are now converted into wholesale forms by the buying collector at the farm and then handed over to the wholesale trade, where they are again sorted into wholesale units and turned over to the retail trade, where they are reconverted into retail forms and given to the consumer, often stale, as the third or fourth purchaser at a price commercially increased by nearly 100 per cent.

If the manufacturers of this country were denied the direct-from-producer transportation they now enjoy for wholesale forms of purchase many, perhaps most, of our industrial workshops would cease to operate. Coal has direct transportation from the mines to the factory, the operator paying the first and not the third price. What would become of our industries if this operator were subject to the wasteful roundabout commercial processes that penalize the consumer of the food products of the country?

THE RAILROADS AND THE SMALL SHIPMENT.

When we think of transportation we naturally first turn to the great railroads of our country. I call the attention of the Senate to two facts in this connection: First, the railroads do not articulate with the farms and can not provide transportation direct from the producer to the consumer; second, the railroads are engaged in the wholesale as distinguished from the retail traffic. Their minimum shipment is 100 pounds, and they do not provide collect-and-delivery service. But the consumer very rarely goes to a freight depot and seldom requires as much as 100 pounds of any single retail form, certainly not of farm products and the many other necessaries. Besides the railroads have found it necessary to establish a minimum fee of 25 cents and 30 cents for a shipment, no matter how low the published rate may be and no matter how diminutive the shipment. At first one may feel disposed to grumble at this arbitrary charge, but when railway practices are investigated it is found that the existing railway régime is quite incapable of handling the small shipment at rates proportioned to its value and size, because of the amount of administrative service their methods render necessary. Whether the shipment be large or small, the journey short or long, the railroad company is compelled to render 20 acts of transportation attention for such shipment. These acts are as follows:

The railway company employee—
(1) Unloads articles from consignor's vehicle.
(2) Loads article in car.
(3) Ascertains rate to be paid.
(4) Makes out bill of lading.
(5) Makes out waybill and sends copy to auditor and the train conductor.
(6) Receiving agent, destination, receipts to conductor—
(7) Sends notice to consignee.
(8) Unloads package from car.
(9) Takes receipt of consignsee.
(10) Loads it on consignee's wagon.
(11) Agent gets money for shipment—
(12) Copies bill of lading into record of freight forwarded.
(13) Copies bill of lading into record of freight received.
(14) Sends statement of freight "sent" to auditor.
(15) Sends statement of freight "received" to auditor.
(16) Auditor checks bill of lading against records of sending agent—
(17) Checks bill of lading against record of receiving agent.
(18) Advises treasurer of money due by each agent.
(19) Makes statistical report from bill of lading.
(20) Calculates, per bill of lading, amount payable to the different railways.

It is perfectly obvious that present railroad practice precludes the possibility of the railroads making rates for the small shipment sufficiently low to permit the potential traffic to move from the producer to its natural market with a profit, and by potential traffic I mean, of course, those articles which may be produced at marketable prices for which there is an effective demand. Meanwhile, this seems to be the place to observe that in the postal system the postage stamp takes the place of 15 of the acts of railroad transportation attention above set forth. This is a fact at this moment, and plainly indicates that, while railroad practices preclude, postal practices clearly permit the making of a rate that will enable the small shipment to move. Wholesale shipments constitute a type of their own and call for transportation practices appropriate to such type. Railroads are organized primarily to handle the wholesale traffic, and their practices, which weigh but little upon the wholesale traffic, are such as to penalize in costliness the small shipment out of the railroad transportation of the country. Equally true it is that the small shipment constitutes a type of its own; that it has, so to speak, anatomical and physiological laws of its own. The postal system is organized primarily to handle the small shipment. It handles the average mail piece at a cost of 1½ (1.56) cents apiece. If the practices applied by the railroads to the wholesale shipment were applied by the postal system to the mail piece, our letters could not be carried at less than 8 or 10 cents apiece.

THE EXPRESS COMPANY AND THE SMALL SHIPMENT.

When we think of the small shipment, the express company comes to mind. It is the factitious and unnatural "parcel post" of the United States. Functionally speaking, it ought to carry the small shipment and give adequate service and rates that would permit the potential traffic to move. It does not accomplish these objects, and for three reasons, any of which, to be fair in the discussion, it is unable to remedy. First, it does not reach the farm, and can not be made to reach the farm, since the rural free-delivery structure can not be taken over by the express companies or be maintained by them if taken over. Second, its transportation practices, or "transportation accounting," are similar in character to that of the railroads, and have the same effect in forcing a rate which is abnormal on the small shipment. I insert a list of 11 acts of transportation attention given by the express companies to the small shipment, which are replaced by the postage stamp in the Post Office Department for the like shipment:

The express company—
(1) Ascertains the rate to be paid.
(2) Makes out waybill.
(3) Copies waybill into record of shipment "forwarded."
(4) Copies same into record of shipment "received."
(5) Makes statement of "shipment sent" to auditor.
(6) Makes same of shipment "received."
(7) Auditor checks waybills against record of "sending" agent.
(8) Auditor checks same against record of "receiving" agent.
(9) In case of "through" waybills previous items repeated.
(10) Auditor makes division of percentages going to express company and the railway or railways.
(11) In case of "through" waybills auditor makes like division of percentages between express companies and railways.

If we but note the duplication of work these acts involve in unnecessary accounting and the consequent useless expense, and realize that it is going on in thousands of offices throughout the country, we get a faint idea of the enormous expense the postage stamp would eliminate. And when we consider that the average express shipment is slightly less than 33 pounds (32.80), and the low relative rate it ought to bear, we are able to appreciate the destructive influence of this wasteful transportation accounting upon the potential express traffic. One thing is certain, and that is that the small shipment, if it is to enjoy a rate insuring its traffic mobility, must be divorced from this transportation accounting. It will be easy enough to provide protective practices against its loss in those instances where exceptional value or susceptibility to theft so require. Very simple devices for this purpose already exist in Germany, and are easily conceivable here. Third, the express rates are prohibitive—are about three times as high as they should be—and are shown to be destructive to the potential traffic.

We should expect express charges to be higher per ton here than abroad—as much higher as our freight-per-ton charges. But no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries. The average express charge per ton here is shown to be $31.20, while the average freight charge is $1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such collect-and-delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. In the table now inserted the element of the expense of the express companies for collecting and delivering, amounting to 11.50 per cent, is excluded, because many of the countries do not include this factor of cost. The table embraces 10 countries, while the specific data upon which the ratios are based are set forth in Appendix B. All countries have been included where the express data are clearly distinguishable from general freight statistics.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	[1] 4.92	.53	[1] 9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.68	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	3.8 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1
United States	27.61	1.90	14.53 to 1

[1] Belgium delivers parcels.

Ratio express tonnage, 10 countries, to freight tonnage	1.060
Ratio express tonnage in United States to freight tonnage	0.517
Ratio express receipts, 10 countries, to freight receipts	5.890
Ratio express receipts in United States to freight receipts	7.776
Normal revenue ratio for United States as per express receipts above	2.460
Excess of American express receipts (216 per cent)	5.316

From this table it appears that while Argentina charges 3 times, Austria 5 times, Belgium 9 times, Denmark 6 times, France 7 times, Germany (including Prussia) 5 times, Hungary, the Netherlands, and Norway about 4 times as much for carrying a ton of express as of freight, the express companies of the

United States charge nearly 15 times as much, excluding the cost of their collection and delivery.

No further statement need be made to show that the charges of American express companies are prohibitively excessive and such as to disqualify this service as a transportation agency. The instances given represent matter carried by passenger trains in all instances, and while higher charges for both the express and freight tonnage in America are justified, there is no necessary economic reason for a higher ratio of express charges to freight charges. The presence of the express company is the only circumstance distinguishing express transportation here from that of the instances cited. In those the express company has no part; the work is done by the railways. As we shall see later, the deficiencies of the express companies are constitutional, not gratuitous merely, and are such as can not be remedied through corporate agencies.

EXPRESS RATE MAKING UNNATURAL.

Another condition is equally prohibitive in its effect on the small shipment. It is a condition entirely anomalous in the transportation of any country and comes from the presence of an intruder—the express company. Let us put an express rate maker at work in order to illustrate its character. Let us say he is making a rate on a 5-pound package from Washington to Baltimore, about 40 miles. He puts down first 6 cents, let us say, to pay for this accounting and some overhead charges; he puts down 5 cents to pay for collection and delivery, and adds 2 cents for profits for the company, making 13 cents in all. But the railroad has to be paid. How shall he compute its share—according to service standards? No; not at all. He must compute it according to the contract between the express company and the railroad; and that contract, on the average, provides that the railroads must get 47.50 per cent of the final rate. So he adds 12 cents for the railroad, which makes a charge of 25 cents. But that 12 cents to the railroad means $1.42 per ton-mile on the 5-pound package, while at the same time, under rates made by the same express rate maker, traveling on the same train to the same point, the 100-pound package at the rate of 50 cents pays the railroad only 14 cents a ton-mile. Because of the anomalous connection of the express company with the subject, its merely contractual right to be there at all, the package is overloaded 10 cents for railroad transportation, and the charge becomes 25 cents instead of 15 cents, for about 2 cents is what the package ought to pay the railroad. The railroad would not, if it were making this rate, overload it in that way. I believe it would impose only the relative burden, but the express rate maker has no alternative under the express-railway contract.

Take the other horn of the matter. The express-rate maker is at work on a rate for a 100-pound package from New York to the Pacific coast. There, manifestly, the important thing is to pay the railroad for its service, which is nearly the whole service. He sets down $6.41 for the railroad. But the railroad can not receive, under the contract, more than 47½ per cent of the rate imposed on the shipper, and so the rate maker must add $7.09, making a total charge of $13.70, in order that the railroad can get what it ought to get. So in either instance the regulatory boards of the State or Nation can not reduce these rates without doing injustice to the express company on the short or the railroad company on the long journey. Stated in another way, we have—

Rate for 5 pounds, 36 miles:	
Necessary express loading on	$0.14
Contractual loading to pay railway	.13
Resulting rate	.27
Rate for 100 pounds, 3,000 miles:	
Necessary loading to pay railway	6.41
Contractual loading for express company	7.09
Resulting rate	13.50

In brief, the railway, on the small package and short journey, at one extreme, secures ten times what it ought, while on the other the express company accomplishes the same result. At no point, perhaps, does either get just what it ought to get for its part of the service, unless it be on the statistical average package of 32.80 pounds with its product of 51 cents. Meanwhile, perhaps, at no other point does the merchandise package pay just what it ought to pay on service standards. It must, under the contract, be either overloaded to protect the express company or the railway. All this is certainly true, even if the general financial results to the railways and the express companies should go unchallenged. And who is to blame? Manifestly the express railway contract. No other results are possible under its terms. The general results may have been highly satisfactory to the express companies, but to the railways and the country the results simply signify a restriction of the quantum of the express traffic to one-half or one-third of its normal volume. Indeed, it is not improbable that the express railway contract is the principal cause of the higher ratio (16.42 as against 5.23) of the express to the freight charge here as compared with other countries.

REGULATION INADEQUATE.

It is obvious, of course, that the inability of the express companies to reach the farm excludes them as a remedy. But even if this deficiency might be conceivably removed, a normal express rate, sufficiently low to insure the mobility of the potential traffic, is quite beyond the remedial reach of regulation. The express company is not a normal transportation agency. All its relations to the small shipment show it to be a parasite, a term which I use not as an epithet but in the way of description. Ordinarily one would say that if a transportation rate were two or three times as high as it ought to be the Interstate Commerce Commission would be the appropriate tribunal for relief. This phase of the subject of regulation brings up one of the very anomalous characteristics of the express companies.

For years they have been paying, as a whole, near to if not more than 100 per cent profits on the real investment, and yet the proportion of the average express rate which is profit was less than 7 per cent last year. A slight reduction in the rates would wipe out this margin and perhaps leave a deficit. With a normal transportation agency, the facts are very different. The profit in the average railway rate amounts to 30 per cent. If the railroads were paying 6 per cent on their capital and you wished to reduce their rates so as to produce dividends of only 5 per cent you would have this 30 per cent to play on, and a reduction of 5 per cent in the rate would leave a profit margin of 25 per cent of the total rate. In the case of the express rates one-half of 1 per cent profit in the rate would produce a 10 per cent dividend on the capital used in the business, but a one-half per cent margin would be so small that the slightest changes in business might convert it into a deficit. Of course no Government tribunal would order such a margin, and I am not sure that it could safely reduce the present margin of less than 7 per cent, as a perturbation of the traffic might mean a deficit. Nearly all the efforts made by the State regulatory tribunals have been struck down by the courts on this ground. Thoughtful men will recognize that you can not trifle with such a small margin. All this is true, because the parasitic character of the express company enables it to proceed with relatively no capital, and yet capital enough to enforce the protections vouchsafed to proprietary rights.

A like verdict must be passed on the suggestion sometimes made that the express company, being parasitic and incompetent, the railroads should be compelled to perform the service; but the railroads do not articulate with the farm. This single deficiency in itself is fatal. Besides, as I have shown earlier in my remarks, their practices preclude the economical movement of the small shipment. What the small shipment requires is a rate somewhere as diminutive as its size, and in order to get this the utmost simplicity of administrative process is necessary. To abolish the express companies—about 14 in number—and to require the operating railroads—about 900 in number—to perform the service, or converting 14 express companies into 900, would be only adding to the multiplicity of intercorporate relationships and transportation accounting which already penalize the small shipments out of the transportation of the country. The opinion of one of the foremost railroad presidents of the United States upon this subject I consider to be conclusive. He says:

> It is gravely to be doubted if the railways, as a rule, could transact the (express) business so as to net as much out of it as the express company pays them.
>
> Assume that the roads radiating from Chicago should cancel their contracts with the express companies and organize to handle small packages: The first result would be an enormous economic waste in the duplication, triplication, and quadruplication of terminal expenses. At present the collection and delivery for a dozen roads is in the hands of one agency. Multiply this by the hundreds of cities and towns where the same conditions would prevail and it is easy to see that the eleven million of dollars of profit the express companies secure might readily fall short of what the railroads would lose should they discard the agency.

THE SMALL SHIPMENT AND POSTAL EFFICIENCY.

I believe it is clear from what has been shown that the postal system alone possesses a structure sufficiently extensive in its service to reach the country and practices and methods sufficiently adapted to the diminutive shipment to gratify its peculiar and commanding needs. There may be those who are disposed to underrate the working efficiency of the postal organization of the United States. They do not doubt that in other countries, notably the principal countries of the Continent, like Germany, France, and England, public industrial agencies have been successfully conducted, and with satisfactory

efficiency. This success is attributed by some to the alleged presence of a class in those countries accustomed to command and another class equally accustomed to obey, with the resulting advantages which follow from discipline in collective undertakings. Whatever the value of such opinions may be, they are assuredly erroneous as applied to the postal system of the United States, for it is certainly the most efficient agency of its kind. The following comparison of the number of mail pieces handled per postal employee per annum in the countries named affords sufficient evidence of this statement:

Number of pieces of mail matter handled per employee in England, France, Germany, and the United States.

Countries.	1908	1909
England	31,117	.....
France	38,241	.....
Germany	25,901	.....
United States	51,591	54,239

In the cases of France and Great Britain the number of employees was diminished by one-fourth the estimated number employed in the telephone and telegraph service. In the German figures the same reduction for the telegraph and telephone employees is raised to one-third. The comparison speaks for itself. We have apparently the best working postal organization, and its wagons on the rural routes are waiting empty to receive the small shipment traffic now denied them.

The obvious advantage of the postal system handling the small shipment is adduced from the circumstance that it is handling now the smallest shipment in the world, the ordinary mail piece, and is handling it, too, at a less cost per piece than any other country of the world with the possible exception of Belgium, differences of wages, sparseness of population, and transportation distances notwithstanding. It is only the mind that hates all forms of public endeavor, except those the most archaic, who will deny the postal system of our country the verdict of "well done, thou good and faithful servant." My studies of this subject make it clear to me that not only is the postal organization excellently adapted to the task of moving this small shipment from consignor to consignee, but that it is the only organization sufficiently extensive in its scope and sufficient and economical in its operations to give adequate service to the small shipment.

FUTILE PARCEL-POST SCHEMES.

What, again I ask, is the function of the parcel post? Obviously to provide an agency, a real working agency, to move the small shipment. Let us investigate briefly the technical or regulatory elements necessary to enable this small shipment to move. Dr. W. A. Henry, former dean of the agricultural department of the University of Wisconsin, has epitomized these elements, and I will give the Senate the advantage of his classification:

ESSENTIAL CONDITIONS OF SMALL-SHIPMENT TRANSPORT.

(a) An enlargement of the mailing privileges to include factory and farm products and other matter popularly and commercially desirable.

(b) Weight limit high enough to meet the needs of shippers and secure relative lowness of rates. (A rigid 11-pound limit would needlessly prevent the traffic attaining the quantitative character necessary to economical service.) Also the use and return of hampers, etc.

(c) The fullest C. O. D. privileges. (Consignors now enjoy these with the railway and express companies. To withhold them from farmers and others as postal facilities would simply destroy the potential traffic.)

(d) Rates only so high as the articles can afford to pay and still move to their market with a profit. (Flat rates for all distance, or rates uniform for all kinds of articles, tend to prevent the traffic moving.)

(e) Provision for administrative readjustment of rates, zones, weight limits, service conditions, etc., by experts who can adapt the rates and service conditions to their function of moving the potential traffic and protecting the Treasury.

(f) Postal pay to the railways as low as the express companies pay the railways. (The latest data show that the postal department paid 13.2 cents a ton-mile, while the express companies paid 7 cents a ton-mile, on the gross weights of their traffics, excluding equipment weight in both cases.)

(g) All the privileges and facilities from the railways that are given to the express companies: Provisions for the insurance or indemnification of shippers for losses. Complete power in the administrative agency to supply any other condition necessary to economical and effective conduct of the service.

It must be plain to any Member of the Senate who gives this subject an attention proportionate to its importance that of the seven elements enumerated not one can be omitted without an organic deficiency in the agency itself. Our busy constituents at home may be pardoned for regarding the parcel post unanalytically as the child regards a horse. When children, to our limited experience a horse represented four legs, a head, a trunk, and a tail, and in pictorially defining it, leaving nothing to chance, we labeled it, "This is a horse." To our limited experience the heart, the lungs, the liver, the stomach, and the kidneys, absolutely essential to horse locomotion, were nonexistent. I regret to say that such has been the indifference and incompetence of parcel-post thought and investigation in Congress that the illustration of purility I have given is only too applicable to the situation at hand. The vital organs or elements of a parcel-post agency, enumerated by Dr. Henry and obvious to any person as soon as mentioned, are singularly absent, one and all, from the schemes which they have offered to this Congress.

Mr. President, such parcel-post bills, if accepted, would be inadequate and would prove but disappointing in operation. Time does not permit me to take up each of those bills to prove this statement, but I do feel it a duty to take up the measure now most prominently spoken of in the Senate, namely, the bill of the Senator from Oregon, chairman of the Committee on Post Offices and Post Roads.

THE BOURNE BILL.

In discussing this measure I wish not to be considered as wanting in kindliness to its author, however unworthy of him and the great needs of the subject and the people I consider his tentative measure to be. I can only attribute its defects to the circumstances first suggested in this address, namely, that a body of competent and serviceable literature on the parcel post to guide his efforts has been almost entirely wanting.

If the Senate will pardon the simplicity of my illustration, I would say that we all understand that plant and animal life have each their physiological attributes and organs, each indispensable to vital action and progress. The agency necessary to the movement of the small shipment may be characterized in the same way. It, too, must have a full complement of vital prerogatives and privileges if it is to become anything more than an idle paper structure wanting physiological powers for action or effect. Let me take up separately the elements which are absolutely essential to the life of such a structure and discuss them in the order they are stated by Dr. Henry and in relation to the Bourne bill.

MAILING PRIVILEGE.

Of course, a shipment or parcel can receive no service from the parcel-post agency unless the bill gives the privilege of mailing or entry to such shipment. The Bourne bill makes no enlargement of the mailing privilege.

Under the various mailing classes as they have been defined by the Post Office Department's construction of the statute nothing produced on the farm except "queen bees" and "dried fruits" can be shipped by post. I understand that the author of the bill intends this very result and is adverse to giving the parcel-post privileges to produce of the farm. What objection he may have has not been stated. Certain it is that of all the great advantages to follow an adequate transport of the small shipment, that of the consumer securing his table necessaries fresh from the farm and direct as the first purchaser, rather than the third or fourth, is the paramount advantage. I not only suggest that unless this possible traffic is made mailable the postal van will have to return empty from the farm to the town or city, but I may also add that the potential traffic from the farm to the town or city is normally as great or very much greater than from the town to the farm. Of course, if the wagon must return empty all that possible revenue must be lost; and since the public must pay for the service full or empty the exclusion of farm products from the postal van can only operate to penalize instead of promote the public welfare. The empty return trip will cost almost as much as the full trip would cost and might be made the means of securing substantially lower rates on traffic both ways.

Perhaps the distinguished Senator from Oregon can give some reason for this defect in his measure? I can not.

MAXIMUM WEIGHT PRIVILEGE.

In Belgium, Germany, Austria, and Hungary the weight privilege is extended above 100 pounds; though in those countries, differing from our own, the minimum freight shipment is graduated down to about 25 pounds, as compared with 100 pounds here. The obvious implication from our transportation conditions is that we should take the small shipment at the point where existing railway transportation denies it its privileges, namely, from 100 pounds and down, if, indeed, any maximum weight limit be fundamentally necessary at all.

There is now no maximum weight limit on second-class mail matter when mailed by the publishers. Similarly, the express companies impose no maximum weight limit on shipment intrusted to them, although their relations to the small shipment are practically identical with that of the post office. I mean by this to say that while the shipment is on the railroad, it makes no difference whether its weight be great or small, the trouble, if it arises at all, in the case of the post office could only come when the shipment left the railroad and carried the

obligation of delivery to the consignee. With respect to this part of the transaction, the administrative authorities of the post office should be given discretion by regulation to determine the maximum weight and size limits for the purpose of collection and delivery. Senators can understand that in the progress of things these maxima might change very radically with the progress of improved conveyance and road construction.

I think it not inaccurate to say that this low weight limit of 11 pounds has been one of the circumstances which has strongly affected the attitude of the local or retail merchant toward this legislation. He, as much or more than anybody else, is entitled to relief from prohibitive express rates; but if the limit is to be 11 pounds, such a scheme gives him little or no relief, since he generally ships in larger quantities, securing the resulting quantitative declension in rates; but he may well think that this 11-pound limit is intended to be just large enough to get his customer away from him to the mail-order house with his cash orders, leaving the doubtful transactions as they were before. Partiality, however innocent its purpose may be, is always likely to produce such serious discriminations when enacted into public law. It is not surprising that the retail merchant looks upon the whole proceeding as a denial of the equal privileges to which he is justly entitled.

The truth is that the costliness of the rate will afford sufficient protection against using this agency for the shipment of very heavy quantities; and if this inference be doubted powers should be given to the postal management or the Interstate Commerce Commission to define the maximum weight from time to time as the operating facilities of the postal organization may render necessary.

Perhaps the distinguished Senator from Oregon can give some reason for this arbitrary and unprecedented 11-pound limit? I can not.

THE C. O. D. PRIVILEGE.

I need only suggest to the Members of this body that the C. O. D. practice with respect to both the price of the article shipped where credit relations have not been established and the rate itself are indispensable to commercial transportation in the United States. Suppose the Interstate Commerce Commission with the power over the subject it now enjoys were to pass regulations compelling the consignor to pay the freight rate at the time of consignment, and a regulation denying him the right to have the price of the article paid by the consignee before the delivery of the article, what would the conclusion be as to the sanity of that reputable body? This is exactly the situation presented by the Bourne bill. The consignor must prepay the rate if he is to be allowed to use the service, and must also be denied the C. O. D. privilege of having the rate or the price of the shipment collected from the consignee. Of course, the express companies grant this C. O. D. privilege both as to the rate and the price of the shipment. If they did not, it is safe to say their business next year would produce a greater deficit than it has a profit in any year of their history. We understand that the usual method of transportation by railroad and express in commercial transactions is to have the consignee, whose obligations they are, pay both the transportation rate and the price of the article, where credit relations are not established. To deny these privileges to the postal agency is simply to deny relief from exorbitant express charges to the commercial world, and thus work needless discrimination and injustice, saying nothing of the loss of traffic necessary to a self-sustaining agency which such a denial would cause.

A concrete illustration of the effect of such a defect in the system may be given. Let us say that the rate under the Bourne bill for a given shipment were 25 cents, while the prevailing express rate were 40 cents. The consignor, unwilling to advance the rate to the post, would ship the article by express at the larger rate, because he would thus be able to make the consignee pay both the price and the rate. The postal system would lose 25 cents and the consignee would have to pay an extra 15 cents, all because of the obstinate refusal of his Government to grant him the C. O. D. privileges which universally belong to and go with such transportation.

Perhaps the distinguished Senator from Oregon can give some reason for denying this C. O. D. privilege to the patrons of his parcel post. I can not.

INDEMNIFICATION FOR LOST SHIPMENTS.

So far as I have been able to ascertain all of the parcel-post agencies abroad afford adequate indemnification to their shippers and patrons for shipments which may be lost. That this is actually essential to securing the potential commercial traffic goes without saying. Men are not disposed to needlessly risk the loss of their property without adequate assurance in this regard. In most countries the indemnification is provided through insurance features, and that method probably is preferable to the practice in vogue with the railroads and express companies, where some kind of negligence in the carrier must be shown. The Government might not wisely subject itself to such relatively expensive litigious methods of securing indemnification for the lost shipment; and a system of insurance would be much cheaper as well as much more satisfactory to all concerned. To deny this assurance of indemnification to the shipper could only operate to drive from the postal agency a considerable quantity of its normal traffic necessary to a self-sustaining system.

Perhaps the distinguished Senator from Oregon can give some reason for omitting this important matter from his bill. I can not.

RATES THE TRAFFIC CAN BEAR.

We have learned from our extensive experience in railroad transportation two very simple truths with regard to transportation charges. I shall state them categorically:

(a) The function of a body of transportation rates is to secure the gross revenue desirable.

(b) The function of the specific rate is to move the article it is applied to from its producer to its natural market with a profit.

I need not say to the Senate that in obedience to these maxims the railroads of the country have fashioned their rates to suit the ability of the article to pay them and move to its market. The railroads have divided the traffic into as many as eight classes, each paying a different rate, although the weight carried and the service rendered are practically identical. It is obvious enough that if they only charged the same rate for carrying silks and other high-priced articles which they charge for carrying coal or minerals they would suffer seriously in the matter of their necessary revenue (maxim A), while if they charged the same rate for carrying coal that they do for the high-priced articles they would be in danger of losing the largest part of the coal traffic.

What all this means, in effect, is that transportation charges are inherently taxes, possess the incidence and the ethics of taxation; and that different kinds of traffic, like different kinds of citizens, should only be taxed in proportion to their ability to pay. In the case of the Government or the State the rules of taxation can be made very general and be applied to the citizen's conditions without encountering those difficulties which might defeat their purpose. But in the case of transportation taxes, or charges, where the complexity of the subject matter requires special and prolonged study to fit the burden to the sustaining ability of the shipment's back, legislative rate making is obviously absurd and impracticable. If we wish to have rates at once necessary to a self-sustaining system and also sufficiently adapted to enable the shipment to pay it and move to its natural market, then I say to the Senate that a legislative body is as incapable of drafting those rates as it would be to make the astronomical observations and calculations necessary to determine the time of the day. This great legislative body has recognized the commanding sense of this view in all its relations with transportation. It does regulate railroad and express rates, but it regulates them, not legislatively, but through an administrative tribunal, the Interstate Commerce Commission, which has shown its competency through administrative freedom to deal with the subject matter in a practical way.

The Bourne measure seems to have gained nothing from the lessons and experience with regard to transportation rates. The rates fixed in it, if we except the first and last zones, are obviously about twice as high as they need be under his own showing as to cost elements. It is all very well to argue that the rates should be made sufficiently high to make the Treasury absolutely secure; if we do not ignore the correlative circumstance that if made needlessly high they will operate to needlessly kill the potential traffic and thus render the cost of conducting such traffic as may be offered as high or higher than the rates themselves. I have carefully analyzed the schedule of rates in this bill and I challenge Members of the Senate to compare these rates with the cost elements of the service as stated by the Senator from Oregon himself, and then not agree that they are excessively high from every standard.

For example, the experience of the express companies shows that the average cost of the collect-and-delivery service is about 6 cents for the average package of 33 pounds. The testimony before the Post Office Committee shows a local express company willing to contract to deliver shipments up to 25 pounds at 5 cents per package. The postal railway pay is shown to be about 1 cent per pound for distance of 200 miles. The fourth zone, excluding the rural zone, in the Bourne measure is from 600 miles to 1,000 miles. Obviously traffic destined to the fourth zone would tend to fall equally between the 600 miles and the 1,000 miles, or, in other words, would travel an average distance of 800 miles. We should thus have a cost to pay of 4 cents a

pound in the way of railway pay, or 44 cents on the 11-pound package. Add to this 8 cents for collect and delivery and general expense and you have a rate of 52 cents. The rate fixed in the Bourne measure, however, is 79 cents, or fully 50 per cent more than the demonstrated cost. I append a table giving the rates as fixed in the Bourne bill and in parallel columns the rates based on actual cost. Excepting the first and the last zones and the first pound, I repeat that these rates are about 100 per cent higher than they need be. To this complaint some may say that the bill errs, if at all, only in the direction of extra caution. Let us grant this statement to be true. But, even if it be true, why does not the bill provide some tribunal with power, as experience dictates, to amend and change these rates to correspond with the cost of service and the interests of the traffic? Why is the Interstate Commerce Commission given the power to fix telegraph, telephone, express, and railroad rates, and the right of revision of these parcel-post rates denied the shipping public? If these rates are needlessly high all will agree that they should be lowered. If, in fact, they were too low all will agree they should be raised just as in the case of other transportation rates. Why does the bill deny this indispensible element and privilege if the Treasury is not to be endangered or the traffic itself destroyed?

Perhaps the distinguished Senator from Oregon can give some good reason? I can not.

PUBLIC SERVICE RATE-MAKING MOTIVE.

Obviously rigid law-made rates unadapted to the commercial requirement of the small shipment would kill more of the potential traffic than they would move. Congress, as I have stated, may very well lay down general principles of social conduct, but it is not a rate-making body, and even if the rates it made were momentarily adapted to secure the mobility of the shipment, the changed conditions from year to year would destroy this adaptation. Senators will perhaps agree that it is only once in a generation that noncurrent subjects can be reached by Congress, and if we once have law-made but unadapted rates without an administrative tribunal to revise them, the probability of their being reformed is not good within a generation. These rates ought, then, to be revised, as occasion requires, by men proficient in rate making, since the subject is beyond all question an administrative rather than a legislative one.

If the rates are administratively made by experts it can not be denied that the public-service motive determining their policy would be of momentous advantage to the public welfare. I mean no reflection on private investors when I suggest that there are some subjects, like the latter, to which class the small shipment belongs in transportation, as to which the private motive is ineffective and inadequate. You go to an express company and say "You moved 4,000,000 tons of express in 1909; your gross receipts were $132,000,000 and your profits $11,000,000. If you cut your rates in two this year the traffic will double in volume. Your profits may be slightly less, but the service to the public will be doubled." What would the express company do under such circumstances? It would do just what the average individual does, act on its normal private motive, retain the smaller traffic and the more assured or higher profits. But you go to a public-service institution, like the postal department, where you find the public motive. The postal system would say: "If cutting the rate in two will double the service, I will take my chances on the profits. If I lose 1 per cent in one pocket I shall be making 100 per cent in the other pocket, and since both pockets belong to the public it will be immensely the gainer." This is true, as exemplified in the history of the reductions of postal rates and the improvement of postal services throughout the world.

Even a small temporary deficit for experimental purposes would be fully justified, especially if the rate were elastic, and some administrative tribunal could thus promote the traffic and yet protect the treasury by rate adjustments from time to time. There is, indeed, a wide margin in which the public-service motive may economically operate to give increased service without substantially increased expense. This margin we know has been very wisely utilized in the transportation of the letter; and if we stop to remember that the small shipment or express traffic in the United States has scarcely reached its normal volume, it is apparent that the public-service motive may be very usefully employed in this field.

It is beyond question that the express companies constitute to-day an undoubted monopoly; and where monopoly obtains the rates may be made relatively high or low according as the private or the public motive may determine the degree of desirable service to be rendered the public. Some generations ago a British railway determined by experiment how best to graduate its passenger rates in order to secure the highest dividends. From month to month it adjusted and readjusted its passenger rates between the two extremes of 6 cents a mile and one-half cent a mile, just as one might adjust his field glass to secure the most distinct vision. The remarkable result these wide variations in the rate produced was this: That whether they used the lowest rate or the highest rate such was the ratio of response in the volume of traffic that the dividends did not differ by 2 per cent. Of course, they adopted the rate which produced the highest dividends and rejected the rate producing the most extensive public service—a rate of 3 cents a mile.

It is apparent from what we know of this subject that the small shipment, like the small man in society, is in need of all the favorable inducements and conditions which can be granted. The public-service motive is not the least, and may indeed be the very greatest requirement of the small shipment. Why should its efficacy and advantage be denied to it, then, when a Government is undertaking to provide a system for its transport? Why are expert rate makers, free to apply experimental methods and the wisdom of such experience under the auspices of a public-service motive, denied to this shipment when the Government is undertaking to provide the remedy?

Perhaps the distinguished Senator from Oregon can give some reason for this fundamental defect in his measure. I can not.

PAYING THE RAILROADS.

In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried on the average 620 miles, or 373,277,675 ton-miles, for which the railroads were paid $49,404,763, or at the rate of 13.2 cents per ton-mile (excluding the weight of equipment). In 1909 the express companies under these contracts paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents a ton-mile, also excluding the weight of equipment. I need not say that in carrying parcels under the Bourne measure the railroads would be performing the same transportation service for the Government which they perform for the express companies. In a country like ours, where density of population is relatively low and transportation distances so very great, it goes without saying that the principal element of cost in the rates must be the money necessary to pay the railroads for their services. To be fair to the railroads, it must be confessed that they have made no demands or suggestions that they should be paid nearly twice as much for carrying a ton of parcels for the Government as, under their contracts, the express companies are now paying them for a ton of express parcels. I will not here enter into a discussion of the righteousness of the rate of pay made by the express companies to the railroads for such service, except to say that the railroads make no complaint that the express railway pay is not satisfactory.

As shown in the Bourne report, the Government under the present postal law for the carriage of letters, a different traffic from the carriage of parcels, will have to pay the railroads about 1 cent a pound for each 200 miles. From New York City to San Francisco this compensation to the railroads for a journey of approximately 3,600 miles would amount to about 18 cents a pound, while a parcel carried for the express company on the same train and receiving the same service from the railroad would cost the express companies for railway pay only about 7 cents a pound. Even considering all distances, the Bourne measure, by this utter inattention to the matter of parcel-railway pay, would oblige the Government to pay the railroads something over $13,000,000 for services as to which the railroads receive but $7,000,000 from the express companies. I repeat the statement that no railroad company of which I have heard has plotted or contrived to secure this result; and I also wish to say that the Senator from Oregon is not chargeable with any purpose to give the railroads nearly twice as much as they are satisfied with for like services from the express companies. At the same time the utter neglect of provision in his bill with regard to railway pay must work out this very result. Why should the Government pay two fares when a similar functionary, the express company, is paying but one? Why should the Government oblige itself to pay twice as much for transportation service as its supposed competitor under the bill?

Perhaps the distinguished Senator from Oregon can give some reason for this grave infirmity in his measure. I can not.

The express companies do enjoy other transportation facilities from the railroads, like depot and storage privileges, which have proven very serviceable—indeed, are indispensable to the express companies. Nothing is said whatever in the Bourne measure with regard to any of these, although equally as necessary to the Government. Indeed it may be said that the small shipment and parcel are treated in this bill as if they were only larger letters or postal cards, when in fact business experience and common sense plainly indicate that this small shipment re-

quires all the facilities proper and usual with the express business.

Allow me to briefly recapitulate the essential elements in a parcel-post measure which are absolutely wanting in this:

The proper extension of the mailing privilege to include factory and farm products.

A maximum weight limit reasonably adapted to public needs.

The C. O. D. privilege and the return of hampers.

Provisions for the indemnification of shippers for losses.

Rates which the potential traffic can pay and move.

Elastic rate making, administrative readjustment of rates, and other service conditions, with an operative public-service motive.

A rate of pay to the railroads for carrying the parcel-post traffic not greater than the express railway pay.

What must be the verdict of Senators upon a measure which ignores such elementary essentials in the movement of the small shipment? For myself, I can only say that, endeavoring to conscientiously represent in this body the great State which has honored me, not to speak of the great agricultural interests, the shipping, and consuming people of the United States, I must protest with all the earnestness and vigor I possess against the enactment of such a mockery into the form of law. Consider, sirs, that our people have been asking for bread, and have waited its giving for 40 years. Who can say that this or similarly deficient measures will not provide them with the veriest stone?

Senators, of course, will recognize that no discussion has taken place in this body whatever on this grave and complex question. They will equally recognize, I am sure, that in the present exigency of the session proper discussion and deliberation can not be given to this subject. The people of the United States, while justly impatient at the neglect of Congress to provide them with this necessary agency, are not unwilling that the Senate should take such time as is actually necessary to work this legislation out in a satisfactory way. While, as I have said, no discussion has taken place in the Senate or can take place in an adequate way at this session, several days' discussion was given it in the House of Representatives. That body came to the conclusion that even further investigation was necessary in order to be fair to the subject and the people, and instead of passing immature, defective, and unconsidered legislation as a sop to the unwary, met this question in a manner at least creditable to their sincerity of purpose. The postal appropriation bill as it passed the House contains a provision that a committee of six—three Members of the House and three of the Senate—be appointed to report a bill on this subject at the December session. If the House of Representatives, with a week's discussion of the subject, felt that it was a patriotic duty to confess its inadequacy of information to deal intelligently with this subject, surely the Senate, with adequate discussion impossible under the circumstances, will be willing to do the public a like favor.

POSTAL EXPRESS.

While the House of Representatives, as stated, after several days' discussion, determined that sufficient consideration could not be given the subject in connection with the Post Office appropriation bill, one of the most efficient and painstaking committees of that body has given the matter its thorough consideration. I read from its report, House Report No. 598 such portions thereof as seem necessary to explain the judgment which that committee has reached:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 23713) to provide for the acquisition of the express companies' property so far as engaged in the express or parcel-post business, and the utilization thereof by the Postal Department, having considered the same, report thereon with a recommendation that it pass.

The "parcel-post" function discharged by the express companies in the United States is a function almost uniformly discharged elsewhere by the postal departments. The bill now favorably reported provides for the similar postal discharge of the parcel function by our Government. All the vexed questions of parcel-post legislation now before Congress arise because the express-company method has failed to properly discharge this function or to render a service—

(a) Sufficiently extensive; they fail wholly to reach the country store or farm now reached by the postal system.

(b) Sufficiently economical; their rates are so high as to be prohibitive of most of the potential traffic.

(c) Sufficiently efficient; investigation has shown that their "overcharges" and "double collection of charges" constitute a serious public grievance, although meanwhile they have accumulated surplus profits of many times the capital devoted to the service.

(d) In failing to reach the farm, and thus permitting the vital necessaries to move at first cost directly to the consumers in the towns and cities, their inadequate service is a substantial cause of the high prices, about double what the farmer receives, for the table necessaries.

Hence, the widespread and persistent complaints of the rural and commercial interests, and the deep-seated feeling of the general public against these companies. These companies have simply entered upon the field in default of its proper occupancy by the postal agency, as in other countries, where such companies do not exist.

PROVISIONS OF THE BILL.

Section 1 appropriates to the United States by condemnation the equipment and the express-railway contracts which are used in the conduct of the actual express business, and contains a proviso that no property is condemned not necessary to the conduct of the express function by the Government. It also requires the carriers to perform such services for the Government as have been customary with the express companies.

Section 2 directs the President to take possession of the properties condemned on July 1, 1913, and the Postmaster General to conduct the service, as a facility of, and in conjunction with, the postal service.

Section 3 gives the Postmaster General, subject to the approval of the President, power to make such rules and regulations as may be necessary to carry out the purpose of the act.

Section 4 provides for the weighing of express matter during August and December, 1912, and April, 1913, as representative months for each carrier, and while the appropriated express-railway contracts remain in force, unless otherwise agreed, to pay such carriers the amount according to weight received by them under such contracts. By this means a large part of the burdensome transportation accounting of the express companies necessary to ascertain the railways' share of the specific express rates paid by the shippers would be eliminated.

Section 5 provides for the renewal of the express-railway contracts, at their termination, on terms to be agreed upon by the carrier and Postmaster General; and in case of failure to agree, gives the Interstate Commerce Commission power to declare the terms of such contracts.

Section 6 provides for the appraisement of the express property taken by the Interstate Commerce Commission, and section 7 provides for the payment of the final awards by the Secretary of the Treasury.

Section 8 defines the duties of the carriers under the act, the penalty for failure to perform them, and section 9 gives the Postmaster General power to acquire such equipment, etc., as may be necessary in the service.

POWER OF CONGRESS.

The power of Congress to deal with the subject, according to the method of the bill, is amply supported by the authorities:

"Contracts are property, and as such may be condemned and taken under the law of eminent domain." (10 Am. and Eng. Ency., p. 1089; Dodge *v.* Woolsey, 18 Howard (U. S.), 379; Nichols on Eminent Domain, sec. 315.)

"The United States possesses the power of eminent domain, which it may exercise to promote any of its constitutional powers." (10 Am. and Eng. Ency., p. 1051; Kohl *v.* U. S., 91 U. S., 367; 15 Cyc., pp. 564–565.)

"The United States may condemn interstate railways." (Nichols on Eminent Domain, sec. 23; Wilson *v.* Shaw, 204 U. S., 24; Monongahela case, 148 U. S., 431–432.)

"This power of condemnation may be exercised directly by the legislative branch. The only limitation is that just compensation shall be provided for." (10 Am. and Eng. Ency., p. 1068; Secombe *v.* Milwaukee, 23 Wall., 108.)

"In those cases where the condemnor is the sovereign the compensation need not be tendered or ascertained in advance of the taking. It is only necessary that adequate provision be made for compensation." (10 Am. and Eng. Ency., p. 1142, note 2; Nichols on Eminent Domain, sec. 263; Sweet *v.* Rechel, 159 U. S., 380; Williams *v.* Parker, 188 U. S., 491.)

"The owner of property condemned by the United States is not entitled to a jury, but commissioners may determine the amount of compensation, etc." (Nichols on Eminent Domain, secs. 302, 306; U. S. *v.* Jones, 109 U. S., 513, 569; 169 U. S., 567; 11 Peters, 420, 571; 148 U. S., 312, 327.)

It is generally admitted that the problem before the country is how to get these vital necessaries direct from the producer to the consumer at something like the price at which they are produced. A study of these questions develops the fact that a method of relief requires the coincidence of two conditions: (*a*) A transportation condition permitting the economical movement, direct from the rural producer to the consumer, of (*b*) articles in quantities to suit the consumer's needs, i. e., retail, not wholesale, quantities.

The direct transportation in mind is a linking up of the rural delivery structure with the urban delivery plants of the express companies, and of both with the railways. The difficulty now lies in the absence of a connected transportation conduit, which will receive the small shipment at the farm and convey it, like a letter, direct to the consumer. It must be obvious that if these agencies are so linked as to move the retail shipment a solution of the parcel-post problem will be obtained, and on terms, too, that will remove the objections of the local merchant. No one fears a just express rate and improved express service that will, moreover, reach the merchant and farmer in the country.

The report, then, refers to comparative express rates of different countries and the paucity of the express traffic here, giving the tables inserted in a former part of this address. It then proceeds as follows:

REDUCTION OF RATES.

An inspection of the reports of the companies to the Interstate Commerce Commission for 1910 shows gross revenues of $146,116,318, out of which the railroads received $69,917,561, while $61,690,473 was paid for express-operating expenses; $1,126,726 taxes; leaving $13,392,080 in profits, on an investment in the business of $15,453,947, of which the following are the items:

Expenditures for equipment	$9,435,620
Materials and supplies	332,494
Advance payments on contracts	5,685,833
Total	15,453,947

There is an additional item of "expenditures for real property" of $15,890,048, much of which consists of city office buildings, devoted only partially to the service.

The thirteen millions of profits could be applied under postal auspices to reducing the rates. So, also, it is believed, could more than one-half of the express-operating expense. Investigation shows that of some 22 acts of transportation attention devoted to the small shipment by the railway and express company, no less than 15 such acts are replaced by the postage stamp, with like packages under postal methods. Besides this egregious waste in transportation accounting it is manifest that the multiplication of plants, officers, and agents by the different

companies in the towns and cities would permit of elimination through already existing postal facilities, not to speak of 13 systems of overhead charges by as many express companies. When the express plants have been merged in the postal system these savings would, it is estimated, permit of reductions on the rates for packages below 10 pounds of from one-half to two-thirds, and reductions of one-third generally.

COST OF ACQUISITION.

The reports of the express companies to the Interstate Commerce Commission for the year 1910 give the following statement of their assets:

General balance-sheet statement as of June 30, 1910 and 1909.

ASSETS.

Items.	Grand total.	
	1910	1909
Expenditures for real property	$15,890,048.77	$14,999,211.94
Expenditures for equipment	9,435,620.17	7,314,363.59
Stocks owned	50,598,202.90	40,879,647.22
Funded debt owned	51,513,022.08	45,955,672.54
Other permanent investments	14,220,092.90	26,017,709.11
Cash and current assets	45,421,184.34	33,682,608.88
Materials and supplies	332,494.76	138,210.78
Sinking, insurance, and other funds	140,384.34	128,491.83
Advance payments on contracts	5,685,733.34	5,836,666.67
Franchises, good will, etc	10,916,445.46	10,916,703.07
Other assets	547,955.22	266,965.33
Profit and loss	8,752.63	91,129.58
Total assets	204,710,036.91	186,227,380.54

Of these items only the following are to be considered as involved at all in the property to be acquired under the bill (1910):

(1) Expenditures for real property	$15,890,048.77
(2) Expenditures for equipment	9,435,620.17
(3) Materials and supplies	332,494.76
(4) Advance payments on contracts	5,685,833.34
(5) Franchises, good will, etc	10,916,445.46

The first item, real property, it is not thought will be necessary to the postal operation of the service; and as mere office buildings, the Postmaster General is directed to refuse to take them by the bill.

The last, the fifth item, franchises and good will, is subject to the following reflections: The express companies do not have any franchises. A franchise is a grant of some special and exclusive privilege by the State or Government; e. g., the right to lay gas or water mains beneath or above the streets, street railways, or ferries, or bridges. No such franchises or grants of any kind are possessed by any of the companies. With respect to the so-called "good will," of what does it consist? It can not, under our fundamental law, validly consist of the transportation rate and facilities extended to the express company by the carrier, because all shippers are legally entitled to the same treatment from the carrier under the Federal and the common law. But even if "good will" existed as a legal fact, the claimant does not appear to be entitled to be paid for it under the laws of eminent domain. (Laflin v. Chicago, etc., R. Co., 33 Fed. R., 415; 15 Cyc., p. 646.)

It is believed that it is the item "advance payments on contracts" alone which presents the character of artificial value with anything in the nature of a claim. This $5,000,000 was exacted by the railways and paid by the express companies in violation of the public policy of the law with respect to carriers for centuries. Ought it be repaid to the express companies by the Government, consisting as it did of the price of an offense against the policy of its laws? This is at last a judicial question upon which the courts alone can pass; but it should be added that it involves a value practically inconsiderable when compared with the great value and indispensable importance of the contracts to the public service.

The cost of the acquisition will probably embrace the following items:

Expenditures for equipment	$9,435,620
Materials and supplies	332,494
Expenditures for real property (one-third)	5,296,647
Total	15,064,761

Even if the "advance payments on contracts" be added, the total cost would be a little less than $21,000,000.

ADVANTAGES OF THE EXPRESS-RAILROAD CONTRACTS.

The advantages to the Postal Department of these express-railroad contracts is shown in a single statement. In 1908 the postal matter, excluding equipment, weighed 602,040 tons, which were carried on the average 620 miles, or 373,277,675 ton-miles; for which the railroads were paid $49,404,763, or at the rate of 13.2 cents per ton-mile. In 1909 the express companies, under these contracts, paid the railroads $64,032,126 for hauling 4,556,296 tons an average of 200 miles, or 911,359,200 ton-miles, being at the rate of 7 cents a ton-mile, also excluding equipment. It is hard to see how the post office could compete with the express companies without these contracts while paying nearly twice as much to the railways on packages of like weight.

Another equally great value that would go with the contracts would be the innumerable advantages of a going concern, a practical modus operandi, having nearly all the necessary adjustments to business habits and human relations already in working order.

Outside of the costly waste to the public involved in maintaining two services there are very direct reasons why the express contract should be secured. The postal system requires them in order to obtain:

(a) The declension in express-railway pay, necessary for a desirable zone system.

(b) The numerous "depot" and storage privileges accorded the express companies by the railways.

(c) Conservation of structural factors in the express institution of intrinsically serviceable character.

(d) To avoid controversies and, perhaps, serious mistakes with the railways incident to entirely new relations.

PURCHASING THE EXPRESS COMPANIES.

Hardly any person will question the wisdom of securing such advantages; and certainly no one who faces the package-transport question seriously will deny the advantages themselves. The depot privileges of the express company are simply indispensable to an efficient and economical administration of the function. If the postal system has to provide itself with these facilities by rent or purchase, it would find the cost to be much greater than the purchase of the express contracts. But it is the history of the express company which gives the real trouble here. The people do not object to paying for what they require. It is the conviction that express capital does not represent any actual investment, but, such as it is, is made up of accumulated excess profits in the past. The moral antagonism to paying them for that which they have unrighteously taken from the people in excessive profits is the root of the opposition. It is the same feeling which many entertained toward paying for the slaves' emancipation, but we know now that the cheapest way for the emancipator, and the best way for both slave and master would have been to recognize the commercial facts by fair payment.

PARCEL POST AND REGULATION.

Testimony before the committee was to the effect that regulation of the express rates could not be made effective because of the very small margin of the rate, less than 7 per cent in 1911, which is profit; that the service could not be sufficiently economically done by the railways, even if required, because of their transportation practices, especially their accounting, and the fact that compelling each railroad to perform the service would be multiplying the 13 express companies into many more than 900, the number of independent railroads, with the concomitant waste of accounting relations relatively aggravated.

The suggestion is made that the Government establish an independent parcel post. With one already existing, in working order, it seems useless to establish another and oblige the public to pay the cost of maintaining both. Moreover, it is submitted that it would be very unwise, unless paramount necessity so dictated, to force a new system upon the business interests of the country, and, whether with good or ill reason, a system it has learned to fear. To suddenly force a revolutionary system of rates, without study or preparation, is a circumstance well calculated to frighten business, even if, as a matter of fact, as now proposed, such rates are so high as to effectually prevent the intended relief. Conservative counsel would seem to suggest that no such unnecessary and drastic proceeding be taken.

RATE MAKING.

The rate-making function can not be in Congress or any of its committees. General principles of social action the Congress is constituted to deal with, but the making of specific rates is alien to its function. Moreover, a law-made rate would be practically unalterable. About once in a generation can Congress act on a given subject, while these rates might require frequent readjustments in such a period, in the interest of traffic mobility, if not the railway pay. There would have to be an administrative tribunal to fix such rates in an initiatory way, with an appeal by the public and the railway to the Interstate Commerce Commission, and this tribunal the bill supplies. In this way the necessary elasticity—that is, adaptability—of the rate to transportation conditions might be secured.

CONCLUSIONS.

(1) The express companies constitute in fact the "parcel post" of the United States, but—

(2) Because of their prohibitive rates and nonextension to rural points their service is inadequate.

(3) The service is a natural part of the postal function and should be merged in the postal organization.

(4) The contracts and equipment of such companies are essential to an economical and efficient service by the postal department.

(5) That the extension of such service to the country will operate to substantially reduce the prevailing high prices of the vital necessaries.

(6) The rates should be administratively, not legislatively, made in order to move the potential traffic and protect the Treasury.

(7) This measure offers a full solution of the small shipment problem and allays, in place of exciting, the apprehensions of the retail merchants of the country.

Mr. President, this is the decision reached by the Committee on Interstate and Foreign Commerce of the House on the principles of what has become known as the postal express as embodied in the Goeke bill. On February 26, 1912, I introduced a similar bill in the Senate. Some Senators may not know its full scope and purpose, and some Senators may have wondered why they have not heard more from it since its introduction, but I do not believe there is a Senator here but that some, if not many, of his constituents know its full scope and purpose and who has not received from them favorable petitions and letters. I do not feel that the Committee on Post Offices and Post Roads have been altogether fair in their consideration of this subject, and I will say frankly that when I introduced Senate bill 5474 it was referred to the Committee on Interstate Commerce, and my reason for having it so referred was the feeling that it would receive a fairer and more unbiased consideration at the hands of that committee. The distinguished chairman of that committee asked me if I had any objection to the bill being withdrawn from that committee and referred to the Committee on Post Offices and Post Roads. Following this the chairman of the Committee on Post Offices and Post Roads approached me and asked if I would not be willing to have the bill recalled from the Committee on Interstate Commerce and referred to the Committee on Post Offices and Post Roads, with the assurance that it would receive fair and earnest consideration at the hands of that committee according to the importance of the proposed legislation embodied in the bill. However the committee may feel, I believe the character and

number of its supporters speak for its importance, and I feel that it received scant consideration at their hands. After quite a length of time and a number of delays, we only succeeded in getting a hearing for one evening before the committee, at which three members were present, and were interrupted by a person who presented an entirely different and separate proposition before some of those who had come long distances and were well prepared to argue the merits of the bill were given a chance to do so. From that time on the author of the bill was not approached or considered in any way by the committee until July 18, which leads him to think that the committee has not been open minded or keenly desirous of formulating a system of parcel post for the single purpose of giving to the public the best possible service to which they are entitled.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. GARDNER. I do.

Mr. MARTINE of New Jersey. I should like to ask the Senator whether he refers to the Committee on Post Offices and Post Roads of the Senate?

Mr. GARDNER. I do.

Mr. MARTINE of New Jersey. I am a member of that committee, and one who has attended quite consistently its deliberations, and I feel that the statement of the Senator is ungenerous at least. The Committee on Post Offices and Post Roads for months have deliberated most conscientiously and earnestly on the parcel-post proposition. They have had very many hearings, and at those hearings there have been present a goodly number of men from all walks of life who are interested in the subject, including the Postmaster General, the Assistant Postmasters General, and members of the Post Office Committee. In justice to that committee, or the work of that committee, I desire to say that in the measure reported here to-day they have evolved a bill that is entitled at least to the very serious consideration of the people of the United States and of the Senate. It may not encompass all that is desirable, but at least it is a long step in the direction of that which I believe the people desire and demand, and it will result, to my mind, in infinite good.

I think the Senator will realize that the inauguration of a parcel post is for us at least a radical step, although I will admit it is an old institution in countries like Germany, Switzerland, and many others. Of course, the Senator realizes that it would be impossible to compare the United States with a country such as Switzerland, a small, compact Republic. Probably the Swiss system is the best; it is better at least than many others; it is a very complete and practical system, and so is that of Germany; but the conditions are very widely different there from those in this country, both as to general cost of maintenance and transportation, and then the question of the compactness of the country puts us largely at a disadvantage.

But I rose simply to say, with reference to the suggestion that the hearings were not liberal and fair, that I feel that is an unjust and ungenerous criticism.

Mr. GARDNER. Mr. President, I simply want to remind the Senator that he was not present at the hearing given upon this proposition.

Mr. MARTINE of New Jersey. I was not present at that particular time.

Mr. GARDNER. That was the statement I made, and that is the statement I make now.

Mr. MARTINE of New Jersey. I was not present at all of the hearings, but I have been an active and industrious member of that committee.

Mr. GARDNER. That was the meeting I was talking about, and not some other.

Mr. President, the acquisition of the express companies of the United States as going concerns would carry with it the many factors of value in their operating structures. It would carry with it not only the seven elements pointed out by Dr. Henry and Mr. Hampton as incidents and privileges indispensable to the movement of the small shipment for the purposes of commerce and otherwise, but also a full system of regulations found necessary by these companies to the adjustment of the traffic in its various relations to the needs of society. Very many of these regulations, absolutely necessary to the conduct of the business of moving the small shipment, are perhaps unknown to a single Member of this Congress. We could not write them all into our statute under such circumstances, while the acquisition of the express plants would bring them to us with trained men as well, who understand this occupation and would be able to continue its operation without disturbance to the business public.

I wish to confirm what the Committee on Interstate and Foreign Commerce of the House has so lucidly stated in its report favoring the establishment of a "postal express." The express company is our "parcel post." It wants the "public service motive," which I have previously discussed; it wants also extension of its service to the country through the rural-delivery structure, as previously stated. It also wants its rates, which are now prohibitive, rendered normal and such as to move the potential traffic. It is true the express companies are helpless in the situation, either to extend their service to the country or to bring their rates down to normal.

The causes for this I have, perhaps, already discussed as exhaustively as the Senate cares to hear. I will only summarize the arguments by stating that the Government alone, through its rural-delivery organization, already paid for, and needing only some inconsiderable improvement, can supply the link necessary to articulate the town and the railways with the farm. This rural delivery is costing it some $40,000,000 a year, and it would be absurd to ask the express companies to duplicate that structure, now waiting with empty wagons to receive the traffic. The methods of the express company business, namely, its egregious "transportation accounting" and the quadruplication of offices and agencies in the larger towns and cities, swallow up neary one-half of the average express charge. These economic wastes would be eliminated by the postal system, which already is maintaining for letter purposes an adequate structure for the larger service, paid for and ready to discharge the acts of attention necessary to the small shipment as well. On the branch lines of the railroads and in all distributing points the express and postal personnel are duplicated, and the wastes of duplication susceptible of elimination under postal auspices constitute the scandal of transportation with respect to this small shipment.

Within a year of the acquisition of these plants their merger into the postal organization could be rendered complete, and with them would go all the elements of value in express practice and organization. The express rates are now said to number 600,000,000, counting place to place, rates. These would certainly give place to a new rate structure, that might, indeed, be printed on a single page. All the class-freight traffic of the Prussian railway system, amounting in volume to about one-half of that in the United States, is now carried upon such a rate sheet. While I do not have the assurance, which administrative experience only can give in such matters, I would suggest that in a country as large as ours some 30 zones would be necessary to commercially adapt the rates to the distances the articles of shipment might need to go.

In this connection I may say that it has been shown under the so-called Talcott law in transportation economics, referred to and demonstrated by Mr. LEWIS in his study on this subject, that the cost of transportation tends to double only as the distance of shipment quadruples. That is, that the cost of service does not increase arithmetically with the distance, but increases in proportion to the square root. Thus, if a fair charge for a 5-pound parcel for 25 miles, the square root of which is 5, was 10 cents, the charge would be 20 cents for 100 miles, the square root of which is 10. Mr. LEWIS has found that this square-root declension practically ceases in the freight traffic at 900 miles, whence for greater distances the cost of service practically represents a horizontal or level progression with increasing distances. I am now inserting in my address the rate table compiled by him, showing average express rates for the distances and weights given, as compared with the rates which would be feasible under the system of postal express proposed and as also compared with the rates for 5 and 10 pound parcels under the Bourne bill. The table shows the special loadings included for postal general expense and also for collect and delivery in the tentative rate for each of the shipments. The loading for railway transportation pay represents the actual amounts paid by the express companies to the railways on the aggregate of their traffic. This means that if a like amount of traffic were carried on the rates for postal express in the subjoined table that is carried by the express companies the pay to the railways would not change. In short, the only question as to the validity of the tentative postal-express rates given in the table can only relate to the sufficiency of the loadings assigned for collect and delivery and for general expense, which, however, agree with the estimates of the Postal Department as quoted in the Bourne report.

The recent revision of the express company rates by the Interstate Commerce Commission has reduced such rates about one-third to two-fifths, and in some instances to one-half, of the rates now prevailing as given in table on following page.

Table giving average express merchandise rates and tentative postal-express rates and Bourne bill rates.

Miles.	5 pounds.			10 pounds.			20 pounds.		30 pounds.		40 pounds.		50 pounds.		60 pounds.		70 pounds.		80 pounds.		90 pounds.		100 pounds.		Square root of distance, in miles.
	Express rate.	Postal rate.	Bourne bill.	Express rate.	Postal rate.	Bourne bill.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	Express rate.	Postal rate.	
50	$0.27	$0.08	$0.17	$0.32	$0.14	$0.32	$0.32	$0.20	$0.41	$0.23	$0.44	$0.27	$0.48	$0.31	$0.53	$0.35	$0.53	$0.39	$0.54	$0.44	$0.54	$0.48	$0.54	$0.52	$6.00
62	.34	.09	.22	.39	.16	.42	.40	.21	.49	.26	.55	.31	.61	.36	.69	.41	.73	.46	.73	.52	.73	.57	.73	.62	7.87
100	.36	.09	.22	.42	.17	.42	.46	.23	.56	.29	.64	.35	.74	.42	.82	.48	.89	.54	.89	.60	.89	.67	.89	.73	10.00
144	.41	.10	.22	.49	.18	.42	.57	.25	.67	.31	.75	.40	.85	.47	.97	.54	1.09	.62	1.14	.69	1.16	.77	1.19	.84	12.00
196	.43	.10	.27	.51	.19	.52	.60	.27	.73	.35	.82	.44	.95	.52	1.08	.60	1.22	.69	1.28	.77	1.30	.86	1.30	.94	14.00
255	.47	.11	.27	.57	.20	.52	.72	.29	.83	.39	.91	.48	1.01	.58	1.17	.67	1.35	.77	1.45	.86	1.61	.96	1.68	1.05	15.97
320	.50	.12	.32	.63	.21	.62	.79	.31	.91	.42	.99	.52	1.05	.63	1.23	.74	1.43	.84	1.58	.95	1.80	1.05	1.77	1.16	17.89
402	.56	.13	.32	.71	.22	.62	.83	.33	1.05	.45	1.12	.56	1.15	.68	1.33	.80	1.61	.91	1.82	1.03	1.91	1.14	2.18	1.23	20.05
484	.62	.13	.32	.79	.23	.62	1.01	.35	1.23	.47	1.35	.61	1.40	.74	1.68	.86	1.96	.99	2.24	1.12	2.52	1.24	2.78	1.37	22.00
576	.63	.14	.32	.83	.24	.62	1.09	.38	1.33	.51	1.54	.65	1.59	.79	1.90	.92	2.22	1.03	2.53	1.20	2.85	1.33	3.12	1.47	24.00
677	.68	.14	.37	.92	.25	.72	1.24	.40	1.54	.55	1.83	.69	1.86	.84	2.24	.99	2.61	1.14	2.98	1.28	3.35	1.43	3.70	1.58	26.02
787	.68	.15	.37	.93	.26	.72	1.26	.42	1.52	.58	1.80	.74	1.79	.89	2.24	1.05	2.61	1.21	2.98	1.36	3.35	1.52	3.73	1.68	28.05
905	.70	.15	.37	.97	.27	.72	1.30	.44	1.61	.61	1.90	.80	1.99	.95	2.36	1.11	2.75	1.28	3.14	1.45	3.54	1.62	3.93	1.79	30.08
1,030	.72	.16	.46	1.03	.30	.91	1.40	.49	1.78	.68	2.25	.87	2.35	1.06	2.79	1.26	3.26	1.45	3.72	1.64	4.19	1.84	4.65	2.03	32.00
1,151	.74	.17	.46	1.07	.32	.91	1.49	.53	1.97	.74	2.43	.96	2.60	1.17	3.11	1.38	3.69	1.60	4.14	1.81	4.66	2.03	5.18	2.24	33.92
1,297	.78	.18	.46	1.18	.34	.91	1.72	.58	2.40	.82	3.02	1.06	3.25	1.30	3.69	1.54	4.53	1.78	5.17	2.02	5.82	2.25	6.46	2.50	36.00
1,450	.78	.19	.51	1.21	.37	1.01	1.83	.63	2.51	.90	3.18	1.17	3.46	1.49	4.26	1.71	4.82	1.98	5.52	2.24	6.21	2.50	6.90	2.78	38.08
1,597	.79	.20	.51	1.25	.40	1.01	1.90	.67	2.63	.98	3.35	1.27	3.74	1.57	4.33	1.86	5.18	2.15	5.90	2.44	6.66	2.74	7.40	3.03	39.95
2,500	.80	.28	.60	1.40	.55	1.20	2.60	1.05	3.87	1.46	4.47	1.92	5.58	2.37	6.65	2.82	7.76	3.18	8.87	3.73	9.98	4.19	11.08	4.64	50.00
3,136	.81	.34	.60	1.54	.67	1.20	2.89	1.24	4.28	1.80	5.70	2.37	6.88	2.94	8.71	3.50	9.58	4.07	10.95	4.64	12.32	5.20	13.69	5.77	56.00
3,652	.85	.39	.60	1.65	.76	1.20	3.00	1.42	4.47	2.08	5.95	2.73	7.44	3.39	8.92	4.05	10.44	4.71	11.90	5.36	13.39	6.02	14.87	6.68	60.43
C. & D.		3			6			7		8		9		10		11		12		13		14		15	
G. E.		3			5			5		5		5		5		5		5		5		5		5	
Total		6			11			12		13		14		15		16		17		18		19		20	

"C. & D." equals "collect and delivery," and "G. E." equals "general expense" loadings.

Comparing the Bourne rates with the postal-express rates, it is apparent that the Bourne rates are nearly uniformly about twice as high as they need to be under a system of postal express. Indeed, the Bourne rates up to 2 pounds are not near as low as the rates now granted by the express companies if the rates are prepaid. Under the Bourne bill the rates have to be prepaid, there being no C. O. D. privilege. The express companies will now carry to any point in the United States, if the rate is prepaid, at 10 cents for the first pound and 8 cents for each additional pound, third-class mail matter, up to a 4-pound limit. I say that the Bourne rates are shown to be nearly twice as high as the feasible "postal-express" rates need be by the most careful and painstaking investigation this subject has ever received. But one can easily understand why the Bourne rates should be so high when the bill by its silence on the question of railway pay for the transportation of the parcel commits the Government to paying the railways nearly twice as much for the service as the express company pays for the same service.

Mr. President, if there are those here who consider that taking over the express plants and merging them in the postal system looks "too big" an undertaking, I wish to say that it is only a superficial view of the subject which could give that feeling. As a matter of fact, the legislative or even administrative construction of a parcel-post system worthy of the name is an undertaking so replete with difficulty, so taxing in its complexity, and so doubtful in its outcome that the transfer of the parcel-express function to the postal system as a task of statesmanship is literally simple and trivial in the comparison. If we take over the express plants, we know what we have to do. It is merely to correct the deficiencies in their structures by proper articulation with the town and railroad and with the country through the rural delivery, together with a proper reduction of their prohibitive charges through the simplification of postal methods. In this way we should easily convert what is now the scandal of transportation the world over, the inefficient express company, into a parcel-post system that would defy comparison with similar agencies throughout the world.

Mr. President, I will discuss briefly the question of what we would have to pay for the acquisition of the express plants. First, it is proper to suggest that the danger of having to pay for anything but actual values is removed. There are two values which may be considered in condemnation cases, one is the physical value of the property and the other is the franchise value, if any is connected with its use. The express companies of the United States have no franchises. A franchise is some exclusive privilege or right granted by the sovereign State or the Nation. No express company has had granted to it any such right. It has been shown by the Committee on Interstate and Foreign Commerce of the House that the probable cost of acquisition would not exceed $21,000,000 under any circumstances. If there is any Member of the Senate that feels that these figures may be increased to thirty or forty or even fifty million dollars, all of which he will find unsustained upon investigation, let me assure him that even such price would be an extravagant bargain in favor of the Government. Consider, sirs, that the express companies are collecting this year from the American public, for carrying a traffic their prohibitive rates have reduced by one-half, not less than $170,000,000. Consider that the people are paying, out of this sum, at least $70,000,000 more than they would have to pay under postal management. Consider that under the influence of normal rates and an extension of the agency to the farm the traffic itself would quadruple in a brief time, and then consider how utterly trivial the ten or fifteen or twenty million dollars excessive price for the express plants would be compared with the hundreds of millions of dollars of excessive rates which may have to be paid those intruders in transportation, and the hundreds of millions of dollars of potential traffic now destroyed by their practices, which is yet so necessary to the farmers and consumers of the country.

Mr. President, I am not alone in the view I take of the necessities of this subject. The Committee of the House of Representatives on Interstate and Foreign Commerce is not alone in the view it takes. The House of Representatives, in asking for a joint committee of the House and Senate to consider this proposition to eliminate the express companies, is not alone in the view it has taken. The great Democratic convention which recently assembled at Baltimore has declared in its platform for the establishment of a system of "postal express," and it is not alone in the views it took.

Mr. President, the country is actually demanding that Congress give adequate attention to this subject, and is already in grave fear that a mere mockery of a remedy may be enacted. It knows the grave danger in which insufficient attention and study on our part may place this whole subject, and accordingly has gone into a detail with respect to it which I will now ask the Senate to hear.

In November of last year I attended the annual session of the National Grange in Columbus, Ohio, and was present during the parcel post discussion, and witnessed the unanimous indorsement of the Lewis postal express idea, the principal features of which are contained in the so-called postal express bill.

In December I attended the annual meeting of the Maine State Grange, and in February the meeting of the New York State Grange, and in both instances heard the discussion and action of the National Grange unqualifiedly indorsed. Simultaneously with these meetings other State granges were meeting and taking similar action, and since I have been here in Washington I have met in conference the representatives of many other farm organizations, notably the Farmers' Union. During the year I have been in constant touch with the farm organization leaders in all parts of the country. I am myself a farmer and have all my life been identified with the farm and farm organizations, and am at present the president of the Conference of Progressive State Granges having organizations in a dozen States and affiliated with organizations in almost every State in the Union. In view of these facts I think I can safely claim that no Senator is to-day in so close touch with

the agricultural people as myself, and, Mr. President, they never were more deeply in earnest than they are over this question or knew so definitely what they wanted as they do at the present time. They want a postal express, and will be satisfied with nothing less. They want the legislation embodied in what is known as the Lewis plan and which is before this body in Senate bill 5474.

Mr. President, the farmers do not want the bill because I introduced it. I introduced it because the farmers wanted it, because their most representative organizations made it perfectly clear what it was they wanted, and because my personal study of the subject convinced me absolutely that they were right in wanting it, and, being right, should stand by their convictions, and after all these years of weary waiting insist upon Congress enacting legislation that would actually produce the results desired.

If the Senators from Pennsylvania have kept in close touch with the farmers of their great State they can tell you that the Pennsylvania Grange has been conducting a campaign of education for a postal express continuously since the early summer of last year. Not an issue of their State organ but what has had an able article on the subject. Other States have followed suit, and, in order that the Senate may fully understand the earnestness and unity of this farmers' movement for a postal express, I submit quotations from the official grange reports. The standing committee on postal reform of the National Grange in its report, among other things, said:

There are at the present time about a score of bills providing for varying forms of parcel-post service now pending at Washington, and it is not an easy task for this body to select one specific bill and focus its attention upon that. There are clearly two possible courses of action by this body which must herewith be considered: (1) To take a firm stand at this session in favor of genuine progressive parcel-post legislation and demand its speedy enactment by Congress without attempting to establish a positive grange position on any one specific bill out of the score in question; (2) to endeavor to point to one particular bill and demand specific action thereon as the grange position on the parcel-post question.

The first proposition is open at once to commendation and criticism. With so many bills pending, all aimed toward the same end, it may be argued that the grange policy should be sufficiently flexible to admit of a readjustment to such condition as our legislative committee may find as the situation shapes itself, and also to admit of the joining of forces with other organizations in a great forward movement for parcel post as the congressional season advances. This idea is open to a serious criticism, however. When the general subject of parcel post is put up to a Senator or Congressman in question form he is almost sure to reply with a smile or by a form letter, "Certainly I am in favor of parcel post, and the matter will have my most earnest consideration," leaving the questioner just about as well informed as he was before. If a distinct bill is to be submitted, then the statesman can be pinned down to the specific question and must give an answer that amounts to something.

The second proposition has the advantage already referred to of permitting the specific and definite pledges of Members of Congress, with the consequent increased likelihood of favorable action, but is in turn open to the objection that if this body be definitely committed to any one bill, or system of parcel post, then it might be rendered difficult for our legislative committee to adjust to new conditions that might arise in the matter or to arrange for effective cooperative effort with other organizations similarly interested with our own in the parcel-post fight.

As between these two propositions your committee is inclined to feel that the resolution offered to this body by the master of the Maryland State Grange presents the most effective position this session can take on the parcel-post question, and we therefore recommend the indorsement of that resolution, which was as follows:

"*Resolved*, That in the opinion of the National Grange, in forty-fifth annual session assembled, the system of postal express as prepared by Congressman LEWIS, of Maryland, offers a thorough solution of the parcel-post measure, and that we hereby indorse the same and urge its passage. This indorsement is not intended that we shall abandon the position formerly taken by the National Grange on the parcel-post question."

We recommend that this matter shall be given early consideration by our legislative committee, and especially urge that said committee shall, as soon as practicable, prepare and submit to the State granges at least an outline of the most effective means to be set in motion in the respective State granges, to the end that the great parcel-post fight of the winter may be instantly and actively started in every grange State.

We therefore recommend such early consideration of this matter by our legislative committee as shall make possible a conference with the parties in question, and that at such conference, and in all future like opportunities, the position of the National Grange shall be emphatically that of participation in any combined forward movement for parcel post that it is possible to make with any or all other organizations likewise interested in this vitally important subject.

This report was signed by all members of the committee and unanimously adopted. The chairman of the committee was the master of the Massachusetts State Grange, an organization having 30,000 members in that State. But the National Grange's consideration of what it proposed to make its paramount issue for legislation in this Congress did not rest here. It was brought up again by the committee on cooperation, one of the most important of the standing committees of the organization, of which the master of the Pennsylvania State Grange—well known to many Senators here as an exceptionally able man—was chairman. From this report I quote:

We recognize that the high cost of living in the country is largely due to a lack of cooperation between the producers and the consumers. Neither of these classes are to blame for this condition directly, yet in a reflex manner, by an apathetic consideration of legislation, the general public is blamable for existing economic conditions. It should be the purpose of this great organization to adopt as legislative principles and to work for the construction of laws that will prevent the inflation of corporate holdings, which we believe to be the most serious menace to our national prosperity, and to work for fair and equitable tariff legislation which will deny special privileges in trade to those business institutions which thrive only upon the opportunities given them through unjust laws.

The existence of business parasites is a hindrance to cooperation, and we would point out that the most dangerous economic parasite with which the people of the country have to contend, and especially the farmer, is the express company. Our tribute to it, as well as to those other concerns which are probably important on their merits but dangerous in their inflated conditions, is a tax which should not be imposed and which serves to defeat the best interests of the people. Therefore we recommend, as one of the great reforms necessary for the successful development of cooperation, that this body indorse the plan of postal express now pending before Congress, being a bill presented by DAVID J. LEWIS, Member of Congress from the sixth district of Maryland, and known as the Lewis bill.

This thought opens up the subject of distribution. Poor methods of distribution are a hindrance to successful cooperation. The postal-express plan, in our judgment, will assist in more efficient distribution, inasmuch as it will create an articulation heretofore denied between all sections of the country, which will in turn serve to force individuals and corporations dealing in the necessaries of life to modernize their methods of handling the products of the farm. In many of our great cities we find the methods of distribution antiquated and really obsolete.

It should be the desire of the farmer to deal directly with those who consume what he raises, and to this end it is wise, in our judgment, to establish relations with other organized classes. Organized labor is prepared to meet us halfway. We would urge that the relations between the organized farmer, who is a producer, and organized labor, also a producer, be encouraged.

In my own State the grange has a membership of 1 in every 11 of the total population. There are 500 local organizations and a county organization in every county in the State. With hardly an exception, petitions have been filed by me or my colleague from every one of these local organizations asking for the passage of the postal-express bill; and at the spring meeting of the executive committee the following resolutions were adopted:

Whereas it is our positive conviction that the most effective way to secure the legislation desired by farmers and indorsed by the grange is to elect to office only those who are pledged to support and work for grange measures: Therefore

Resolved by the executive committee of the Maine State Grange in regular meeting assembled, That the secretary be, and is hereby, instructed to send the following appeal to the subordinate granges of the State:

TO THE PATRONS OF MAINE.

Patrons, this is your opportunity. In the coming election each of you has an undivided responsibility to see to it that no one gets the farmer vote who does not stand squarely for the grange demands. You owe not the smallest measure of support to the candidate who says to you, "I desire to go through the campaign unpledged." The man who will not tell the voters where he stands on the great questions which are before the people in plain and unmistakable terms is not worthy of your support. No candidate for United States Senator or Congressman should receive your support unless pledged to the passage of the Gardner postal-express bill, the passage of the Haugen oleomargarine bill, in favor of the furtherance of popular government, and opposed to the Aldrich money scheme. No candidate for reelection should receive your support unless his record is straight on these measures.

Patrons, the responsibility is squarely up to each and every one. He who fails to do his duty and go to the polls and vote for the candidate, regardless of party, who stands most openly and fearlessly for grange measures has no right to complain of conditions.

GEORGE PLUMMER,
EDWARD EVANS,
GEORGE ALDEN,
L. E. TUTTLE,
C. S. STETSON,
E. H. LIBBY,
Executive Committee Maine State Grange.

Passing from the Atlantic to the Pacific coast 12,000 grangers of Oregon by petition to the House of Representatives urged their Representatives to vote for the passage of the similar measure, which had just been favorably reported by the Committee on Interstate and Foreign Commerce, the Goeke bill.

In the adjoining State of Washington, the home State of the chairman of the executive committee of the farmers' national committee on postal reform, the 20,000 members of the State grange and the 10,000 members of the Farmers' Union are united in their demand for a "postal express." The Washington State Grange has just held its annual session (June 4–7), and I submit the parcel-post section of the master's annual address:

POSTAL EXPRESS—A REAL PARCEL POST.

For 20 years the grange has urged on Congress the enactment of legislation that would place the United States at least on a level with the other leading nations in an efficient parcel-post service. But as Postmaster General John Wanamaker said years ago, four big giants blocked the way. The big express companies said no, and that settled it. The grange was powerless to marshal the farmers in their might as long as the nation was in the control of the machine reactionaries. But two years ago the progressive granges determined to appeal to the farmers generally to unite for the parcel-post fight and join with them in organizing the farmers' national committee on postal reform. Later they took the lead in organizing the Postal Express Federation, and the battle for a real parcel post is now on in earnest. Twenty years ago we were ready to take any parcel post Congress would give us, but

our well-paid Senators and Congressmen have ignored the subject year after year and, except for a few notable exceptions, know less about the matter than thousands of our members. Now we do not propose to wait any longer, but intend to have, and that right speedily, the best parcel-post service in the world, or a new set of Senators and Congressmen. Instead of allowing the express companies longer to block the way, we propose to wipe them off the face of the earth, take over their equipment and working staff, and consolidate all the express companies into one perfect postal-express system and extend the service to the farmers through the rural delivery. We want no more 8 cents per pound flat rate and 11 pounds limit. We want a graduated rate and a weight limit of at least 33 pounds—110 pounds, the same as Germany, would be better.

The committee on postal improvement will treat this matter fully, and I bespeak your most careful consideration of the matter. To secure a postal express is our paramount issue in national legislation, and no candidate should be elected to Congress who does not stand by the grange in this great reform. There should be posted in every grange the names of those Senators and Congressmen who oppose the grange postal express bill in one column, and in another the names of those who support it and fight with us. Let our motto be, Put no one on guard in Congress who does not ring true, but let us also see to it that those Senators and Congressmen who do stand steadfast and fight on our side are rewarded by the true appreciation of a strong, loyal support.

Mr. President, I could make similar quotations from many other States, but I have, I believe, submitted enough to show that the farmer movement for a postal express is not one that has been lightly undertaken, but is founded on deep conviction, which has taken and is taking strong hold on the rural people. They will not be satisfied with halfway measures. They expect, at the very least, that this Congress will give them a modern, up-to-date postal-express service, which means a better and more complete system than that which the Imperial German Parliament gave to the German people a quarter of a century ago—a service which will do for the American farmer and American industry what that service has done for the German farmer and German industry.

In the first half of the nineteenth century Great Britain was the one great commercial power of Europe, with a world-wide trade. It was practically without a rival, but in the last half century, with giant strides Germany forged to the front to contest with Great Britain her supremacy in the world's commerce. In many lines she has surpassed Great Britain and to-day stands the leader without a peer in many important industries. The commercial rise and the industrial achievements of the German Empire deservedly command the admiration of the world, and the causes therefor are the study of the thoughtful statesmen of every country. Many causes contributed to this phenomenal industrial growth, but the great underlying cause was that the statesmen of Germany made the common welfare of the German people the guiding principle of their actions. But in no way, Mr. President, have the statesmen of Germany shown a higher degree of statesmanship or shown their devotion to the public welfare, in conserving the prosperity of agriculture, in insuring a low cost of living to the people of the Empire, and in safeguarding the rights of the people than in the establishment of a postal express and providing for the fullest and freest possible exchange of commodities between producer and consumer. As summarizing in a brief but comprehensive way what the postal express has done for Germany I quote from an article written by Hon. J. C. Monaghan, of the Department of Commerce and Labor, for Dun's Review of February 24, 1906, and which can be found in full in Senate Document No. 379:

THE PARCEL-POST SYSTEM OF GERMANY.

[Written for Dunn's Review of Feb. 24, 1906, by Hon. J. C. Monaghan, of the Department of Commerce and Labor, Washington, D. C.]

Among the greatest needs of the present day is a better development of the means of distribution. Much of the overproduction, of which so many complaints are heard, is simply due to lack of distribution. Among the modern methods of distributing merchandise the post holds a rank scarcely dreamed of in the days of the first American Postmaster General, Benjamin Franklin. Even his genius hardly foresaw the day when the packages of the merchant and tradesman would be carried by the postman. The best example of a successful parcel-post system to enable a business man to form a just idea of it is the German system, which the writer saw in operation for 12 years. The gigantic genius that forged and welded the fragments of the Empire into one cohesive mass—Bismarck—did as much as anyone to give the Empire a postal system so successful that it excites envy and emulation. In a year, 1903, it netted the Empire nearly $15,000,000 over and above all expenditures, while the American service showed a deficit of $4,356,000.

WELDING THE CITIES TO THE FARMS.

Not the least successful branch of the system—certainly not the least useful part—is that which deals with parcels or packages of all kinds of products, from those of the farm or ranch to those of the factory or store. From the huge streams of wares that flow through the post offices of Berlin, Hamburg, and the larger towns and cities, as well as the tiny rivulets of articles that are put into the parcel post in remote Tyrolese hamlets and in thousands of country offices, is formed a veritable ocean or sea of traffic. The yellow wagons of the Empire or the royal wagons of Kingdoms like Wurttemberg and Bavaria that have held on to their separate postal rights, wind their way in and out of the highways and byways of the entire Empire, picking up and laying down wares. Careful, sensible, systematic, and businesslike are the only words that will properly describe this wonderful system and its successful work.

CHARGES THAT MAKE BUSINESS GROW.

The one vital factor in a system of this kind is the charge. If it is too high it defeats the object at which it aims—public convenience. In all its efforts to secure efficiency the German Empire has always aimed at a system such as would secure that result at a moderate cost. Its success has been fairly phenomenal, for its charges have been moderate, the service the very acme of efficiency. As already suggested, distance and weight form the factors in the problem of price for the service. The distance charges are determined by zones, the first zone or circle within which the lowest price is paid being 10 geographical miles from the post office as a center; the second zone all points beyond the 10-mile limit, but within 20 miles; the third, the points between the 20 and a 50 mile circle; the fourth, between 50 and 100; the fifth, between 100 and 150; the sixth and last, all points in the Empire beyond a circle 150 miles from the post office or center.

CHEAP AND QUICK TRANSPORTATION MAKES FOR GENERAL PROSPERITY.

How much the parcel post has meant in the past, how much it means now, and how much it is to mean in the Empire's marvelous development will never be known till some German Mulhall makes its work the subject of a brilliant special monograph. From the far-off shores of Heligoland and the North Sea fishing villages the products of the deep are collected, carried across a large part of the Continent, and delivered, the service extending to the confines of Bohemia, or even to Austria and Hungary, for there is a postal arrangement between the two Empires that admits all the benefits of the one to the citizens of the other. From the seaport cities come the bananas, oranges, lemons, pineapples, coconuts, the rich spices of the East, the finer fibers and textiles of Persia, India, China, and Japan; from Switzerland come the rich dairy products and marvelous honey gathered from its mountain flowers, a honey as rich as that of Hymettus; from the Rhine lands the wines are sent in baskets far beyond where the vine will grow; out of the south, by Botzen, on the hills near Innsbruck, and along Lake Garda go fruits and flowers to Berlin and Breslau, Konigsberg, Danzig, and Stettin.

GERMANY'S ADVANTAGES OVER THE UNITED STATES.

Business men, bankers, merchants, manufacturers, and the people are unanimous in praise of the imperial parcel post. All regard it as indispensable. All wonder how they ever got along without it.

As regards the imperial parcel-post system as a whole, Germany's method of meeting the new economic, industrial, and commercial era upon which it has entered is one that is sure to commend itself in time to the thoughtful statesman.

I desire to call the attention of Senators particularly to the last paragraph. I repeat the quotation:

As regards the imperial parcel-post system as a whole, Germany's method of meeting the new economic, industrial, and commercial era upon which it has entered is one that is sure to commend itself in time to the thoughtful statesman.

Gentlemen, how long a time? Does it not now commend itself to the thoughtful statesmen of our own country; to the thoughtful statesmen of the United States Senate? Is the genius of American statesmanship of the twentieth century, with the experience of the whole world to draw on, unequal to the task of giving to the American people a parcel-post service the equal of that which the statesmen of Germany, without such experience to guide them, gave to the German people over a generation ago? With the evidence before it, with the mass of information accumulated and available for immediate consideration, is the United States Senate going to procrastinate and delay in enacting legislation so plainly beneficent, so urgently needed to reduce the cost of living, and so necessary to the agricultural and commercial prosperity and independence of the country?

How many millions of dollars annually are the people to loose on account of the excessive prices that they must pay for the common necessities of life before Congress will enact legislation that goes to the root of the matter? What deprivations must the people suffer through all the years it will take the Government to build up a postal-express service such as that enjoyed by the German people, if Congress merely enacts the legislation proposed by some of the honorable Members of this body? Better, by far, in my judgment, will it be for the people to wait for a new Congress to enact a thoroughgoing measure than to accept the limited parcel-post measure proposed, which, if adopted, can only prove disappointing in operation and delay indefinitely the enactment of any thoroughgoing measure. I submit, Mr. President, that the only thing that the Senate can do in this matter that is fitting for the highest legislative body in the land is to either enact legislation that meets the needs of the situation in the broad statesmanlike way the German Parliament met it years ago, or to adopt the policy of the House by frankly admitting your lack of knowledge and time, but prove your sincerity by concurring with them and provide a joint committee to thoroughly review the subject and report in full at the opening of the next session.

A few Members of this body, I understand, assert that the carrying of merchandise parcels is not a Government function. Mr. President, the burden of proof is on those who make such assertions, for all the governments of the civilized world have settled the matter by making the carrying of such parcels a part of their postal service. Our own Government is doing so now up to a limit of 4 pounds for its domestic service and to a limit of 11 pounds for its foreign service. In all the controversy for or against a parcel post or a postal express no one has advocated the abolition of the present parcel-post service, and the support of a commercial postal-package delivery in some form

or other is well-nigh universal. In the face of such universal indorsement it must be accepted as a conclusively established fact that the carrying of merchandise packages is a proper part of the postal service, and, in my judgment, no Senator can claim to represent the people of his State who does not accept this conclusion.

It being an accepted fact that the carrying of parcels is a Government function, what other consideration, then, than public convenience should determine either the rate or the weight limit of the parcel or small shipment the Government should carry? Congress has come, I think, into a pretty general agreement that legislation must be enacted providing for an extension and improvement of the parcel-post service, but there is not any such general agreement as to what the weight limit or the rates should be. And through all the years since the parcel post has been agitated in Congress there has been no time when such agreement has seemed probable. During this Congress the parcel post and the postal express problems have been more thoroughly considered than ever before, largely with the special purpose of finding a common ground for agreement as to weight limit, distance, and rates. The House Committee on the Post Office and Post Roads labored with the problems through hearings and committee meetings, and finally begged the question by asking for the appointment of a special commission to which the matter should be referred. Hardly two members of the committee were agreed as to what were the proper weights, rates, or distances. The recent debates in the House, lasting nearly two weeks, showed the same difference of opinion. Here in the Senate the situation is much the same.

The Senator from Oregon, chairman of the Committee on Post Offices and Post Roads, had ideas as to zones, weights, and rates very different from those of the Senator from Kansas, his associate in the subcommittee, and other members of the committee disagree with both. The Senator from Oregon recommended 6 zones, the Senator from Kansas 12. The Senator from Oregon recommended rates averaging 50 per cent lower than those recommended by the Senator from Kansas. The Senator from Oregon placed the weight limit at 11 pounds, while the Senator from Kansas recommended no weight limit, depending on the automatic adjustment of a reasonable weight limit by a scale of rates that would be prohibitive for excessive weights. I now understand the Senator from Oregon, fearful for the fate of his bill, recently compromised with the Senator from Kansas, and the bill now before you is the product.

But, Mr. President, the point still remains. The Senators from Oregon and Kansas, as members of the special subcommittee, backed by ample funds and unlimited facilities, have given the best part of a year to the effort of producing a bill that will be of lasting benefit to the people and solve the vexatious problems of an adequate postal-package delivery service. Having much in common, Members of the same wing of the same political party, and having, we assume, the same end—that of the public welfare—in view, the net result of their year's effort is that they reached on the vital essentials of a workable system radically different, and I still believe, irreconcilable views. Other members of the committee I find differ as widely in their conclusions on these matters, and I certainly differ from both the Senator from Oregon and the Senator from Kansas.

The reason for these differences, Mr. President, is that these are questions no legislative body can decide. They are administrative questions and can only be settled by rate-making and traffic experts. No parcel-post or postal-express legislation will be satisfactory in practice that does not provide for administrative control over the adjusting of rates and weight limits, and the other conditions of traffic movement, as experience in practical operation may demonstrate to be necessary to move the traffic and give the best service. With such provisions properly safeguarded to protect the public from administrative abuses Congress can, regardless of widely divergent opinions on these features, enact a parcel-post or postal-express bill which, whatever the rates, weights, and zones first put into effect may be, will give the country almost immediately the best postal-package system of any country. Instead of following haltingly behind other nations, this great Republic would at once take the place of leader among the nations of the world in providing the best possible form of public service for the benefit of its people.

There has been considerable criticism indulged in by the public press and by some Members of this Congress as to who would be responsible for the failure of Congress at this session to enact a parcel-post bill regardless of whether it meets public needs or not. I want to go on record right here that those Senators and Members of the House alone are responsible who insist upon a rigid bill as to rates, weights, and zones, and who refuse to incorporate several indispensable elements to a working system, or support any parcel-post or postal-express bill that provides for their administrative regulation. On them must rest the responsibility if this Congress fails to enact adequate legislation on this matter so vitally important to the prosperity of the whole people.

There is one thing I believe the investigations and debates of this session have absolutely demonstrated, and that is the fallacy and absurdity of the flat rate as applied to a parcel post or postal-express service in this country. Up to and during recent times the idea of a parcel post has been based on a system limiting the weight of parcels to 11 pounds, with fixed rates of 8 or 12 cents a pound, the idea being to make a flat rate per pound and extend it to all parts of the United States without regard to distance. This idea is now abandoned generally, because the principal reason in asking for a parcel post has been the feeling that the express charges are and have been for years too high to conserve the interests of the people, and when they compare the flat rate and the exorbitant and much-complained-of express charges the absurdity of the flat rate is clearly shown. Upon investigation it will be seen that the express companies' rates on a ton of parcels average $31.20. The flat-rate parcel post, fixing a flat rate of 8 cents per pound, would provide a rate amounting to $160 per ton as a relief from these excessive charges of the express companies, amounting to $31.20 per ton, or rates five and one-half times higher, while the 12-cent-a-pound rate would provide a rate amounting to $240 a ton, or over eight times higher than existing express rates. If we obtain relief from the express company charges, then it must be by getting postal rates that are substantially lower, as in my judgment the whole question of a parcel post is one of lower rather than higher rates. If the rates are not lower, then the parcel post would simply be a paper scheme and of no service to anybody. If the parcel-post rates were actually higher, the system would be a cheat of the whole reform. At best the bills mean that up to 2 pounds they give only as good a rate as the express companies do, with the addition of delivery on rural mail routes, and on weights above 2 pounds fix a much higher rate. Even the rural delivery features of such bills proposing 5 cents for the first pound and 2 cents for each additional pound up to 11 pounds are nearly worthless, because, as I have shown previously in my remarks, they limit the articles carried to fourth-class matter, and there is scarcely a thing produced on the farm that falls within the fourth class or that the farmer would be allowed to ship to his customer in town in the form of farm products, so that on account of the limitations such a system would be of very little value to the agricultural people of the country in marketing their products.

The flat rate on parcels discriminates against the short-haul shipper in favor of the long-haul shipper. As far as traffic would move at all the short-haul patron would pay a rate away above cost and the long-haul patron would pay a rate outrageously below cost. The flat rate on letter postage has no such effect and imposes no injustice, because the important element of weight does not enter into its transportation.

THE LOCAL MERCHANT AND THE POSTAL EXPRESS.

All limited parcel-post proposals are opposed by the local merchant, but the same merchant when he understands the postal express becomes its enthusiastic and ardent supporter. The reason is plain. The limited parcel posts all discriminate against the local merchant and if put into operation would be injurious to his business. Whereas the postal express would be not only a benefit but the competition with the mail-order houses and city stores under existing conditions has become so dangerous as to make it absolutely necessary to his continuation in business that the discriminatory shipping advantages now enjoyed by the mail-order houses shall be removed.

The three vital essentials of a parcel-post system that shall be adequate to meet the needs of the local merchant are:

(1) A perfect zone system that will make the local merchant's store the center of the most favorable rates, with rates low enough to move the traffic and positively without discrimination in favor of the big shipper.

(2) A weight limit of at least 100 pounds with a rate declension in weights as well as distance. The rate declension as to distance protects him from the competition of the distant mail-order houses and the rate declension as to weight protects him from the competition of the consumer dealing direct with the producer.

(3) Protection from the unfair discrimination of the private express companies in favor of the big shipper. The small country merchant is too insignificant a factor to be of any consequence to the private express company, and as long as the express business is in private hands he will be discriminated

against to the benefit of the big shipper. Only a Government express service can give him adequate and absolute protection.

Measured by these requirements, it is easy to see why the Bourne bill is so unsatisfactory to the local merchant. It does not give him any of the advantages the merchant should have over the consumer, and instead of protecting him from the discrimination of the express companies makes that discrimination more destructive by bringing in operation combination express rates.

Granted, for the sake of argument, that the 11-pound limit is a fairly satisfactory one for the average consumer, but the average weight of 33 pounds of the present express shipments shows how inadequate such a weight limit is for the merchant. However, with a weight limit of 100 pounds, with rates declining as the weight increases, we can have a parcel-post service satisfactory alike to the farmer, the merchant, and the consumer. Instead of violently disturbing the long-established methods of merchandising, such legislation will place it on a sound basis not by killing off the good middleman—the retail merchant—but by getting rid of the monopolistic middleman and by destroying the unfair competition built up on transportation discrimination.

The following tables showing the rate declension as to weights in present average express rates and showing the corresponding declensions feasible under the postal express, will show the importance of the large weight limit and rate declensions based on weight as well as distance, if the present methods of merchandizing through wholesalers and retailers is to be properly safeguarded:

Pounds.	36 miles.		62 miles.		100 miles.		500 miles.	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
5	0.27	0.08	0.34	0.09	0.36	0.09	0.63	0.14
10	.32	.14	.39	.16	.42	.17	.82	.24
30	.41	.23	.49	.26	.56	.29	1.30	.50
50	.48	.31	.61	.36	.74	.42	1.50	.64
100	.54	.52	.73	.62	.89	.73	3.00	1.40

Column (1) present average express rates.
Column (2) feasible postal express rates.
Rates are given in cents and fractions of cents.

By reducing these rates to cents per pound and comparing the light-weight rates with heavy-weight rates we can see at a glance the advantage the merchant (the general user of the heavier parcels) has over the consumer (the general user of the smaller parcels):

Comparison of the 5-pound express rates and postal-express rates with the 100-pound rates in order to show the transportation rate advantage the merchant has over the consumer.

Pounds.	36 miles.		62 miles.		100 miles.		500 miles.	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
5	5.4	1.6	6.8	1.8	7.2	1.8	12.6	2.8
100	.54	.52	.73	.62	.89	.73	3.0	1.4
Margin in favor of the large shipment (per cent)	1,000	330	900	300	800	250	400	200

Rates are reduced to cents and fractions of cents per pound. Column (1) present average express rates in cents and fractions. Column (2) feasible postal-express rates in cents and fractions.

To make this point still clearer the following tabulation is made to show the comparative cost of shipping 100 pounds in 20 separate 5-pound packages and in one 100-pound package:

	36 miles.		100 miles.	
	(1)	(2)	(1)	(2)
Cost of 100 pounds in 20 5-pound packages	$5.40	$1.60	$7.20	$1.80
Cost in one package of 100 pounds	.54	.52	.89	.73
Difference in favor of the single shipment	4.86	1.08	6.31	1.07

Column (1) present average express rates. Column (2) feasible postal-express rates.

From these tables we see that the rate declension based on weight gives the merchant—that is, the habitual shipper of the larger or wholesale-weight packages—a good cost margin over the small-weight shipment. This margin in transportation charges, added to the advantages of buying at the wholesale rate both factory merchandise and farm produce, is amply sufficient to protect the wide-awake, up-to-date merchant from unfair competition, either from the mail-order houses on the one hand or the producer in dealing direct with the consumer on the other.

Limiting the weight to 11 pounds has no advantage to anyone and is a positive injury to the merchant and the producer. A high weight limit and a rate declension based on both weight and distance is absolutely essential to a system that will be of any material benefit to local merchants and farmers or that will have any marked effect in reducing the cost of living.

EXPRESS COMPANY COMPETITION.

Mr. President, any parcel-post legislation that does not provide for the elimination of express company competition and for the taking over the equipment, depot facilities, storage facilities, and railway-car equipment, or provide equal facilities and equipment, is doomed to prove unsatisfactory from the very beginning. The expectation of the people has been raised too high to satisfy them with half-way measures. Prof. Henry, in an article on "The vital points of the parcel-post problem," which has been published in farm papers of an aggregate circulation of over 6,000,000 copies, has condensed into one sentence what the farmer is expecting the Government to provide, namely:

> An adequate low-cost system of transportation of the perishable, lightweight products of the farm direct to the city consumer and a likewise adequate service to the farmer of what he needs from his nearby trading town.

How are the Post Office officials going to satisfactorily administer a limited parcel-post service with an expectation of that kind, which can only be satisfied with the most complete service, while handicapped and prevented from making a satisfactory showing by the free-lance competition of the express companies taking all the profitable part of the business and paying the railroads only half as much as the Post Office Department?

The character of express competition which can be expected if such a bill as the proposed Bourne bill is passed can be foreseen by a comparison of the Bourne bill rates with the present express rates, and by noting the wide margin for reducing rates below any competing point the railway express contracts give the express companies. These railway contracts give the express companies the right to make rates as low as one and one-half times the corresponding freight rates. I do not claim that the express companies could reduce their rates to these extremely low figures on parcels below 11 pounds and conduct a business at a profit, at least on the short hauls, and on the long hauls under their present contracts with the railroads, but they show the wide margin the express companies have to work on to bring their rates to within the post-office rates. The policy of the express companies has been, and no doubt will continue to be as long as they are in the field, to charge all the traffic will bear, but it never was their policy to maintain rates so high that a competitor could take away from them the cream of the business.

The advantages that the express companies have of making rates that will enable them to take the cream of the business and leave the unprofitable business to the postal service are amply sufficient to show the impossibility of the Government establishing a successful, self-sustaining parcel-post service in competition with them.

The Bourne bill is rigidly confined to eight zones, while the express companies have at least four times as many and may make any number they desire, thus enabling them to grade their rates with a greater degree of fineness and gain all the immense advantages that this close grading gives. The Bourne bill service covers all territory and all people within any zone area for a fixed rate. The express companies only serve the people at the cities along the lines of the railroads, and classify their rates according to grade of service and can make different rates in different parts of the country. Thus in the first instance the express companies have a perfectly legitimate, automatic way of excluding from their service the ungetable and therefore expensive and unprofitable part of the service, and the power of the selection of the profitable part of the business to the exclusion of the unprofitable is increased through the exercise of the right of classification and flexibility in adjusting rates. The express companies have still another immense advantage in the possibility—and undoubtedly probability if conditions require it—of a readjustment of their contracts with the railroad companies, changing the percentage of the railway pay. I have been interested to note how easy it would be for the express companies to meet the Bourne bill rates by the simple expedient of reducing the percentage paid to the railroads on the short hauls to 33 per cent, leaving all of the long hauls at the present contract rate.

COMBINATION EXPRESS RATES.

But it is in the making of combination rates that the express companies have the greatest advantage. By making these combination rates the express companies can compete without changing their present rates, and make absolutely certain of securing all the highly profitable part of the business by giving, in a perfectly legal manner, special favors to the big shippers. Mr. President, I am fully aware that the express companies have been declared common carriers, and under the supervision of the Interstate Commerce Commission, and therefore must not make rates that are clearly legally discriminative in favor of one shipper as against another, no matter how profitable the business of the one might be as against another. But, Mr. President, the big express companies, if they desire to develop a business based on combination rates in order to keep the profitable small-parcel business away from the postal service, can most effectively by encouraging the building up of local express companies, which will specialize in the combination-package service. The big express companies need have no more to do with the business other than to accept the shipments of the local express companies in units of 20 pounds and up and enter into such contract relations with them as may be necessary to make a feasible working agreement. And there is no power in our Government that could make the local express companies pay any attention to any business that was not profitable to them. The cream of the business would be skimmed and the rest left to Uncle Sam. Such limited parcel-post schemes, so far as they have any effect in compelling the express companies to seriously face competition, can have only the effect, as long as the companies are left in the field to compete, of building up a more dangerously discriminating private express structure than we have ever had before. Talk about a scheme that will help the big mail-order houses and finish the killing off of the rural merchant; here we have it in perfection. Why, of course, these local parasitic express companies will become the distributing agents of the mail-order houses in every city. The cream of the local business will give them the revenue to pay all of their expenses, while their main profits will come from the handling of the mail-order distribution.

Congress can not enact legislation that will insure a self-sustaining parcel post limited to 11 pounds in weight at any rate the Government can make unless express company competition is eliminated, not only in shipments up to 11 pounds, but up to 100 pounds, the unit freight shipment. The express companies must be driven out of the business by the enforcement of the Government postal monopoly and their property made worthless and destroyed and their highly trained, well-organized force of 50,000 employees turned adrift, or by the infinitely more humane, common-sense, and cheaper method of taking over the package part of their business, and instead of driving 50,000 specially trained workmen with their families and dependents to despair, lift them to the happier and better service of the Government. Look at it from which way you please, you can not establish a successful parcel post and leave the express companies in the field. And, Mr. President, you can not drive the express companies out of the business without compensating them in some measure for the damage done to them. The Government postal monopoly can not be enforced to the extent of shutting the express companies out of the package business without compensating them for their losses in the arbitrary destruction of their equipment. The express companies, if Congress passed legislation forcing them out of business, might have a claim for compensation for damages that the courts would allow to be just, and the Government would have to pay the full cost of the equipment, which Congress had, indeed, by its action made into junk, or the act declared unconstitutional. The express companies in any event would be powerful and rich enough to secure before their case was finally settled the full measure of justice, but how about the 50,000 workmen turned adrift? And how about the cost of the equipment the Post Office Department would have to buy to perform the service? If the express companies are driven out of the field, and that they must be driven out is certain, the postal service will be fully as large as the express service it has replaced and will require fully as complete an equipment. To buy such an equipment new will cost fully as much as it will to buy the express equipment. And so the proposition not to buy the express equipment resolves itself down to the plain, cold fact that the people will be compelled to pay for two equipments—the one that must be bought to replace the express equipment which will have been made into junk and the cost of this express equipment in the form of compensation to the express companies for the destruction of their property. If such a plan of settling the parcel-post problem does not fool the people, what does it do?

Mr. President, the people of this country will never pay two prices to secure a postal-express service so far as I have any power by voice or pen to stop it.

But, Mr. President, some parcel-post advocates claim that if the effect of establishing such a competing system as the Bourne parcel-post bill provides results in the express companies reducing their rates, then the people will have been greatly benefited and the legislation will have served its purpose in securing, if not directly, then indirectly by forcing reduction in express rates, greatly reduced parcel delivery rates to the people. If these reduced express rates were to be shared in equally by all the people, there might be some force to that argument; but, as I have shown, there is no power possessed by the Government that can compel the express companies to give equality of service. Reductions in express company rates can only result in a keener skimming of the business. The private service motive, as Congressman LEWIS has so clearly pointed out, forces the express management to concentrate all effort on securing that part of the business that will swell the profits and to ignore all that part of the business that can not be made to show a profit. Government competition can only serve to intensify the discrimination. The inevitable effect of attempting to regulate express rates in this way is to give additional advantages to the big business concerns and to make the lot of the small merchant, to whom this Bourne measure denies the C. O. D. and thus prevents commercial business by post even more hopeless. And at the best the express service is a limited service which can not reach more than a part of the people and only those who are most advantageously located. What is needed is a package service that reaches all the people and gives to all absolute equality of service. Such a service can be supplied only by the Government.

So general now is the belief that the express companies have no economic justification for existence and can not by their very nature give an adequate, fair, and undiscriminating service, that those who refuse to accept the simple plan of getting rid of them by making them the foundation on which to build a Government express service better than that of any other country are driven to the alternative of proposing to destroy them by enforcing the Government postal monopoly or by proposing to force the railroads to do the express business directly.

I have already pointed out that the Government monopoly may not be enforced without the legal possibility of compulsory payment to the express companies for the destruction of their business, and have shown how much better it would be to take these going concerns and buy their equipment and without any disturbance to business start the Government express business at once and improve and extend the service as rapidly as the administrative difficulties involved in each step are mastered. Further word on this score at this time would be superfluous, but a few words to show the impracticability of the proposal to have the railroads do the express business may help clear the situation.

The impracticability of the proposal to have the railroads do the express business direct is, it seems to me, clear on its face. Is it possible that any Member of Congress can believe that Congress would enact laws to compel the railroads to take over the express companies' business without buying their equipment, and is it possible that any Member of Congress, having refused to consider the purchase of the express companies' equipment for the postal service on the plea that it is worthless old junk, can propose to compel the railroads to buy the property? Even if it were possible for the railroads to take over the express companies and do the express business direct the railroads would have to buy the equipment. If the railroads, why not the people, and at the same time get rid of express company competition, the one great obstacle that prevents the success of the postal-package service?

Having the railroads do the express service, assuming that they could do it and do it cheaper than the express companies, will not have bettered the situation so far as the general public is concerned. We will still have the limited service and private motive of operation for profit and all the evils that must result from catering only to the most profitable business and ignoring that which does not pay. Conditions similar to those that we have with the express companies would be inevitable, only probably worse, because, as I have stated before, instead of a few big express companies operating on many railroads we would have as many express companies as there are railroads. As Hon. DAVID J. LEWIS clearly points out in his exhaustive study:

The problem is to get the package rate somewhere as diminutive as the package. In order to do this the simplification and not the multiplication of processes and agencies is the great essential. And we have seen also in the treatment of "transportation accountings" that a small package is now penalized to comparative extinction by the com-

plexity of processes and agencies unavoidable in intercorporate relations, and which only a unification of the agencies and simplification of the processes can remove.

The railroads, even with the most perfect system, could only give a limited service, and could only be expected to serve the people living in the cities along the line of the railroad. They do not reach into the country and would not reach the farmer, and the incentive to get rid of the economic waste of many collect and delivery systems doing the work where one would suffice would inevitably result in the development of local express companies who would attend to this collect and delivery and ship in large combination units.

The small-package business is a peculiar business, requiring for its highest efficiency concentration in one comprehensive system. The remedy for express company evils and the way to make a Government parcel-post system successful is to recognize that the small-package business requires a system that covers the entire country and which can be depended on absolutely to give equality of service to all.

Mr. President, the two main objections raised by the postal-express plan are, first, there is no necessity of paying millions of the people's money for the express company equipment and taking over the package part of the business, because it will be cheaper to build up the people's own parcel-post business without any such expenditures; and, second, that it is the entering wedge to Government ownership of the railways.

As to the first objection, if it could be shown that the Government, all things considered, could give the country an adequate parcel-post service at a cost less than taking over the express equipment and paying a fair price therefor, I would favor it, but my investigations have convinced me that it can not be done. The only way to get a parcel-post service of real service to the country without cost, and get it now and not 10 or 20 years from now, is to take over the express equipment as provided for in my bill. To attempt to build up an adequate system in any other way, or by the slow halting steps and long years of delay inevitable with such limited proposal as the Bourne bill as a beginning, will inevitably cost the Government hundreds of millions of dollars, and end finally in compelling the Government to buy out the express companies at a higher price than ever.

The vital thing in the postal express plan—besides the equipment; besides a highly organized, going, profitable business as a basis to put in operation at once a better parcel-post system than that of any country; besides getting rid of the express-company competition, important as that is and worth every dollar of the cost to the people—the vital thing, Mr. President, is to secure the express companies' contracts with the railways and secure at once the tremendous advantage of a transportation cost—the vital thing in a successful postal package delivery system—about one-half lower than the cost under present railway mail contracts. The post office pays over 13 cents a ton-mile to the railways; the express companies 7 cents a ton-mile. That is the heart and core of the whole proposition. This is the people's "nigger in the woodpile," if you please. It means that the savings on railway pay would justify the condemnation of the express companies in order to secure their contracts, even if the equipment that would be secured at the same time was "worthless old junk," as some opponents of the "postal express" have contemptuously characterized it in their attempts to throw dust in the eyes of the people and take their minds off the real issue. The Bourne bill, with its double railway pay, would lose us more in the first year than the cost of acquiring the express companies.

But it is when we come to consider the volume of new business that would result from establishing a parcel-post system of real service to the people of this country—a better system than that of Germany—that we see the real significance of these express railway contracts. If the Government is to eliminate the express companies, it must give the people a service equally as good. According to the Interstate Commerce Commission reports the 13 express companies in 1909 did an aggregate business of over 9,300,000,000 pounds, at a transportation cost of over $69,000,000. I am only dealing in round figures, but understating the exact amount in all cases. For the Government to attempt to do the business with the present postal railway contracts as a basis the cost would be $130,000,000, or $61,000,000 more than it would be under the express railway contracts.

It is all very well for the uninformed to talk glibly about driving the express companies out of business without buying their equipment and securing possession of these railway contracts, but in what kind of a position does it place Members of Congress who are paid to study the matter with the public welfare in mind? All we have to do to secure the express business honestly and fairly and save the Government these millions of dollars of expense each year is to pay for their equipment, about twenty or thirty million dollars at the most. We gain at once a going concern and put the contract relations of the post office with the railroads on a basis about twice as favorable to the people in the mere matter of railway pay. It is not the equipment, Mr. President, but the express railway contracts that are the vital things in this matter, and I give it as my positive conviction that any Member of Congress, Senator or Representative, who, having the opportunity by this one act of real statesmanship to give the country a perfect parcel-post system, to remove for all time the outrageous discriminations and injustices of the express companies and adjusting the railway mail pay on a basis averaging one-half lower than the present average railway mail rate and on a basis necessary to the operation of a successful parcel post and refuses to give to it his support, fails in his duty to his people. Mr. President, the people are watching these things with an alertness that bodes ill for the Representatives who they feel have misrepresented them by allowing such opportunities to pass.

For the Government to attempt to do the parcel business without securing the express railway contracts would be folly too incredible to believe of any Member of Congress who has sufficiently considered all the facts.

The idea of having a limited weight parcel post established at rates so low that the Government can successfully compete with the express companies and secure all the business of carrying packages below 11 pounds in weight, or by enforcing the Government monopoly secure absolutely the handling of the small-package business to the post office, would be a most expensive proposition as compared with the plan of securing the express railway contracts. The average weight of all express packages is about 33 pounds, and although I have been unable to get an exact statement of the amount of express business below 11 pounds in weight, it is a safe estimate to assume that at least one-fourth of the total is below 11 pounds.

The total, in round figures, for 1909 was 9,300,000,000 pounds, one-fourth of which would be over 2,300,000,000 pounds. The railway cost to the express company for handling that amount of business would be $17,000,000, but the cost to the Government under the present railway mail contracts would be at least $32,000,000, or $15,000,000 more. A pretty big bonus to pay for the privilege of taking the Bourne bill instead of buying out the express companies. How many years, at that excessive cost over the cost of operating under the express contracts, would it take to make this one cost alone exceed the cost of buying the express equipment? Does any Senator believe the people are unable to figure this out for themselves? Does any Senator believe that the people do not understand the difference between the express companies paying the railroads only 7 cents a ton-mile while the Bourne bill compels them, through the post office, to pay over 13 cents per ton-mile? I can assure you that in many places they already have it figured out.

So far I have only considered the present volume of the express business and the present volume of the postal business in considering the cost of operating with or without the express railway contracts. But, Mr. President, this would be only a part, and a small part, of the business that would result from the establishment of a service that opened up the rural districts and reached every householder in the land with a service at considerably less than the present average express rates. The business would expand to enormous proportions, and the excess cost of operating under the present railway mail contracts, instead of as the postal-express bill proposes under the express railway mail contracts, would jump to hundreds of millions of dollars annually. There is only one way, Mr. President, of giving the people a square deal in this matter, and that is to take over the express companies' package business and secure their railway contracts.

Some Senators have said to me, "Can we not get a postal railway pay service as cheap as that enjoyed by the express companies without having to secure their contracts?" I invite any Senator who wants an answer to that question to submit it to the people of his State. Their answer will be, in substance: "These differences in the postal railway pay and the express railway pay have existed for years, and neither Congress nor the postal department has done anything in all these years to secure for the postal service such favorable rates as the express companies have enjoyed. Either there are great difficulties in the way or both Congress and the department have been negligent of the public interest."

What guaranty can you now give that after all these years the railway-mail contracts can be reduced to the level of the express-railway contracts? The Bourne bill makes no effort

on the subject, but ostrichlike, sticks its head in the sand. The truth is, as every Senator must know, there are great difficulties in the way of readjusting the railway-mail pay. My bill provides the plan by which all these difficulties are eliminated and gives instead adjustment at a lower level than would be possible in years by any other method. This and this alone makes this legislation of tremendous and far-reaching importance. What do a few millions more or less mean in such a case as this? According to the estimate of the House Committee on Interstate and Foreign Commerce the total amount required would be only 15 cents per head of the population; the wildest estimate has not exceeded 50 cents per head. But supposing the cost was $1 a head, what is that to the saving it will mean to the people in its effect on reducing the cost of living? There is not a family in the land that will not save that much every week. Do not talk about appointing a commission to inquire into the high cost of living while the pinch of poverty grinds the people to the starvation point and deny the obvious relief to this legislation.

To oppose this legislation on the plea that it will lead to Government ownership of the railroads is but to hasten the day when the idea of Government ownership of the railroads will take an irresistible hold on the people. That is a question I advise the opponents of postal express not to raise, for I can assure them it will not stop the demand for postal express, and may make Government ownership an issue. Of all the arguments against the postal express, this one of its being the entering wedge to the Government ownership of the railroads is the most wildly preposterous. The question of Government ownership of transportation is not involved. The relation of the express companies to the railroads is identical in its character to the relation of the Government to the railroads through the Post Office Department. Both are contractual relationships, pure and simple, in which the railroads agree to transport packages for the other contracting parties—in the one case the express companies, in the other the Government. If taking over the express business puts the Government in the transportation business, then it is already in, and the question of extending that ownership simply becomes one of public expediency.

Those who talk Government ownership fail to distinguish what is the legitimate domain of the postal service and what is the legitimate railroad sphere. The small-package business is a postal function clearly and distinct from the freight functions of the railroads. In Germany, where the Government owns the railroads, the parcel post carries packages up to 110 pounds. Those who object to the post office taking over the express business fail to understand what the express companies really are. They are private corporations which, having squatted on the parcel-post function of the Government, have made a flat failure. They constitute the American parcel-post function, but in private hands have not succeeded in performing that function, but by prohibitive rates and inadequate service are defeating it. The postal-express plan legitimates that function by extending it to the farm through the rural delivery and supplying rates which will enable the normal traffic to move.

Mr. President, the legality of the proposal for the Government to condemn the express railway contracts and make them the basis for operating the Government postal-express service has not been successfully challenged. The bogy of Government ownership of transportation has been raised and attempt to prejudice the people has been tried by the cry that they were merely schemes to pay millions of the people's money for the useless old junk of the thoroughly discredited express companies. Hard names and opposition based on legal technicalities and constitutional subterfuges have largely lost their power, Mr. President, to fool a public growing each day more keenly alert to its own interests.

There is one side of the financial consideration to the people in this taking over of the express-company business, so far as I know, that has not yet been touched upon, and that is the tremendous additional value created for the benefit of the people by the act of consolidating all the express companies into one perfect system. We have passed through an era of consolidation during the last quarter of a century and seen again and again many independent concerns consolidated into one great concern capitalized at many times the aggregate value of the various properties thus absorbed and larger dividends than ever paid on the inflated capital. To prove this we have but to look at the big industrial combinations that have been giving us so much trouble recently.

The present face value of the securities of the so-called Steel Trust is several times the aggregate value of the various properties in the steel industry at the time of their absorption. A big part of this increased market value represents the increased earning power of the consolidated plants due to the enormous economies and greater efficiencies thereby made possible. In the Harvester Trust and many others we have other examples familiar to all. Business in every line of industry has been consolidated in this way, including the express companies so far as their contractual arrangements would permit. Their consolidation into one great agency offers too great an opportunity for trust exploitation to be long delayed after the controlling magnates feel that the time therefor has arrived. Under such circumstances the enormous profits of such consolidation would not go to the people, but to augment the already swollen fortunes of the Morgans and the Rockefellers. But by the Government absorbing the express companies as proposed in the "postal-express" bill this consolidation immediately takes place for the benefit of all the people. Instead of being capitalized to add hundreds of millions to the fortunes of Wall Street bankers, the people would enjoy it in reduced charges and fair service. There is no way of computing the value saved to the people in dollars and cents, but it would run into such big figures that the few millions now required to buy out the express companies are insignificant in comparison.

In some quarters I have found a belief that the railroads are opposed to the acquisition of the express companies by the Government. Considering railroad operation and railroad owners generally, I can find no justification for this belief. Some few railroad magnates who are large stockholders in the express companies may take this view, but that they represent the views of the railway managers generally I very much doubt. Railroad managers, as a general thing, are clear-headed business men, and whatever the advantages of the arrangement with the express companies may have been in the past, signs are accumulating rapidly that the more far-sighted railway managers question the wisdom of its continuance and see more to their advantage in aiding the development of the Government express business. There are two sound reasons for this: First, a growing consideration on the part of the railway management of the importance of the local freight traffic as the main dependence in the future as a dividend producer; and second, a clearer understanding of the natural relationship of the small-package business to the freight traffic. Freight is the great dividend producer for railroads, and managers are beginning to realize that the development of the local freight business will keep pace with the development in the small-package business and that a package business at rates just normally above the freight rates would have a marked effect in increasing freight shipments.

The direct revenue the railroads would receive from the package service would be about the same whether secured from the express company or from postal express. Railway managers know that the freight traffic is tending to become somewhat stationary in amount and that postal express quadrupling the express traffic by normal rates and extension of the service to the country will convert much low-priced freight into higher revenue-paying express traffic for the railway. Under Government operation the revenue per piece might ultimately be reduced, but the enormous increase in the volume of business would more than make up for the difference. Halving present rates and quadrupling the field of operation would easily quadruple the volume of business.

The plain fact is that the parasitical express company has been a veritable old man of the sea to the railroad, throttling its power to expand and develop its local business and yet having to share in all the hatred the express exploitations have created in the hearts of the people. The profits to the railroads in the present alliance with the express companies are only seeming, and because its attractiveness in itself has blinded railroad directors to the bigger profits it strangles. The nature of a parasite, Mr. President, is to destroy that on which it feeds, and the express companies are as big a curse to the railroads as to the people.

The minds of the people everywhere in the United States have been crystallizing more rapidly in consequence of the analysis they have been making through a study of the conditions and necessities embraced in a parcel-post system adequate to meet the demands of the time. Because of this fact it would be far wiser to defer action until the next session of Congress and refer the whole proposition to a committee of the Senate and House selected because of their interest and fitness to study and put together in concrete, comprehenive form the essentials required in a bill to establish a parcel-express system rather than to adopt at this time any poorly digested, ill-considered system such as would have to be adopted now. The people want a full and complete parcel-express service that will articulate the whole country. Already the postal-express proposition has broken down almost entirely the opposition that has hereto-

fore existed and has been actively opposing the primative parcel-post propositions through boards of trade and chambers of commerce and the justified opposition of the local merchant.

Mr. President, 90,000,000 of people are to be directly affected by the adoption of parcel-post legislation. The great consuming public will bear a heavier burden or become a larger beneficiary as an inadequate or adequate parcel post is established. Are the 49,000,000 of people in our cities and towns to have the advantages of a low transportation charge for the small shipment? Are the forty-odd millions in our agricultural sections to have the relief from unequal transportation facilities that they have been asking of Congress for years? Gentlemen, the eyes of these people are now turned upon the Senate. They believe they have a right in demanding recognition of their needs. They do not ask that the Senate spend the rest of the summer discussing this subject. They do not want the Senate to accept any old bill bearing the name of "parcel post" in an attempt to satisfy them or make political capital. They do want the Senate to give this question, which is all important to them, the attention its importance requires. They are willing that Congress take all the time necessary to obtain the best parcel-post system. They are satisfied that the House of Representatives has honestly tried to meet their demands and in the action it has taken is trying to grant their demands, but they are determined that their efforts to secure a real workable parcel post as good as that enjoyed by Germany shall be crowned with success.

An analysis of this subject has convinced every person who has made it that an adequate system for the transport of the small shipment direct from the producer to the consumer contains the elements of a substantial remedy for the high cost of living. If we utilize the existing organizations of the express companies and unite them with the rural-delivery structure, with the postal organization in control over both, a cheap and efficient system of transportation will be produced to carry the necessaries of life from the producer to the consumer, as it now carries our still smaller shipments through the mails. But one thing is in the way of this great consummation. It is the express companies. A transportation parasite absolutely peculiar to America. It renders only half service. It exacts double pay. The first law of business and industry is that the inefficient must give way to the efficient. Shall we suspend its operation for an economic parasite which can only maintain itself as a barrier to normal commerce and the most necessary public welfare?

If Senators hope to retain the confidence of the people; if they are earnest in their professed concern about the high cost of living; if they do not intend to blind their eyes to public welfare in a fruitless attempt to appease the people with a parcel post in name only, they should boldly acknowledge their inability at the present juncture of the session to satisfactorily deal with this complex subject of fundamental importance by accepting the action of the House, thus demonstrating a sincerity of purpose to provide a real parcel post or postal express.

Mr. NEWLANDS. I should like to ask a question or two of the Senator from Maine before he resumes his seat. I simply wish to ask the Senator from Maine whether he intends to offer his bill as a substitute for the parcel-post provision of the Post Office appropriation bill, which is soon to come before us?

Mr. GARDNER. I will say in answer to that, Mr. President, that I understand the bill that is in the hands of the Post Office Committee is going through the process of evolution rapidly, and I do not know just exactly in what form it will appear here.

Mr. NEWLANDS. I understand that the bill was reported this morning.

Mr. GARDNER. I have not seen the draft.

Mr. NEWLANDS. I wish to ask the Senator another question. What authority has he for the statement that the entire equipment of the express companies can be secured for $30,000,000?

Mr. GARDNER. The only authority I have, Mr. President, is the inventory as given by the express companies themselves in their official report.

Mr. NEWLANDS. I understand it is now proposed under the Post Office appropriation bill that the Government practically enter into competition with the express companies, but over a limited area of their operations, and that the Senator's contention is that, instead of that, the United States Government shall acquire the equipment of the express companies and engage in the business in its entirety.

Mr. GARDNER. My understanding of the parcel-post provision of the pending Post Office appropriation bill is that it does contemplate covering the entire country, and of course in part in direct competition with the express companies. My contention is that the Government should not in competition with private capital enter the parcel express business, but should take over their property and articulate the entire country with a full and complete system of its own, as it now does in the case of the mail.

Mr. NEWLANDS. I will state to the Senator that whilst I have not given very serious consideration to the bill that is pending regarding the parcel post, I have listened with great interest to the presentation that the Senator has made, and it seems to me, upon the first impression, that his argument is conclusive; that if we are to enter this business at all we should enter into it in its entirety, and that the Government itself should not at the very start seek to cover a territory that is now occupied by private business without taking over that business at a fair valuation; and it does seem to me that the operations under the bill which the Senator proposes will involve the Government in no greater complications than will be involved in the parcel post, and it will be a much more satisfactory and complete solution of the entire question so far as the people are concerned.

THE PANAMA CANAL.

During the delivery of Mr. GARDNER's speech,

The PRESIDENT pro tempore. Will the Senator kindly suspend for a moment? The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, I have conferred with the chairman of the Committee on Appropriations, with a view of ascertaining what we ought to do in relation to the unfinished business and the sundry civil appropriation bill. I should like to inquire of the Senator from Maine how long he expects it will take him to conclude his remarks.

Mr. GARDNER. I hope to close in 15 minutes. I am as anxious to get through as anyone else could be.

Mr. BRANDEGEE. The Senator from Mississippi [Mr. PERCY] gave notice that when the unfinished business was laid before the Senate at this hour he expected to address the Senate upon it. I will ask the Senator from Mississippi if it will be satisfactory to him to temporarily lay aside the unfinished business at the present time, in order that the Senator from Maine may conclude his remarks.

Mr. PERCY. That will be entirely satisfactory, if the unfinished business can be laid before the Senate again at the conclusion of the remarks of the Senator from Maine.

Mr. BRANDEGEE. It is suggested to me by the Senator from Wyoming that perhaps it would be well not to lay aside the unfinished business, but to let the Senator from Maine proceed and conclude his remarks while the unfinished business continues before the Senate.

Mr. WARREN. Unless there is some objection to it, I think that would be the better way.

Mr. CULBERSON. I suggest that the usual course be pursued, and that the unfinished business be temporarily laid aside.

Mr. BRANDEGEE. Either course will be equally agreeable to me.

Mr. OVERMAN. It will be all right to follow the suggestion of the Senator from Texas.

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

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Maine will proceed.

After the conclusion of Mr. GARDNER's speech,

Mr. BRANDEGEE. I now call for the regular order.

The PRESIDENT pro tempore. The Senator from Connecticut demands the regular order—the unfinished business—which is House bill 21969.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. PERCY obtained the floor.

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. PERCY. I do.

Mr. THORNTON. As the Senator from Mississippi is going to discuss a very important question and the attendance of the Senate is rather limited, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana 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	Cullom	McCumber	Sanders
Bacon	Cummins	Martin, Va.	Shively
Borah	Dillingham	Martine, N. J.	Simmons
Bradley	du Pont	Massey	Smith, Ariz.
Brandegee	Fletcher	Myers	Smith, S. C.
Bristow	Gallinger	Newlands	Smoot
Bryan	Gardner	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Penrose	Tillman
Clark, Wyo.	Jones	Percy	Townsend
Crawford	Kenyon	Perkins	Warren
Culberson	Lippitt	Pomerene	Wetmore

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Mississippi will proceed.

Mr. PERCY. Mr. President, I am well aware of the congested condition of the business of the Senate, and I shall not undertake any elaborate presentation of the very many important provisions contained in the Panama Canal bill. I shall only undertake, cursorily and more or less informally, to take up what seem to me to be some of the more pregnant features of the proposed legislation.

I was greatly interested in the speech delivered on this bill a few days ago by the distinguished junior Senator from New York [Mr. O'GORMAN], and in his contention that under the language of the treaty with Great Britain we are authorized to discriminate in favor of our shipping whether engaged in the coastwise trade or the foreign trade; not that I favor such a discrimination, for I do not believe that we should give free passage to our shipping, whether engaged in the coastwise or in the foreign trade, but it appealed to me because I was pleased to feel that we had the power to do as we wished with our own without consultation with any other nation.

Subsequent consideration of that contention has convinced me that it is unsound and indefensible. It rests in the main on two grounds: First, that we built the canal at an enormous cost, and therefore it is ours, and we have the right to do as we will with our own; and, second, that the language of the treaty as finally adopted contains a provision that the United States shall adopt rules of neutralization, which are to be observed by other nations, and that this peculiar verbiage puts the United States, as the creator of these rules, in a class separate and apart from the nations that are to observe such rules.

It is true, Mr. President, that we have constructed this canal and in the construction of it have expended from three hundred and seventy-five to four hundred million dollars; but we entered into the construction of it under a treaty, and the obligations of that treaty, the responsibility flowing from it, are in no whit varied by the amount of money which we have expended in the construction of the canal. Whether that amount be $400 or $400,000,000, it is immaterial, so far as our burdens under the treaty are concerned.

The verbiage referred to, however, as constituting the second ground for this contention is significant. When this treaty was before the Senate in December, 1900, the second article of the treaty provided that the "high contracting parties" adopt the rules for the neutralization of the canal. When the treaty was before the Senate a year later in the form in which it was finally adopted, article 3 contained the provision that "the United States adopts" those rules which govern the neutralization of the canal. The change was a significant one and was so recognized by the high contracting parties at the time it was under consideration.

In the memorandum submitted to the Committee on Foreign Relations of the Senate and which that committee had before it in considering the treaty for the second time, Secretary Hay uses this language, as noting the importance of that change in verbiage:

> Second. By a change in the first line of article 3, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.
>
> This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.
>
> It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former Senate amendments.

Again, the Marquis of Lansdowne, in commenting on the significance of that change in verbiage, uses this language:

> 5. In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one.

Again, he says:

> It is also to be borne in mind that, owing to the omission of the words under which this country became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain would be materially diminished.

This memoranda was before the Senate Committee on Foreign Relations when the Senate was considering the second treaty. Thereby the Senate was thoroughly apprised of the construction placed by Great Britain upon this change in verbiage.

The sole effect given by the contracting parties to that change in the verbiage of the treaty was that Great Britain was thereby relieved from the responsibility of guaranteeing the neutrality of the canal, and that it left as the sole guarantor of that neutrality the United States. In view of that important concession to Great Britain—and as a concession to Great Britain alone was it regarded—Great Britain agreed to leave out of the first clause the words "in time of peace and war," and agreed to leave out section 7 of article 3, which forbade the fortification of the canal, recognizing that in time of war the United States, as the sole guarantor of the neutrality of the canal, might desire to fortify it, and might desire to prevent the passage through it of a hostile fleet, and, under such circumstances, recognized the fact that the United States could be remitted to her right of self-defense as if there were no treaty as would the belligerent power with whom she was at war; but nowhere does it appear in the correspondence in reference to this change and nowhere, so far as we can learn, was it intimated in the discussion of the terms of this treaty in the United States Senate that that change of verbiage in any manner restricted the inhibition against discrimination.

The two sections are identical. The language of the first treaty, under which the high contracting parties adopted the rules of neutralization as set forth in section 1 of article 2, provided:

> 1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

That was the form of that provision when the two high contracting parties jointly undertook to guarantee the neutrality of the canal. That change was made in it when the United States alone became the guarantor of the neutrality of the canal, as it appears in the first paragraph of article 3 of the treaty as finally adopted:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

No more right to discriminate was given under the treaty as finally adopted than was given under the treaty by which neutrality was guaranteed by both high contracting parties. The rule as finally adopted met with the approval of Great Britain. Is there a Senator here who can for one moment conceive that that treaty would have met with the approval of Great Britain if it had contained the language by amendment in the Senate which it is now sought to be incorporated in the construction of it, namely, if it had read: "There shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise, except discriminations in favor of the shipping of the United States"?

It is inconceivable, in view of the entire course of the negotiations, that an amendment of that sort would not have caused the instant rejection of the treaty.

Mr. President, it has been said that possibly we can not get a fair court in case of arbitration. We do not want a fair court if that is the contention that we must arbitrate, for I do not believe that there is a tribunal on earth that would sustain that contention on our behalf.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator, in view of his construction of the treaty, if there is a single right that the United States has with reference to the use of the canal that must not be shared by it on an equality with Great Britain or any other power on earth? If that is the view the Senator takes, he is totally at variance with some of the distinguished men of Great Britain, who insist that in so far as our coastwise trade is concerned, where there can be no competition under our navigation laws, the United States has a right to do just as it pleases with reference to the use of the canal and to the fixing of tolls.

Mr. PERCY. If I conceded the correctness of the Senator's statement that there is no competition in our coastwise trade, I might concede the correctness of the conclusion. I think, as I shall show later, that the statement that there is no competition in our coastwise trade is fundamentally incorrect.

We have few superior rights; we have many obligations not incurred by other nations. Mr. President, not only——

Mr. CHAMBERLAIN. What are they? I should like the Senator to state what they are.

Mr. PERCY. What—the obligations?

Mr. CHAMBERLAIN. What are the rights we have?

Mr. PERCY. I said we had few superior rights. I might have said none.

Mr. CHAMBERLAIN. That is a better way to put it.

Mr. PERCY. I will go further. Not only do I believe there is no tribunal to which we could submit this controversy with the hope of our contention being upheld, but I question if there be an international tribunal to which a Senator here could present that contention in such a manner as in the eyes of the nations of the world to relieve us of the charge of being engaged in a disreputable attempt to evade the obligations of a solemn contract.

Mr. CHAMBERLAIN. I want to call the attention of the Senator to the fact that this treaty, the Hay-Pauncefote treaty, purports to supersede the Clayton-Bulwer treaty, which was entered into in 1850. There has not been a time since 1850 until the execution of the Hay-Pauncefote treaty when it has not been insisted time and time again by our Government that Great Britain has constantly failed to keep the terms of that treaty. So it has been regarded as an obsolete treaty, so far as it was concerned; and I think the Senator must concede that the terms of the treaty, if the correspondence in the State Department is to be considered at all, were continually violated by Great Britain.

Mr. PERCY. There is one thing certain, and that is that the Senate of the United States, when it negotiated the Hay-Pauncefote treaty, did not consider that the Clayton-Bulwer treaty had been abrogated by Great Britain's violation of it. They treated it as a living article which had to be gotten out of the way, and that was why obligations were incurred in the Hay-Pauncefote treaty which otherwise would not have been incurred, and that is why Great Britain's consent was deemed to be necessary to enable us to acquire a strip of land and build a canal with our own money.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. PERCY. I do.

Mr. McCUMBER. I should like to have the Senator from Oregon cite one instance in which this Government has declared, since 1850, that Great Britain was not obligated to the terms of the Clayton-Bulwer treaty. We did make some complaint that she had not in good faith lived up to that treaty in respect to the Mosquito Reservation, but I do not recall a single instance in which we have not declared that she was bound by that treaty and bound by its terms as well as we were.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. Yes.

Mr. CHAMBERLAIN. I call the attention of the Senator to the message of President Buchanan, which ought to be pretty good Democratic authority, sent to this Congress, I think, in 1860, denouncing the course of Great Britain with reference to the observance of the provisions of the treaty, and asking Congress to take some steps in reference to it. They had violated it with reference to the Mosquito country. They had violated it with reference to the keeping of an armed force at Honduras, and in other respects, to which President Buchanan particularly called the attention of Congress. But not only that, but in order to get away from these repeated violations of the treaty of 1850, Great Britain attempted to make treaties with certain Central American Republics to satisfy the complaints of the United States, and President Buchanan afterwards, in a message to Congress, said he hoped Great Britain had finally concluded by these treaties the causes of complaint on the part of this country.

Even after that Secretary Cass and other distinguished Secretaries of State declared again that Great Britain was not observing the terms of the Clayton-Bulwer treaty, and it had come to be looked upon as obsolete and abrogated by the course Great Britain was taking.

With all due respect to our own Government, it seems to me that they allowed themselves to be imposed upon when they undertook in the Hay-Pauncefote treaty to claim that the Clayton-Bulwer treaty had been superseded, because, as I say, it had been abrogated entirely.

Mr. McCUMBER. The statement of the Senator from Oregon corroborates my challenge to produce one instance where this country has declared that Great Britain was not bound by the Clayton-Bulwer treaty. I admitted that this country had complained that Great Britain was not acting in good faith with reference to the Mosquito colony and the Mosquito territory, but in no instance did Mr. Buchanan or any other President ever declare that the Clayton-Bulwer treaty was not a binding obligation upon both of the countries.

Mr. PERCY. The distinction drawn by the Senator from North Dakota is the vital distinction in the matter. It is a waste of time to go back and complain of Great Britain, even if she did violate in some particulars the Clayton-Bulwer treaty. That is absolutely immaterial. It does not rise to the dignity of a national question. If she had violated that treaty every year of its existence, and if this Government in forming the Hay-Pauncefote treaty then recognized it as an existing treaty between her and Great Britain and proceeded to make the latter treaty in order to get rid of it, the whole question would be: What are the obligations which this Government by the latter treaty assumed in order to get rid of the Clayton-Bulwer treaty?

Now, Mr. President, much stress has been laid upon the fact that in section 1 of article 3 the provision is that "the canal shall be free and open to vessels of commerce and war of all nations" without discrimination; and the argument is made that as our canal is undoubtedly open to our war vessels free, and this provision could not have referred to them, it can not apply to our vessels of commerce.

Mr. President, when this treaty was being negotiated it was not known how this canal would be built, whether built by the United States Government directly or by corporations backed by her, by bonds guaranteed by her or by stocks issued, and the language of the treaty was that the canal might be built "under the auspices of the United States." If it had been built by private corporations, simply financed by the United States, would there have been anything unreasonable in the provision that the vessels of war of the United States should pay tolls as the vessels of war of other nations? It was to meet that view that that language was framed. There are many things in this treaty that may appear harsh now which, if the canal had been built in a different way, simply under "the auspices" of this Government, would have appeared reasonable to us. But the truth is, Mr. President, that as we spent our money on the canal, as we watched its vicissitudes and its failures, as we at last have come to the day when final success in this great work seems near at hand, the pride of the Nation has grown, and her sense of proprietorship over the canal has grown, and it may be with the passing years a sense of responsibility for our own obligations incurred under the treaty has not kept pace. We not only do not want to take the wrong course here; we do not want to be cast in an international suit; we do not want to raise questions which will alienate and estrange the friendship of those whom we wish to use our canal. We do not want our big ditch, built at a cost of $400,000,000, to be empty of ships. We want that canal to be a great highway of commerce, not an element of discord, but binding closer together in the bonds of commercial friendship the nations of the earth.

It matters not, Mr. President, if the contract under which we built it is a hard contract. We may have made hard contracts in the past. This may be one of them, although I do not concede it; but this Government has never and I believe will never make a contract, however onerous its conditions, that it is not easier to keep than it is to violate.

What would be the penalty if our construction should be an erroneous one? I call the attention of the Senate to a colloquy on that subject which occurred between the junior Senator from New York [Mr. O'GORMAN] and the senior Senator from Wyoming [Mr. WARREN]:

Mr. WARREN. Will it disturb the Senator if I ask him a question?
Mr. O'GORMAN. Not at all.

Mr. WARREN. I am much interested in the remarks of the Senator from New York, and they are along the line of my own thought. I want to ask him what would be the worst that could happen if we were wrong and should enact the legislation proposed and the matter should go to The Hague? Would it not be at the utmost simply to return the money we had collected?

Mr. O'GORMAN. That would, in my judgment, be the extreme penalty; but I do not believe Great Britain would ever attempt to make this the subject of inquiry by The Hague court, because she would be without moral support, and she would be giving the lie to her professions of sincerity and good will of a century.

Mr. WARREN. I agree with the Senator, but in legislation as in business it is always best to look at both sides and to know what the relations might be and what the alternatives. It seems to me that the worst that could happen would be, after collecting the tolls and enjoying for a time the use of the money, to find that we might be compelled to return all or some portion of it; and that would be the extreme penalty.

Mr. O'GORMAN. And that would bring its compensation, because it would inevitably lead to the denunciation of this treaty and its abrogation.

Mr. WARREN. And an entire settlement as to all questions.

Mr. O'GORMAN. Certainly.

Mr. President, without commenting upon the wisdom or the propriety of entering into the discussion of the terms of a treaty with a friendly power by questioning her sincerity and impugning her motives, passing by the plain intimation contained in this colloquy that it might be well to enter even upon an unjust quarrel to get rid of the conditions of a just contract, and coming to the conclusion concurred in by both of these distinguished Senators, namely, that an arbitration of our contention and a decision against us would lead to a denunciation and an abrogation of this treaty, Mr. President, it must be that these two distinguished Senators did not give this as their deliberate judgment. It must have been an inadvertent expression on their part arising out of an unpremeditated turn to the debate.

If there is anything certain, it is certain that no matter how that contention was decided by a court of arbitration, the treaty in its entirety would remain in effect, and whatever may be our differences of opinion in regard to the construction of this treaty, there is one thing that we should not differ on, and that is that we can not have secured the benefits of it and now repudiate the obligations of it.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. PERCY. I do.

Mr. FLETCHER. In that connection I would like to submit for the Senator's consideration what appears to be a report of statements made by Sir Gilbert Parker, the World's correspondent, on July 20, and to ask him to reflect upon the views entertained by Sir Gilbert Parker. In the newspaper he is quoted as saying:

Personally, I think there is no question about a strict international understanding upon the matter. It certainly was not expected by England nor by the United States when they made the Hay-Pauncefote treaty that preference should be given to American shipping and American traders in the canal. It must, however, be recognized, as it was when the Clayton-Bulwer treaty was superseded, that there are moral rights as well as strictly legal rights in the matter, and just as England's moral rights had lapsed under the Clayton-Bulwer treaty in regard to the canal, so America's moral rights have grown since the Hay-Pauncefote treaty was signed.

MADE THAT HIGHWAY POSSIBLE.

The American Government and the American people have made that highway possible to the world. Without them probably it never would have been, and in any just settlement of the question these greatly increased moral rights of the United States must be recognized.

Preference or exemption does not look well from an international point of view, and I hope a way out may be found to meet the undoubted claims of the United States to special consideration and at the same time satisfy international rights and safeguard the British imperial interests, which are so large upon the American continent.

Mr. PERCY. I would say in regard to that, Mr. President, that if Sir Gilbert Parker is potential enough with the powers in control of legislation in Great Britain to have that view adopted by them there would be little friction about being released from our legal obligations, but there is no such thing possible as our being justified in violating our legal obligations because of the growth of our moral rights. It should be recognized, Mr. President, that having reaped the fruits of this treaty in honor, we can not escape from its obligations, and in dishonor the American Nation will never seek to escape from them.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. The Senator has repeated a number of times that we have reaped the fruits of this treaty. I should like him to specify what the fruits are.

Mr. PERCY. Mr. President, without the abolition of the Clayton-Bulwer treaty we could never have obtained any exclusive control over a canal. We could never have gone there for the purpose of building one, except subject to the joint and equal rights and responsibilities on the part of Great Britain, and without going into a consideration of the value of that which we received by the abolition of the Clayton-Bulwer treaty, it seems to me that it is sufficient to say that we received what the Senate of the United States thought was a sufficient consideration for entering into the Hay-Pauncefote treaty.

Mr. BRISTOW. If the Senator will permit, it seems to me, then, from the tenor of the discussion that there was a treaty known as the Clayton-Bulwer treaty which England violated whenever it pleased and which the United States did not, which was binding on us and not on England; and in order to get rid of such a one-sided arrangement we agreed to spend $400,000,000 in constructing a canal and give England and other nations rights that we did not have and would not claim.

Mr. PERCY. The misfortune lies in the fact that the Senator from Kansas was not a Member of the United States Senate in 1901, when this treaty was adopted, as then his voice, always able and eloquent, might have been raised to have guarded the Senate against the adoption of what he considers to be a hard treaty.

Mr. BRISTOW. I desire to say that I do not consider the treaty a hard treaty at all, and the construction put upon the treaty by the Senator from Mississippi is entirely different from that I put upon it. I do not consider that the treaty in any way binds the United States not to discriminate in favor of its own vessels or to use its own canals in any way it chooses for its own benefit, provided it does not discriminate as between foreign countries.

Mr. PERCY. Mr. President, any other course than the recognition to the utmost limit of the responsibilities incurred by the United States under this treaty leads to national dishonor, and that road this Nation will not travel. It has been said that the sole consequence of this interpretation being hereafter found to be erroneous would lie in the refunding of the tolls improperly collected pending the final decision. That might be a sufficient deterrent because the facts appear to be that more than 80 per cent of the shipping which will use this canal will be foreign shipping, that a little more than 10 per cent of it will be coastwise shipping, and something like 8 per cent of our own shipping engaged in foreign trade.

At the rate of $10,000,000 a year, the claims for a refund of these tolls, while the case is being considered by the international tribunal to which it may be submitted, at the end of that time, according to the length of time the matter is under consideration, will amount to from fifty to a hundred million dollars, which will be filed against our Government, and for the sake of saving to our coastwise trade a little more than a million dollars we will be forced to carry free for a period of more than five years, in all probability, the trade of the world. That is not all, Mr. President.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. This fifty or one hundred millions, to use the Senator's own term, which, I think, is greatly exaggerated——

Mr. PERCY. It would depend upon the length of time which would elapse before a decision.

Mr. BRISTOW. The United States would not have to pay it. The United States would simply have collected and used it and at the end of this time possibly refund it.

Mr. PERCY. If with nations, as with individuals, the same rule applies, money that has been spent and has to be refunded, amounts in practical consequences to a payment, and often is just as difficult to make.

But that is not all, Mr. President. When this matter is submitted for arbitration on our contention that we have a right to discriminate in favor of our shipping, this Nation for all the years that that would be pending would be watching the result of that decision. The pride of the Nation would be enlisted in maintaining her contention, and when an adverse decision should be rendered, as I believe fervently it would be, it would bring bitterness and humiliation to our people. And that great work, which to-day is a source of pride and glory to the Nation, might come to be a source of shame and reproach.

Mr. President, within the past few days it has been suggested that that question is not such as we should submit to a court of arbitration. I apprehend that without the abrogation of the Clayton-Bulwer treaty, either by treaty or by the declaration that owing to its violation by Great Britain we declared it abrogated, we would have had no more right to have acquired this strip of land and built this canal upon it than Great

Britain would have to-day, if by treaty she had recognized the Monroe doctrine, to acquire or colonize a South American State; and when the document by which we abrogated the Clayton-Bulwer treaty is in controversy between us and a friendly nation, and that nation makes the demand upon us to submit that difference to arbitration, and we should refuse to do so, we would have made a mock of all of our protestations in regard to peace and the settlement of differences by arbitration. It would be proven to have been all sounding brass and tinkling cymbal. Thereafter I can but feel that the representatives of this Nation would be laughed, jeered, and hissed out of any peace country on the face of the earth.

For these reasons I believe that this matter should be thrashed out now, and I believe those who feel that the discrimination in favor of our ships is a mistake should present every argument within their power to lead the Senate to that view, and for that reason I regret that the senior Senator from New York [Mr. ROOT], in addition to giving his conclusions to the Senate on this question, did not also give the benefit of the reasons which made him adopt those conclusions, even though his words should return to vex us.

But it is said, Mr. President, if this construction be true, what has the building of the canal profited this Nation? The suggestion has even been made that if we decline to fortify it it has only served in time of war to bring our shores closer to an enemy. If that be true, Mr. President, is there not compensation in the thought that in time of war it would bring that enemy's shores closer to us? Since when in time of war has this Nation found its safety in the distance that lies between it and an enemy? In the future as in the past we must rely upon American ships, manned by American sailors, for the safety of this Republic.

But in answer to the question as to what we would gain by the building of this canal and the expenditure of this money, under the construction that I place upon the treaty, I would say that we would gain everything that for a period of 50 years we thought would compensate us for the labor and for the expenditure. From a naval standpoint we have gained the ability to mobilize our fleet on either shore so as not to require the maintenance of a separate and distinct fleet in each ocean. From a commercial standpoint we have brought together the two widely separated coast lines of our country, giving to each coast a market in the other and easier access to the markets of the world.

And last, we hope by the competition that will follow in the shipping through that canal to give lower rates to the shippers, to regulate and lower the rates of the great transcontinental railways not only for the benefit of our coast country, but for the benefit of the interior country to the extent of hundreds of miles, where rates are affected by the joint water and rail rate.

The most important question, Mr. President, in connection with this entire bill is whether the hope of the American people for competition through that canal is going to be realized or will it, like Dead Sea fruit, turn to ashes on the lips of the people.

Mr. CUMMINS. Mr. President——

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

Mr. PERCY. I do.

Mr. CUMMINS. The Senator from Mississippi, believing that the Hay-Pauncefote treaty requires that there shall be no discrimination in tolls, has suggested a theory upon which I would like a little information.

The canal being built for the benefit of the world, and equally for all the world, does the Senator from Mississippi believe that we ought to have no tolls at all on any ships, but that we ought to continue in the future to make this contribution to the welfare of the world as we have made it in the expenditure of the money necessary to construct the canal? In other words, is the Senator in favor of free world passage, without any compensation whatever to any ships?

Mr. PERCY. Mr. President, a great deal may be said in favor even of that view, for if the tolls are paid, as those who contend for the remission of tolls on the coastwise trade say, by the shippers, thereby causing a higher freight rate, then the shippers of the United States, 90 per cent of whose foreign business is carried in foreign ships, would pay the tolls for those ships.

Mr. CUMMINS. But I am asking the question, Does the Senator from Mississippi believe that there ought to be anything charged to any ship for passage through the canal?

Mr. PERCY. I was answering the Senator's question. I said that much might be said in favor of the proposition that nothing should be charged, but I do not believe that the proposition is a wise one. I should favor charging tolls. We are at liberty to charge or not as we see fit, so long as we treat all alike.

Mr. CUMMINS. That leads me to put the further inquiry: If the United States has expended $400,000,000 for the general benefit of the world, why should it not continue to contribute year after year the expense of maintaining the canal for the benefit of the world?

Mr. PERCY. That is a matter of policy that the Government could pass on. We are fettered by no treaty as to that. There are some good reasons why it might make this a free offering, reaping in commerce and in lower rates the benefit, instead of in tolls, because we would be the chief beneficiaries of that canal so far as producers and consumers go. We ship our exports through the canal and we bring in our imports through the canal, and at last if tolls mean higher rates the American people would be paying them, even for much of the foreign shipping.

Mr. CUMMINS. Mr. President——

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

Mr. PERCY. I do.

Mr. CUMMINS. Having interrupted the Senator once, I will take the liberty of doing it again.

Mr. PERCY. Certainly.

Mr. CUMMINS. I was very sorry to hear the Senator declare as an unquestioned proposition that under our arbitration treaties with Great Britain or under The Hague convention we were bound to submit the controversy that has arisen over the interpretation of the Hay-Pauncefote treaty to a court of arbitration. It seems to me that anyone who has reached that conclusion has not viewed the case in all its aspects. I for one do not believe that we have made any agreement with any nation at any time that would compel us in honor to submit the controversy which we are now debating to arbitration. I do not believe it is capable of being submitted to arbitration. There is a fundamental maxim which lies at the bottom of all judicature of every civilized nation that forbids the submission of this question to arbitration. There is a maxim which declares that no man may be the judge of his own case. It is vital. It would be impossible to administer justice without having it in view.

Now, the Senator from Mississippi, of course, knows, as we all know, that it would be utterly impossible to gather together a tribunal of the civilized nations of the world in which every member would not be directly interested in the decision of the case. I would myself just as soon submit the case to Great Britain for its ultimate and final decision as to submit it to The Hague tribunal, or to any other board of arbitration that would be brought together under any scheme or treaty of arbitration.

There must be some other way, it seems to me, of settling this dispute, for you can not get an impartial jury. The cause which I have just suggested would eliminate from any panel of jurymen gathered together in this country every representative of any commercial country, simply because they are all interested, just as Great Britain is interested, in having it decided that America can not charge more to them for passing through the canal than it charges to its own ships.

I should like to submit that consideration to the Senator from Mississippi, who I know looks at the subject from a very high, patriotic standpoint, and know what he thinks of that suggestion.

Mr. PERCY. Mr. President, the nations of Europe, it is true, would all be more or less interested in a decision which forbade discrimination in favor of our shipping. That interest, however, in many cases would be almost infinitesimal owing to two facts. One is that nations might be chosen as arbitrators having very little shipping interest which could compete with the shipping of the United States, and another is that unless the carrying of our freight to foreign ports in American vessels ceases to diminish in the future as it has in the past in a few years there will not be any foreign commerce carried in American vessels to compete. There is to-day less than 8 per cent of the commerce of our country carried to foreign ports in American ships. So the interest in many cases would be small, not such an interest, I take it, as would cloud the judgment of those sitting in so solemn a tribunal to the point of excluding from their minds the consciousness of justice and of right. I take it, Mr. President, that a tribunal could be selected from which a fair decision could be expected.

If the argument is a correct and a sound one that any degree of interest, however slight, would insure an adverse decision in a contention by this Government before an international tribunal, it might well cause us to pause in our urgent demand

that international differences be submitted to arbitration, because there can scarcely a case arise where we in our isolation and separation from the nations of the world may not have cause to anticipate that their community of interest will draw them close enough together to furnish a motive to them for deciding against us in a controversy. There must be some loftier conception of the honor and sense of justice of those who will compose those tribunals or else arbitration is a failure and a resort to war the proper method of settling international differences.

Now, Mr. President, just a few suggestions in regard to what is at last the paramount question contained in this bill, namely, Will this canal furnish any competition in rates which will regulate or lower the rates of the transcontinental railways? If not, it will assuredly be a failure and a disappointment to the American people.

The first danger that is suggested in regard to that competition is that if railroad-owned ships are allowed to go through the canal, competition will be throttled by the rates being first put down to the point of driving out competition and then put up so as to furnish no competition with the transcontinental railways.

I am not one of those who consider that danger a mythical one, if we are to judge of the course of the railroads in the future by what has been their history in the past. They have been ruthless in throttling competition by the waterways of this country wherever they were in a position to do so. If that suspicion lies in the minds of the American people, it has been placed there by the course of conduct pursued in the past by the railways of this country.

The House bill as it came to the Senate sought to meet that danger by providing in substance (without taking the time to read the provision) that no railroad-owned vessel should be allowed to go through the canal. The Senate committee modified that so as to provide in substance that a railroad-owned vessel engaged in foreign trade, trans-Atlantic or oriental, could engage in coastwise trade on a journey through the canal, provided that 50 per cent of her cargo should be destined to a trans-Atlantic or oriental port. With this limitation the committee thought that there would be no real danger of railroads throttling competition through the canal, and they feared to take from the canal the shipping that the railroads might furnish for fear of impairing the shipping facilities of the public, as to-day 90 per cent of the ships that would go through the canal are railroad owned.

There is another danger which threatens competition in rates through the canal, and that is with the railroad-owned ships excluded from it the coastwise shipping will give to the American people the same competition through that canal in the future as they have given to them elsewhere in the past, and that is no competition. From New York north all of the coastwise trade on the Atlantic coast is under the power and control of one railroad. From New York south there is not the semblance of competition between the lines plying southward. Leaving New York on the same day, they do not even stop at the same ports; they parcel out ports so as to avoid the appearance of competition.

Is there a reason to believe that better competition will be given by the coastwise trade when given the monopoly of the business through the canal than it has given the American people in the past? Judging of the future of the railroads by their past history they will throttle competition if they can. The American coastwise shipping, judging the future by its past history, will furnish no competition.

So in either event it would seem that the canal will not realize that for which the American people built it, namely, give them a substantially lower rate than transcontinental railway rates.

In what way can this competition be furnished? I know of but one way, and that is by providing that the ships of the world shall have the right to carry from a port or ports of the Atlantic to a port or ports of the Pacific commerce through the canal on the same terms that American shipping does.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. PERCY. I do.

Mr. GALLINGER. Does the Senator think that if that principal was adopted there would be an American ship engaged in that trade, considering the fact that every other Government is heavily subsidizing its ships? Does the Senator really think that without Government subsidies in our country we could possibly compete with other countries in that trade on equal terms?

Mr. PERCY. Mr. President, this provision would deprive the American coastwise trade of no pound of freight that it carries to-day, except that transported over the Panama Railroad. It would leave that trade absolutely intact as it is to-day, but would prevent the extension of that monopoly to trade through the canal..

Mr. GALLINGER. Mr. President, if I did not misunderstand the Senator, I really can not quite comprehend what he means by that assertion. If all the tramp steamships and other steamships of foreign countries are placed on an equality with our ships, with the immense subsidies that Japan and England and Germany and Sweden are giving their ships, does the Senator really think that our ships would still have the trade? The Senator knows that it is at least from 25 to 30 per cent more expensive to navigate American ships than the ships of foreign countries.

Mr. PERCY. The Senator has not caught the scope of the suggestion which I made.

Mr. GALLINGER. I think I must have misunderstood the Senator.

Mr. PERCY. The difference is this: My suggestion is not that foreign ships be permitted to do business from port to port on the Atlantic or port to port on the Pacific, but from port or ports on the Atlantic to port or ports on the Pacific. It is more succinctly, possibly, set forth in this amendment which I will read and which I propose to introduce carrying out the suggestion which I have made.

Mr. GALLINGER. I do not see, if the Senator will permit me a single word, that that makes any difference in the principle, and I am very sure that it would drive off the canal every American ship.

Mr. PERCY. I understood it was the fact and not the principle the Senator was interrogating me in regard to.

Mr. GALLINGER. No; I suggested in my first remark that I wanted to understand the principle, as I do.

Mr. PERCY. I will say this with regard to the principle. If the Senator is correct that it would drive off all American shipping, it could only do it because foreign shipping furnished better service to the American people at a cheaper rate.

Mr. GALLINGER. Certainly.

Mr. PERCY. Then the question would arise as to whether the canal was built for the benefit of the shipowners or for the benefit of the American people.

Mr. GALLINGER. The Senator is right about that, precisely as if we engaged in free trade with all the countries of the world, and our factories were blotted out because the other countries can produce cheaper than we, that it might be an advantage to the American people. I do not think it would. We understand that with England, we understand that with Germany, and France, and every other European nation almost, subsidizing their ships very heavily, operating their ships much cheaper than we can, it would drive the American ships off, even if we got a little cheaper transportation, which I very much doubt, because we would create a foreign monopoly. Even if we did do it, I question the propriety of destroying an American industry for the benefit of foreign countries.

Mr. PERCY. Of course, Mr. President, I anticipated that objection from those who would consider the interest of the American shipowners as paramount to that of the American people. But I will first read the amendment, which I think covers the proposition:

Amend section 11 by striking out all of that part of said section on page 20 and the first 16 lines of said section on page 21, and inserting in lieu thereof the following:

"Section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic Ocean or Gulf of Mexico and on the Pacific Ocean through the Panama Canal, but nothing herein contained shall authorize such vessels to engage in the coastwise trade either as to merchandise or passengers between ports on the Atlantic Ocean or Gulf of Mexico or between ports on the Pacific Ocean."

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. PERCY. I yield to the Senator.

Mr. NEWLANDS. I wish to inquire of the Senator from Mississippi whether I properly understood the fact stated by him regarding the competition of water lines. I understood him to say that under existing conditions there is no real competition furnished by our water lines on the Pacific coast.

Mr. PERCY. Absolutely none.

Mr. NEWLANDS. That on the New England coast and down to New York the lines were all railroad-owned lines.

Mr. PERCY. Owned by one railroad company.

Mr. NEWLANDS. Owned by one railroad, and that below New York the lines there were not competitive in any way. Now, I wish to ask him whether as to the lines between New York and southern ports they are not also owned by the railroads.

Mr. PERCY. The statement is made by Dr. Johnson, who has investigated the matter, that more than 90 per cent of the interest in the lines on the Atlantic coast below New York are owned by railroads, controlled by railroads, or operated in harmony with railroad-owned lines.

Mr. NEWLANDS. Very well. If that is the case and competition is absolutely destroyed through the railroad ownership of these lines, can not that competition be restored by preventing the ownership of these lines by the railroads?

Mr. PERCY. There is a bill of that sort pending. But there are those who believe from experience that even where there are independent lines a shipping monopoly, with a pool or combination in regard to rates, where that shipping is confined solely to American shipping, is as easily effected and as effective as a railroad combination.

Mr. NEWLANDS. But under the enforcement of our trust laws would not the organization of such a combination be prevented?

Mr. PERCY. Our trust laws have not been so effective in preventing combinations in matters clearly within their purview as to make me feel a great amount of confidence as to their efficiency in preventing combinations among lines of ships.

Mr. NEWLANDS. All that I have to complain of in the Senator's statement is that, whilst we are endeavoring to secure competition through the Panama Canal by preventing any railroad line from owning ships passing through that canal or preventing ships belonging to any railroad line from passing through that canal, the Senator states that, notwithstanding such precautions, competition will utterly fail; and he gives as an illustration the fact that competition has failed upon the Atlantic coast. Yet he admits—or must admit—it seems to me, that the reason why competition has failed upon the Atlantic coast is that under existing laws railroads own and control the lines of steamships which ought to be competitive with them. It seems to me that logically, then, the way to cure that condition on the Atlantic coast is to adopt the legislation which we propose to apply to the Panama Canal, and thus prevent these great railway monopolies from monopolizing the ocean through the ownership of lines of steamships that ought to be competitive.

Mr. PERCY. Mr. President, there is no question that the competition among the boats is diminished by railroad ownership, but there is also little question that the lines themselves of boats themselves, would effect combinations which would serve to prevent the lowering of rates so that there would be no genuine competition with the transcontinental railway lines. To meet that—and that danger is apparent, palpable, real—it has been urged that the power of the Interstate Commerce Commission be extended over all vessels plying through the canal.

The answer to that is not only is it difficult to regulate water rates and water freights by law, but when you do regulate them you substitute absolutely regulation for competition; and until competition is proven to be a failure I do not believe regulation should be substituted in lieu of it. That, I may say, is the view advocated by the members of the Interstate Commerce Commission who appeared before the Isthmian Canal Committee. Instead of regulating rates through the canal, and thereby depriving shippers of the benefit of the keenest competition that can be secured, instead of taking ships off of the Panama Canal, I would seek to give competition by putting on that canal by legislation every ship that I could. Then when I found that, through pools, combines, and trusts, competition had failed to lower rates, I would undertake the regulation of those rates, because I would be driven to it.

In regulating them I would propose a measure more radical than regulation by the Interstate Commerce Commission. I believe, if the canal were thrown open on the lines indicated in this amendment to the shipping of the world, that the competition would be so fierce that the transcontinental railroads would only carry that kind of freight peculiarly meant for railroad transportation, and only carry that by giving quicker and better service and a lower rate. In that way, and in that way only, the American shipping public would receive a benefit extending through two-thirds of our country. Then, if I found that a pool or combination existed, such as it is suggested now exists in transatlantic business, I would give the power to the Chief Executive, whenever he became satisfied that a ship or line of ships operating through the canal was a member of a combine or a trust which sought to lower rates, to forbid such ship or ships from going through the canal—a great power to give to a Chief Executive, but the bestowal of it alone would obviate the necessity for its exercise.

Mr. President, the question suggested by the Senator from New Hampshire [Mr. GALLINGER] brings us back to one consideration; that is, whether we built the Panama Canal for the benefit of the shipbuilder or for the benefit of the American people. If built for the benefit of the shipbuilder, he ought to be continued in his monopoly, under which he has never yet given us competitive rates, and he ought to be continued in that monopoly at the expense of the American people who paid for the canal; but if it is for the benefit of the American people this amendment, which does not deprive him of one single pound of freight that he carries to-day, ought to be adopted.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. PERCY. I do.

Mr. GALLINGER. I assume the Senator does not mean to suggest that I made an appeal in behalf of the American shipbuilder, for I had nothing of that kind in mind. I had some reference to an American industry which I think we ought carefully to guard in our legislation.

Mr. PERCY. I did not mean to suggest, Mr. President, that that was the purpose of the Senator from New Hampshire. I meant to suggest, however, that that is the logical and inevitable consequence flowing from his position.

Just one other suggestion: There is not a coastwise vessel that would be deprived of a pound of freight that it carries to-day under this amendment, except the Pacific Mail and the California-Atlantic Line that ply on the western coast. They may be brought in competition with foreign shipping under the terms of the amendment, but no others. The whole question is whether an extraordinary condition, where there has been an expenditure of $400,000,000, is going to be brought to naught by care for the interests of the American shipbuilder.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. PERCY. I do.

Mr. BRISTOW. I desire to inquire if the Senator does not think that the American-Hawaiian Line should also be added to the list of lines that would be affected?

Mr. PERCY. The American-Hawaiian Line, as I now understand, handles its business across the Tehuantepec Railway nearly exclusively, and not over the Panama Railway.

Mr. BRISTOW. Yes; but if the Panama Canal is built, of course it will not handle its business over the Tehuantepec Railroad. Does it not affect that?

Mr. PERCY. I should say that, in my opinion, it should be affected if it could not successfully compete; but, as a matter of fact, under the verbiage of this amendment it would not be affected by it, because it simply applies to vessels plying from the Atlantic to the Pacific seaports.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. PERCY. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator a question: I believe he was a member of the committee which reported this bill, and I should like to know if it developed in the investigation of the committee why it has happened that the railroad companies have acquired all the steamship interests on the Atlantic and practically all on the Pacific coast?

Mr. PERCY. There was a great deal of testimony and a very considerable amount of controversy developed over that question, one contention being that they had acquired it for the purpose of throttling competition with independent lines.

Mr. CHAMBERLAIN. As affecting the transcontinental as well as interior rates and rates along the coast lines?

Mr. PERCY. The testimony developed that the Pacific Mail Co. had until within the past two or three years destroyed competition from the Pacific to the Atlantic under an arrangement with the Panama Railroad before the Government took charge of that railroad.

Mr. CHAMBERLAIN. I ask the Senator if it did not develop that the transcontinental railroad companies, by a payment of about $75,000 per month, for a great many years maintained steamships on the Pacific coast at a loss, and that through the instrumentality of those steamships were enabled to keep up the transcontinental rates?

Mr. PERCY. That was stated in the testimony.

Mr. BRANDEGEE. Mr. President, if there is to be no further discussion upon the pending bill to-day, I ask unanimous consent that it may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. Mr. President, there are two or three amendments submitted by the Committee on Appropriations which have been passed over. The first amendment passed over was the first amendment in the bill. I ask that it may now be stated.

The PRESIDING OFFICER. The first amendment passed over will be stated.

The first amendment reported by the Committee on Appropriations, which had been passed over, was, on page 2, after line 16, to insert the following:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000.

Mr. BRISTOW. Mr. President, I should like to suggest an amendment to the amendment by inserting, on page 3, line 1, after the word "act," the words "or any existing law," which makes the amendment the same as the present authority for the Tariff Board.

Mr. WARREN. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 3, line 1, of the proposed committee amendment, after the word "act," it is proposed to insert the words "or any existing law."

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. OVERMAN. Mr. President, if I had my choice in the matter I should simply vote on this amendment without any remarks because the subject has been discussed here from time to time, but I am going to say a few words about the unreliability of the experts of the Tariff Board.

Mr. President, the most remarkable message ever sent to Congress was the veto message of the President of the United States of the cotton schedule, especially that part of it which criticizes the chemical amendment, because from beginning to end it is full of errors and misstatements of facts. I do not stand here to charge or even intimate that the President would willfully make misstatements or state errors. I know the President did it unintentionally, and was woefully imposed upon, but I know, and I expect to prove, so that a wayfaring man though he be a fool will understand, that the expert of the Tariff Board, upon whom the President relied, was guilty of false statements; an expert who made his calculations upon the short ton instead of the long ton, which made a difference of 10 per cent; an expert who when he had the prices laid before him in a Government publication, assumed prices to be true that were absolutely false. Therefore, with two false premises, taking for his calculation the short ton instead of the long ton, on which all these calculations are made, and also assuming the prices to be true which were absolutely false—with those two false premises—he reported to the President something that was not true and the result was a document full of false statements.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I do.

Mr. SMOOT. Is the Senator referring to the expert on the chemical bill?

Mr. OVERMAN. I am.

Mr. SMOOT. The bill that was attached to the cotton bill as an amendment?

Mr. OVERMAN. Yes.

Mr. SMOOT. Has the Senator any objection to stating who the expert was?

Mr. OVERMAN. I am informed his name is Hernstein.

Mr. SMOOT. He is the same expert the minority members of the committee had to help them, is he not?

Mr. OVERMAN. I think he is the same one who wanted $25 a day for his services to the minority.

Mr. SMOOT. I was going to call the Senator's attention to the fact that he was called down here from New York by the Democratic members of the Finance Committee to assist in the preparation of the chemical schedule, and, instead of drawing the regular compensation paid him by the Government, he requested a leave of absence without pay, and put in a bill to the Senate committee, as I understand, for about $25 a day.

Mr. OVERMAN. That is the same Hernstein the President relied on in preparing the message he sent to Congress, for he said in that message—I am going to read a portion of it—that he did consult a chemist of the Tariff Board. We all have to rely on chemists and experts in the case of the chemical schedule, because very few of us understand it.

If the President had been familiar, as he ought to have been, with the Payne-Aldrich bill, which he said was the best tariff bill ever passed by any Congress, he would not have written what he did about the very detrimental effect, amounting almost to destruction, the passage of the chemical bill would have on the internal revenues of the country. He afterwards took back the statement as to the Payne-Aldrich law being the best tariff law ever enacted, for he sent two messages to Congress asking for a revision of the wool schedule and also of the cotton schedule.

Let us see, Mr. President, what the President said and then I will show you by three lines of the Payne-Aldrich bill that what he says is not true. A good deal of fun has been made of the chemical schedule by the President and the papers of the country. The President says in this very remarkable message:

But the most remarkable feature of this amendment to the chemical schedule remains to be stated. The internal revenues of this country to the extent of $160,000,000 are dependent on the imposition of a tax of $1.20 a gallon on distilled spirits at 100 degrees proof, which is a liquid consisting of 50 per cent absolute alcohol and 50 per cent water. The intrinsic cost of spirits of this proof varies from 10 to 20 cents a gallon, so that the enormous tax as compared with the intrinsic value of the article furnishes a motive for fraud and evasion of the law stronger than in the case of any commodity within the range of Federal taxation. It has therefore been necessary in all customs legislation to protect the internal-revenue system against the introduction from foreign countries of alcohol in any form and in association with any other article, except upon the payment of such a customs duty as shall make it unprofitable to import the alcohol into this country to be used in competition with alcohol or distilled spirits of domestic manufacture. The customs duty on a proof gallon of alcohol is $2.25. The care and anxious concern with which Congress has heretofore guarded against the introduction of alcohol in any form without the payment of sufficient duty to prevent its interfering with our domestic production and the payment of the internal tax may be seen in at least 10 paragraphs of the chemical schedule of the Payne law and previous enactments:

Thus, in paragraph 2 of the existing law it is provided that vegetable, animal, or mineral objects, immersed or placed in or saturated with alcohol shall have a duty of 60 cents per pound and 25 per cent ad valorem, and the same duty is imposed in that paragraph on alcoholic compounds not specially provided for. Sixty cents a pound is equivalent to 60 cents a pint of the alcohol or distilled spirits used at proof, and this is equivalent to $4.80 a gallon for alcohol, which, of course, prevents its importation for any purpose other than as specified in the paragraph.

Again, in paragraph 3, chemical compounds containing alcohol and chemical mixtures containing alcohol have a duty of 55 cents per pound, which would protect the domestic alcohol by a duty of $4.40 a gallon.

The same thing is true in paragraph 65, covering medicinal preparations containing alcohol, or any preparations in which alcohol is used. These have a duty of 55 cents per pound, which would impose a duty on the alcohol used of at least $4.40 a gallon.

Again, on perfumes, including cologne and other toilet waters containing alcohol or in the preparation of which alcohol is used, there is a duty of 60 cents per pound and 50 per cent ad valorem, by which the domestic alcohol used in American-made perfumes is protected by a tax of $4.80.

Under the present bill, all these precautions against the undue introduction of foreign alcohol in articles and compounds included in the chemical schedule are in fact abolished by striking out the specific duties per pound. Thus in paragraph 2, the specific duty per pound is stricken out and the whole rate is fixed at 50 per cent ad valorem. In paragraph 3, there is a similar change; in paragraph 65, the change is to 45 per cent ad valorem; and in paragraph 69, to 60 and 50 per cent ad valorem. With alcohol at a foreign cost of 20 cents a gallon, this would make the tax, so far as the alcohol is concerned in paragraph 2, 10 cents a gallon; in paragraph 3, 8 cents a gallon; in paragraph 65, 9 cents a gallon; and in paragraph 69, from 10 to 12 cents a gallon. That is, the alcohol thus introduced would pay under this chemical schedule from 8 to 12 cents a gallon duty instead of $1.20 a gallon as imposed by our internal-revenue system, or $2.25 a gallon as imposed by our customs laws upon the introduction of proof alcohol, or the higher rates as fixed in the existing chemical schedule. Alcohol is also used in the manufacture of collodion and fruit ethers, and under the existing law the invasion of our internal-revenue system is here also prevented by the imposition of high rates per pound as the equivalent of the internal-revenue tax. By this amendment the compensatory duties for the high domestic tax on alcohol in collodion and ether is abolished and if the bill passed, the domestic manufacturer would pay $1.40 a gallon for his alcohol while his importing competitor would pay but 30 cents.

I need hardly dwell on the disastrous effect such an amendment in reference to alcoholic compounds would have upon the internal-

revenue system of taxing distilled spirits nor need I point out the opportunities of evasion and fraud thus presented. Of course the change was not intended, but if this bill became law, it would be made.

This bill thus illustrates and enforces the views which I have already expressed in vetoing the wool bill and the so-called free-list bill, as to the paramount importance of securing, through the investigation and reports of the Tariff Board, a definite and certain basis of ascertained fact for the consideration of tariff laws. When the reports of the Tariff Board upon these schedules are received, the duties which should be imposed can be determined upon justly, and with intelligent appreciation of the effect that they will have both upon industry and upon revenue. Very likely some of the changes in this bill will prove to be desirable and some to be undesirable. So far as they turn out to be just and reasonable I shall be glad to approve them, but at present the proposed legislation appears to be all a matter of guesswork. The important thing is to get our tariff legislation out of the slough of guesswork and logrolling and ex parte statements of interested persons, and to establish that legislation on the basis of tested and determined facts, to which shall be applied, fairly and openly, whatever tariff principle the people of the country choose to adopt.

WM. H. TAFT.

THE WHITE HOUSE, *August 22, 1911.*

What is the answer to all of this? If the President had turned to Schedule H, which has never been amended or repealed in any respect, he would have found three lines which amply protect the internal revenues. He says that heretofore in tariff bills there have been some precautionary provisions. He failed to read that such a provision is in the existing law, and nobody ever attempted to amend it or strike it out. It is under Schedule H, "Spirits, wines, and other beverages," section 310, page 33 of the tariff act of 1909, known as the Payne-Aldrich bill.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. Yes.

Mr. REED. In what bill?

Mr. OVERMAN. The Payne-Aldrich bill.

Mr. SMOOT. Mr. President, I understand that the President was not referring to the Payne-Aldrich bill, but was referring to the chemical bill, which was passed as an amendment to the cotton bill.

Mr. OVERMAN. The President vetoed the cotton bill. I am talking about what he said in his veto message to the effect that the amendment to the chemical schedule attached to the cotton bill would destroy the internal revenue of the country, and I am going to show that if he had been familiar with the Payne-Aldrich bill he would have known that there was a provision incorporated in that bill prohibiting any distilled spirits being shipped into this country under the chemical schedule, which was then and is still the law.

Mr. SMOOT. That is true, providing that the Payne-Aldrich bill was in force, but if the cotton bill had been approved by the President, with the chemical schedule amendment attached, then that would have repealed the existing tariff law affecting chemicals.

Mr. OVERMAN. Ah, Mr. President, there was involved no repeal of the provision in the Payne-Aldrich bill to which I have referred. The cotton schedule was one section; the chemical schedule was another, and Schedule H is untouched and unamended. Now, I said I would prove in three lines that everything he said was misleading. Listen to this complete answer to all the President said upon this point. Paragraph 302 of the existing tariff law reads as follows:

302. On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits.

Can anything be plainer than that?

And yet he states to the country that the chemical bill would destroy our revenues.

Now, what else? I have employed two of the best experts in America. I sent for an expert who assisted Mr. Aldrich in the preparation of the Dingley bill, the McKinley bill, and the Payne-Aldrich bill. I sent for another expert, and also sent for a New York chemist. They have gone over my amendment and the President's message, and I have the results of their investigation in parallel columns—what the President says being placed on one side and what is the truth on the other—and the statement shows that every word he said about the increases or decreases under the proposed amendment of the chemical schedule was untrue.

As I have said, when I desired to prepare an amendment to the chemical schedule to be offered in the Senate to the cotton schedule, I had an expert make out the schedule for me. I offered it, and it was adopted by the Senate and House of Representatives. I took the President's message and submitted it to an expert, and, without knowledge on his part that I was going to do so, I submitted it to another expert, and, without any collaboration or acting together, without any knowledge that the other was acting upon it, the reports of the two experts coincide exactly. I also had the expert chemist examine their statements, and he approved both, showing what the President says on one side and what is the truth on the other, according to the two experts and according to the chemist, who came here from New York, and who is one of the leading chemists of the country. He has written opposite every item "correct" or "O. K." as to the amendment I introduced and "incorrect" as to what the President says in regard to those items.

I will read an extract from the statement:

In the examination of this act, referred to on page 5 of the message of the President, the conclusions drawn by the expert chemist of the Tariff Board are based upon assumptions. He assumes a foreign market price, applies the proposed ad valorem rate, and compares the result with the present law. The actual import prices are given officially in the report on Commerce and Navigation, by the Bureau of Statistics, Department of Commerce and Labor.

The expert who assisted the President did not take the prices as furnished by this Government publication.

The computations of the proposed rates upon Schedule A in H. R. 12812, based upon the method used, were not inaccurate or faulty. In fact, not a single inaccuracy or error has been pointed out by the expert chemist, while the results obtained by him are shown below in a parallel column with the real facts.

The expert who assisted the President says this:

Boracic acid is duitable under the present law at 3 cents per pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6½ cents per pound the amended rate would be from 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.

That is what the President says. Here is the report of a chemist and two experts. What do they say?

The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent.

The President, basing his statement upon information given by the Tariff Board experts, says it would have been an increase.

The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. Yes.

Mr. SMOOT. Has the Senator referred to the Statistical Abstract to prove that boracic acid could be purchased for 3$\frac{1}{10}$ cents per pound?

Mr. OVERMAN. Here is a statement of the Committee on Finance of the United States Senate on "Schedule A, duties on chemicals, oils, and paints," and if the Senator will examine the statement I have here and go over it himself and make his calculations he will see that the expert is right, because the Senator is an expert himself.

Mr. SMOOT. The only reason that I doubted that, Mr. President, was on account of the prices stated, for I know what the price of boracic acid is.

Mr. OVERMAN. The Senator will see the prices quoted there just as they are in this statement.

Mr. SMOOT. I know from actual experience what the prices are, but I will examine the statement and call the Senator's attention to it later.

Mr. OVERMAN. The President said:

Tartaric acid under the amendment has a duty of 4 per cent higher than that of the existing law.

Is that true? Here is what the experts say about it:

Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price 1910, 17.8 cents per pound; average price 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.

Now, Mr. President, I am not going to take the time to read this entire statement, but the two experts to whom I have referred have taken up every single item, and their conclusions have been approved by the New York chemist, who has written in the margin, as you can see, "Correct" or "O. K." or "Incorrect." I ask that this statement be printed in the RECORD, including the marks "Incorrect," "Correct," and so forth, as indicated. The statements, it will be seen, are both made out in parallel columns—what the President said in one column and the truth in the other column—where he committed error upon misinformation from the Tariff Board.

The PRESIDENT pro tempore. Without objection, that order will be made.

The statement referred to is as follows:

As regards Schedule A, H. R. 12812 undertakes to reduce the present rates about 25 per cent. Owing to fluctuating prices this exact reduction can not remain constant, but is only an average rate of reduction.

Some rates of duty are barely changed—where they are already low—while upon others the reduction is greater than 25 per cent.

In the examination of this act, referred to on page 5 of the message of the President, the conclusions drawn by the expert chemist of the Tariff Board are based upon assumptions. He assumes a foreign-market price, applies the proposed ad valorem rate, and compares the result with the present law. The actual import prices are given officially in the report on commerce and navigation, by the Bureau of Statistics, Department of Commerce and Labor.

The computations of the proposed rates upon Schedule A in H. R. 12812, based upon the method used, were not inaccurate or faulty. In fact, not a single inaccuracy or error has been pointed out by the expert chemist, while the results obtained by him are shown below in a parallel column with the real facts.

	President said in his message.	Actual facts.	
5 Incorrect.	Boracic acid is dutiable under the present law at 3 cents per pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6½ cents per pound the amended rate would be from 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.	The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent.	√ O. K.
		The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.	√
9 Incorrect.	Tartaric acid under the amendment has a duty 4 per cent higher than that of the existing law.	Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price, 1910, 17.8 cents per pound; average price, 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.	O. K. O. K.
20 Incorrect.	Alum under the amendment has a rate 10 per cent higher than the existing law.	Present rate on alum is one-fourth of 1 cent or three-eighths of 1 cent per pound, depending upon purity. Proposed rates, 20 per cent or 30 per cent, respectively. Value in 1910, 0.8 cent and 0.9 cent, respectively, equivalent to a proposed rate of 0.16 and 0.27 cent per pound. In 1911 the prices were 1 cent and 0.9 cent per pound, equivalent to a proposed rate of 0.20 and 0.27 cent per pound. These are all reductions from the present law.	O. K. O. K.
29	Bleaching powder has a rate under the amendment that is 30 per cent higher than the existing rate.	Present rate on bleaching powder is one-fifth cent per pound. Proposed rate is 20 per cent ad valorem. Value in 1910, also in 1911, was 0.8 cent per pound, equivalent to a proposed rate of 0.16 cent per pound, a reduction of 20 per cent.	O. K. O. K.
96 Incorrect.	Zinc oxide has an increase of rate in the amendment of 95 per cent over the existing law.	Present rate on zinc oxide, dry, 1 cent per pound; ground in oil, 1¾ cents per pound. Proposed rates, 10 per cent and 15 per cent, respectively. Value, 1910, 5.7 cents and 9.1 cents per pound. This is equivalent to a proposed rate of 0.57 and 1.365 cents per pound, a reduction of 43 per cent and 22 per cent, respectively. The figures for 1911 are reductions of 37 per cent and 38 per cent, respectively.	O. K. O. K.
32	Borax is given a rate in the amendment which is a reduction of 80 per cent below the existing rate.	The present rate upon borax is 2 cents per pound. The proposed duty is 10 per cent. Value, 1910 (p. 955, Commerce and Navigation, 1910), 17 cents per pound. This is equivalent to a proposed rate of 1.7 cents per pound, a reduction of 15 per cent. Based upon the 1911 value, 0.108, the reduction would be 46 per cent.	O. K. O. K.
35 Incorrect.	Commercial chloroform has a reduction of 90 per cent from the present rate.	The present rate upon chloroform is 10 cents per pound. The proposed duty is 5 per cent ad valorem. The value for 1910 (p. 955, Commerce and Navigation for 1910), was $1.54 per pound. This is equivalent to a proposed rate of 7.7 cents per pound, a reduction of 23 per cent. Based upon the value for 1911, $1.76, the reduction would be 12 per cent.	O. K. O. K.
128	Hydrate of or caustic soda is given a rate in the amendment which is a 50 per cent reduction from the present rate.	The present rate upon hydrate of or caustic soda is one-half cent per pound. The proposed rate is 12 per cent. Value 1910 (p. 961, Commerce and Navigation for 1910), 3.2 cents per pound; 12 per cent thereof is .384 cent per pound, a reduction of 0.23+ per cent. Value 1911, 2.5 cents per pound. Equivalent rate, 3 cents per pound, a reduction of 40 per cent.	O. K. O. K.
20	A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina, and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.	The present rate on alumina hydrate containing not more than 64 per cent alumina is 0.4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate, 0.24 cent per pound, a reduction of 40 per cent.	O. K.
		Present rate on that containing more than 64 per cent of alumina is 0.6 cent per pound. Proposed rate is 5 per cent. Value, 1910, 12.2 cents per pound. Equivalent rate, 0.61 cent per pound reduction, a slight increase; that is, the proposed rates are less curious than the present rates.	O. K.
Page 10, bill. Page 13, bill. Page 14, bill.	In paragraph 2 the specific duty per pound is stricken out, and the whole rate is fixed at 50 per cent ad valorem. In paragraph 3 there is a similar change. In paragraph 65 the change is to 45 per cent ad valorem. In paragraph 69 the change is to 60 and 50 per cent ad valorem. With alcohol at a foreign cost of 20 cents per gallon this would make the tax, so far as the alcohol is concerned, in paragraph 2, 10 cents per gallon.	In paragraph 2 the proposed rate on all other alcoholic compounds is 50 per cent. The present law is 60 cents per pound and 25 per cent. Reduce the 25 per cent by 25 per cent leaves 18¾ per cent. That is, the alcohol pays the other 31¼ per cent, based upon import prices for 1910 (p. 955, Commerce and Navigation for 1910); this amounts to over 39 cents per pound, or over $2.50 per gallon instead of 10 cents per gallon. The price for 1911 gives over $2.10 per gallon.	
	In paragraph 3, 8 cents per gallon.	PAR. 3. The proposed rate upon chemical compounds, mixtures, and salts containing alcohol, or in the preparation of which alcohol is used, not specially provided for, is 40 per cent ad valorem. The present law is 55 cents per pound, but not less than 25 per cent ad valorem. The import price for 1910 (p. 963, Commerce and Navigation for 1910) was 89.5 cents per pound; 40 per cent of this is 35.8 cents per pound, the proposed rate. This is equivalent to over $2.30 per gallon.	
	In paragraph 65, 9 cents per gallon.	PAR. 65. The proposed rate upon medical preparations containing alcohol, or in the preparation of which alcohol is used, not specially provided for, is 45 per cent ad valorem. The present rate is 55 cents per pound, but not less than 25 per cent ad valorem. The import price for 1910 (p. 965, Commerce and Navigation for 1910) was 89.1 cents per pound. The equivalent rate proposed is 45 per cent of this, or 40.095 cents, or over $2.60 per gallon.	

President said in his message.	Actual facts.
In paragraph 69, 10 cents to 12 cents per gallon.	Paragraph 69 relates to soaps. This is evidently a mistake, and is intended for 67. The present law, paragraph 67, provides the following rate: Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing, if containing alcohol, or in the manufacture of which alcohol is used, 60 cents per pound and 50 per cent ad valorem. The proposed duty on the above is 60 per cent. If the ad valorem part of the present rate is reduced 25 per cent, 37½ per cent is left for the proposed rate, which, taken from 60 per cent, leaves 22½ per cent as the duty on alcohol. The price in 1910 (p. 1065, Commerce and Navigation for 1910) was $2.83 per pound. This is equivalent to a proposed rate on the alcohol of 63.67 cents per pound, or over $4.10 per gallon.
Page 11 bill. By this amendment the compensatory duties for the high domestic tax on alcohol in collodion and ether (fruit ethers) is abolished, and if the bill should pass the domestic manufacturer would pay $1.40 per gallon for his alcohol, while his importing competitor would pay but 30 cents.	Paragraph 21 gives the present rate on fruit ethers as $1 per pound. The proposed rate is 100 per cent ad valorem. The value in 1910 (p. 957, Commerce and Navigation for 1910) was 77.5 cents per pound. The proposed equivalent rate would be 77.5 cents per pound, or over $5 per gallon. Paragraph 17 gives the present rate on collodion and all compounds of pyroxylin or other cellulose esters 40 cents per pound. The proposed rate is 35 per cent ad valorem. The price for 1910 (p. 967, Commerce and Navigation for 1910) was 74 cents per pound, equivalent to a proposed rate of 25.9 cents per pound. If this were all alcohol it would be equivalent to a duty of about $1.70 per gallon.

NOTE.—The alcohol contained in all mixtures and compounds referred to in Schedule A is incidental in value to the other component materials thereof.

Schedule H, paragraph 302, specifies that "On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits." This paragraph was not changed nor was it intended to be changed by H. R. 12812; therefore the question of alcohol is entirely eliminated.

Mr. OVERMAN. That is one statement. Now I ask to have published the results of the examination of another expert.

The PRESIDENT pro tempore. Without objection, the request will be granted.

The statement referred to is as follows:

Some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812.

The President says.	The facts show.
BORACIC ACID.	
Boracic acid is dutiable under the present law at 3 cents a pound. The amendment imposes a duty of 60 per cent ad valorem. At the foreign price of 6 to 6½ cents per pound, the amended rate would be 3.6 to 3.9 cents per pound, or an actual increase in the duty under the present law of from 20 to 30 per cent.	The average import price of boracic acid for the period August 5, 1909, to June 30, 1910, was 3.2 cents per pound (see p. 953, Commerce and Navigation for 1910); a duty of 60 per cent based upon this value would be 1.92 cents per pound, a reduction of 36 per cent. The average import price for 1911 (p. 951, Commerce and Navigation for 1911) was 3.7 cents per pound. This is equivalent to a proposed rate of 2.2 cents per pound, or a reduction of 26 per cent.
TARTARIC ACID.	
Tartaric acid under the amendment has a duty 4 per cent higher than that of the existing law.	Present rate on tartaric acid is 5 cents per pound; proposed rate, 20 per cent ad valorem. Average price 1910, 17.8 cents per pound; average price 1911, 21.8 cents per pound. This is equivalent to a proposed rate of 3.56 cents for 1910 and 4.36 cents for 1911, a reduction of 29 and 13 per cent, respectively.
ALUM.	
Alum under the amendment has a rate of 10 per cent higher than the existing law.	Present rate on alum is one-fourth of 1 cent or three-eighths of 1 cent per pound, depending upon purity. Proposed rates, 20 per cent or 30 per cent, respectively. Value in 1910, 0.8 cent and 0.9 cent, respectively, equivalent to a proposed rate of 0.16 and 0.27 cent per pound. In 1911 the prices were 1 cent and 0.9 cent per pound, equivalent to a proposed rate of 0.20 and 0.27 cent per pound. These are all reductions from the present law.
BLEACHING POWDER.	
Bleaching powder has a rate under the amendment that is 30 per cent higher than the existing rate.	Present rate on bleaching powder is one-fifth of 1 cent a pound. Proposed rate is 20 per cent ad valorem. Value in 1910, also in 1911, was 0.8 cent per pound, equivalent to a proposed rate of 0.16 cent per pound, a reduction of 20 per cent.
ZINC OXIDE.	
Zinc oxide has an increase of rate in the amendment of 95 per cent over the existing law.	Present rate on zinc oxide, dry, 1 cent per pound; ground in oil, 1¾ cents per pound. Proposed rates, 10 per cent and 15 per cent, respectively. Value, 1910, 5.7 cents and 9.1 cents per pound. This is equivalent to a proposed rate of 0.57 and 1.365 cents per pound, a reduction of 43 per cent and 22 per cent, respectively. The figures for 1911 are reductions of 37 per cent and 38 per cent, respectively.
BORAX.	
Borax is given a rate in the amendment which is a reduction of 80 per cent below the existing rate.	The present rate upon borax is 2 cents per pound. The proposed duty is 10 per cent. Value, 1910 (p. 955, Commerce and Navigation, 1910), 17 cents per pound. This is equivalent to a proposed rate of 1.7 cents per pound, a reduction of 15 per cent. Based upon the 1911 value, 0.108 cent per pound, the reduction would be 46 per cent.
CHLOROFORM.	
Commercial chloroform has a reduction of 90 per cent from the present rate.	The present rate upon chloroform is 10 cents per pound. The proposed duty is 5 per cent ad valorem. The value for 1910 (p. 955, Commerce and Navigation for 1910) was $1.54 per pound. This is equivalent to a proposed rate of 7.7 cents per pound, a reduction of 23 per cent. Based upon the value for 1911, $1.76 per pound, the reduction would be 12 per cent.
HYDRATE OF OR CAUSTIC SODA.	
Hydrate of or caustic soda is given a rate in the amendment which is a 50 per cent reduction from the present rate.	The present rate upon hydrate of or caustic soda is one-half of 1 cent per pound. The proposed rate is 12 per cent. Value, 1910 (p. 961, Commerce and Navigation for 1910), 3.2 cents per pound; 12 per cent thereof is 0.384 cent per pound, a reduction of 23 per cent. Value 1911, 2.5 cents per pound. Equivalent rate, 3 cents per pound, a reduction of 40 per cent.

Some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812—Continued.

The President says.	The facts show.
HYDRATE OF OR CAUSTIC SODA—continued. A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina, and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.	The present rate on alumina hydrate containing not more than 60 per cent alumina is .4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate. 24 cents per pound, a reduction of 40 per cent. Present rate on that containing more than 64 per cent of alumina is .6 cent per pound. Proposed rate is 5 per cent. Value in 1910, 12.2 cents per pound. Equivalent rate, .61 cent per pound, a slight increase. That is, the proposed rates are less curious than the present rates.

NOTE.—The figures used in the President's message upon which ad valorem percentages and equivalents are computed can not be found in any official document.

The figures upon which the President's statements are shown to be inaccurate will be found in the official reports on Commerce and Navigation, Department of Commerce and Labor.

Since Schedule H, paragraph 302, which specifies that "on all compounds or preparations of which distilled spirits are a component part of the chief value there shall be levied a duty not less than that imposed upon distilled spirits," was not changed or intended to be changed by H. R. 12812, the question, therefore, of alcohol is entirely eliminated.

Mr. OVERMAN. That paper shows some of the erroneous statements contained in the President's veto message of August 22, 1911, accompanying the bill H. R. 12812. I will call attention to one of the paragraphs of that statement. The President says:

A curious result appears in the rate fixed for alumina hydrate containing less than 64 per cent of alumina and the same containing more of alumina. The latter is a finished product as compared with the former, but the latter in the amendment is given a duty of only 5 per cent, while the raw and unfinished product has a rate of 15 per cent ad valorem.

That is what the President says. The facts show—

The present rate on alumina hydrate containing not more than 60 per cent alumina is 0.4 cent per pound. Proposed rate is 15 per cent. Value, 1910 (p. 955, Commerce and Navigation for 1910), 1.6 cents per pound. Equivalent rate 0.24 cent per pound, a reduction of 40 per cent.

Present rate on that containing more than 64 per cent of alumina is 0.6 cent per pound. Proposed rate is 5 per cent. Value in 1910, 12.2 cents per pound. Equivalent rate 0.61 cent per pound, a slight increase; that is, the proposed rates are less curious than the present rates.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I do.

Mr. SMOOT. Does the Senator in submitting the report of the expert give his name?

Mr. OVERMAN. I have not, because I am afraid people will turn him out.

Mr. SMOOT. No, Mr. President, I do not think there will be any inclination to turn anybody out; in fact, I do not think that we could do so if we wanted to.

Mr. OVERMAN. The Senator knows him and has used him on the wool bill.

Mr. SMOOT. I am not objecting to the report; it may be absolutely correct, but I simply ask the question whether the expert's name is attached to the report.

Mr. OVERMAN. I do not like to mention his name, but I will tell the Senator privately. I will say, however, that the Senator has used him in connection with the wool bill at this session, I think.

I want to say, Mr. President, whether that is so or not, that those two experts in different places, not knowing that the other man was engaged on the work, agree that the amendment to the chemical schedule was a reduction, and that everything the President said in his veto message regarding it was a misstatement of the facts, as shown by the results of their investigations placed in parallel columns with the statements of the President, as I asked them to do. Now, how could two experts not acting together agree so perfectly unless the facts were plain?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I yield.

Mr. REED. I merely want to say, for the purpose of getting the truth, that those of us who were not on the Finance Committee are more interested in knowing now whether the Senator from Utah disputes the findings of this expert than we are in the name of the expert, and I should like to know whether he does dispute it.

Mr. SMOOT. Let me call the Senator's attention to one item referred to by him. Take tartaric acid.

Mr. REED. That is the item the Senator from North Carolina referred to.

Mr. SMOOT. That is the item to which he referred.

Mr. REED. Very well.

Mr. SMOOT. If we take the importation price for the year 1910, then the expert is correct; but if we take the importation price for 1909, the expert who gave the President the information is correct. I call the attention of the Senator to that fact, and I will ask him if it is not true, for this reason: In 1909 the average price of tartaric acid was 30.6 cents per pound, and the average price for 1910, the very next year, upon which this report is based—and I take it for granted that the report made to the President was based upon 1909——

Mr. REED. Why does the Senator take it for granted?

Mr. SMOOT. The price is 16.5 cents, or nearly one-half difference in the price.

Mr. OVERMAN. Why do you take it for granted?

Mr. SMOOT. Let me finish.

Mr. OVERMAN. I will.

Mr. SMOOT. While I will admit that if I had been giving the President the information he asked for and if I had been reporting this case to the President I would have taken the price of the last year's importation, whoever made the report and gave the information to the President did not take that price, but took the 1909 price.

Mr. OVERMAN. The Senator misstates it. He takes 1910 and 1911, showing he was fair. That was better than what the chemist of the Tariff Board did—take the figures of 1909.

Mr. SMOOT. I have not gone further back than 1909. Now take the following year; but the same principle would apply in both cases. I will say frankly, as the Senator knows, that that is how it happened, and I believe he will admit that the statement I have made is correct.

Mr. OVERMAN. I think this is the expert employed by the Tariff Board, and I started out with the statement that those experts are unreliable. People say figures do not lie, but some experts take figures and assume false prices calculated upon false premises and report facts wholly without foundation.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I do.

Mr. REED. If I can interrupt this Rooseveltian language for a moment——

Mr. OVERMAN. That is an old, familiar expression. I do not say anybody has lied. I know the President would not lie, and I know that the President would not make a misstatement, but he could be misinformed.

Mr. REED. I think we will all agree that the President would not make a willful misstatement.

Mr. OVERMAN. Of course.

Mr. REED. I think all Democrats would agree to that, but I do not know how our friends on the other side may feel about it. But what I am interested in is the position of the Senator from Utah. How does he know that the figures used by the President were based upon 1909? Is that a mere inference, or has the Senator figured it out and found that to be the result?

Mr. SMOOT. If anyone who knows anything about it will take the figures presented by me and listen to the figures which the Senator from North Carolina reported, he will know immediately that it was the year 1909.

Mr. OVERMAN. Provided you make it on the short ton instead of the long ton, which the Senator knows makes a difference of 10 per cent.

Mr. SMOOT. There is no dispute between the Senator from North Carolina and myself on that point. The only difference is that the statement handed to the President was made upon the prices of 1909, and the statement that is made now by the Senator from North Carolina is based upon the prices of 1910.

Mr. SHIVELY. It was upon the wrong year and the wrong ton.

Mr. SMOOT. Not the wrong year, but a different year.

Mr. SHIVELY. Certainly.

Mr. SMOOT. I would have taken an average, but that was not done in the case of the information given to the President. The information was given to the President based on the year 1909.

Mr. BACON. How does the Senator justify that?

Mr. SMOOT. Mr. President——

Mr. OVERMAN. The Senator from Utah does not justify it. The Senator himself has been candid and fair enough here to state that if the President had asked him to criticize this amendment, which I introduced to the cotton schedule, he would have made his calculation upon the long ton, and he would have taken the prices of 1910 and would not have gone back to 1909 and based the figures on the short ton.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further to the Senator from Missouri?

Mr. OVERMAN. I yield to the Senator from Missouri.

Mr. REED. What I wanted to ask is this: Is it manifest upon the face that the year 1909 was used as the basis?

Mr. OVERMAN. There is nothing in the message or report to show it.

Mr. REED. Do they in fact refer to that year?

Mr. OVERMAN. No. If you take the short ton and take the figures of 1909, you might work out a schedule like this chemist did.

Mr. REED. Have you worked it out?

Mr. OVERMAN. No. The schedule which I introduced was worked out on the prices as they were at the time—1910; and the calculations were made upon the long ton. Then the President proceeds to say that instead of decreasing the tariff it had been increased on certain things. When the proper schedule is made, it is made at the prices of 1910 and 1911.

Mr. REED. The Senator did not quite catch what I meant, and I am very much interested in this point. I will make a statement which will perhaps make my thought clearer.

Of course, if these experts had stated fairly "These figures are based upon the prices of 1909," there would have been at least perfect frankness upon the face of it; and what I want to know is whether they did that or whether they simply gave us some conclusions without advising us what year they used as a basis.

Mr. OVERMAN. No; they did not. The President announced in his message as a fact that on certain articles instead of there being a decrease there was an increase.

Mr. REED. And he does not tell us——

Mr. OVERMAN. He does not. We can judge by taking the prices that the expert has gone and assumed prices that were not the true prices, and has made figures based upon the short ton instead of the long ton, and has imposed upon the President.

Mr. REED. One thing further. Has either the Senator from North Carolina or the Senator from Utah actually taken the figures of 1909 and ascertained whether they do produce the real results—the results as the President gave them to us—or are they simply inferring that the 1909 figures, being nearer that result, the experts went to that year?

Mr. OVERMAN. All I can say is that I do not know what table he took. I know that the chemist assumed to be true prices that were not true, and that he made his calculation upon the short ton instead of the long ton.

Mr. REED. Then the Senator from North Carolina does not concede the correctness of the statement of the Senator from Utah——

Mr. OVERMAN. Oh, no.

Mr. REED. That the 1909 figures were taken, and that the conclusion was correct if you start from the figures of 1909.

Mr. OVERMAN. That is what the Senator from Utah said.

Mr. REED. I understand. The Senator from Utah is inferring that, not stating that he has figured it out by actual calculation.

Mr. OVERMAN. I expect the Senator——

Mr. SMOOT. I took it for granted from the fact that the price was 32 cents in 1909 and 16 cents in the year 1910, a difference of one-half. The report made by the Senator shows about that difference. So I take it for granted that is what the two experts did.

Mr. REED. That is what I am trying to get at—whether he did take it for granted or is stating it as the result of a calculation?

Mr. SMOOT. It is the result of a calculation, but I can not say, because I never asked the President or never asked the expert whether he used the figures of 1909. But the figures are there, and I do not believe any expert would have told the President a thing absolutely untrue. With the year 1909 as the basis of the price of tartaric acid, it would bring it within a fraction of a cent of the report made to the President.

Mr. OVERMAN. The Senator says he does not believe any expert would tell the President an untruth. The Senator has admitted here that the expert has imposed upon the President.

Mr. SMOOT. I think that is true; but in this particular case——

Mr. REED. I think it is important, and I should like to have it appear here clearly that these figures are now admitted to be false.

Mr. SMOOT. Not that.

Mr. REED. And the Senator from Utah does not mean to say that he knows of his own knowledge or by calculation that the figures of 1909 were used, and I do not think we can take anything for granted when we are dealing with gentlemen who went back, if they did go back, two or three years of time to find a basis that would suit the result they wanted to arrive at and where the price was greater, because that in itself was such an act either of stupidity or dishonesty, if it occurred, so that discredit and doubt must be thrown upon all their deductions.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. OVERMAN. I yield gladly.

Mr. LIPPITT. I wanted to call attention briefly to the situation of these figures for the different years. The figures for the year 1911 have been issued only within a month or two. These figures are made up until July 1 of each year. The Senator from North Carolina a minute ago said the President could have used the figures of 1911.

Mr. OVERMAN. Nineteen hundred and ten, I meant to say.

Mr. LIPPITT. As a matter of fact, he did say 1911.

Mr. SMOOT. Yes.

Mr. LIPPITT. The Senator from Missouri just a minute ago said that the expert had gone back two or three years. He certainly did not go back two or three years, because in using the figures of 1909 he used the latest figures, in all probability, that he had at his disposal. If he was making up those figures to-day, at this minute, and he went back to the figures of 1909, he would have had available all the figures of 1910 and 1911; but it is manifest that a year ago he could not have gone back one or two years, because at the utmost he had only the figures of 1910. As I say, those figures are not issued, as a rule, until late in the spring.

Mr. REED. He certainly went back one year, and while the figures may not have been printed, the Senator will not say that the department is so far in arrears that he could not have had access to the figures of 1910 when he reported to the President.

Mr. LIPPITT. I think in all probability the expert took the figures that were in the reports published by the committee in regard to this schedule which were made up early last spring, and which were based, for the most part, on the figures of 1909, and that in reporting to the President he used the same sets of figures that had generally been used in the discussion of this subject in the House and in the Senate.

So when the Senator from North Carolina says that this expert made false statements, I do not think that is just exactly the expression that should be applied to him. Certainly if the application of this duty to the figures of 1909 are correctly enforced they are not in any sense false. It may be that the figures applied to the importations of some other year would give a different result, but that is an entirely different proposition from saying that the figures correctly applied to the importations of 1909 are false.

Mr. OVERMAN. Does the Senator think that a man would be doing his just duty to the President of the United States and his country in making a calculation upon the short ton instead of the long ton?

Mr. LIPPITT. Not if he did it willfully and if it should have been a long ton.

Mr. OVERMAN. Now, Mr. President——

Mr. LIPPITT. Excuse me. You asked me a question, and I should like to answer it.

Mr. OVERMAN. Very well.

Mr. LIPPITT. That is something I know nothing about in this particular case, and of course I can not answer that, because I had not had an opportunity to investigate and look it up.

Mr. OVERMAN. In answer to the Senator from Rhode Island, I will say the expert who made out this amendment for me had the facts before him, and he took them from the official documents, and the experts who have prepared these statements

took them from the same document; and if the Tariff Board did not have those prices that is another argument that they are unreliable experts and are not to be trusted.

I want to publish as a part of my remarks, at the proper place, what the President says in his message about the destruction of the revenue, and also as to the incorrect statements as to matters contained in the chemical amendment.

The PRESIDENT pro tempore. Without objection, permission is granted.

Mr. OVERMAN. The experts may all be wrong, but the President ought not to have been misled by the law itself, and he devotes most of his message to the statement that there will be a destruction of the revenues of the country, when, if he had turned over two or three pages, he would have found a provision which was put there as a guard against any measure that would destroy the revenues of the Government.

Mr. NEWLANDS. I should like to inquire whether this information was furnished to the President by the Tariff Board or by some outside expert. Can the Senator from Utah inform us?

Mr. SMOOT. I am not in possession of knowledge that would enable me to say from what source the President received that information. The only intimation I have ever received upon the subject has been received to-day, by the Senator from North Carolina, with respect to the sources from which the President received the information.

Mr. NEWLANDS. I would ask the Senator from North Carolina whether this information was furnished to the President by the Tariff Board, as a board, or furnished by some expert?

Mr. OVERMAN. I have no information as to that. I have heard that the man who made out the report is the same man who made the schedule for the Democratic minority. The Senator says so; I do not know. His name is Hernstein.

Mr. SMOOT. I do know that Mr. Hernstein was engaged by the minority members of the Senate Finance Committee for the purpose of going over the chemical schedule, and I know he was in communication with those interested in the chemical schedule and in defense of it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada has the floor.

Mr. NEWLANDS. I wish to proceed with my remarks.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. I will yield if the Senator merely wishes to ask me a question.

Mr. BORAH. Am I to understand that the same expert furnished different statements for the majority and the minority parties in the Senate?

Mr. SMOOT. I understand he was instrumental at least in defending the Democratic chemical bill that they presented to this body and which was defeated by the Senate.

Mr. BORAH. If that is true, I wonder if he could not be obtained to produce a statement for the bull moose party. [Laughter.]

Mr. BRISTOW. I understood the Senator from Nevada to inquire if this expert was employed by the Tariff Board or by the Treasury Department or in some other capacity.

Mr. OVERMAN. He was employed by the Tariff Board.

The PRESIDENT pro tempore. Senators will please address the Chair and get permission before interrupting the Senator entitled to the floor.

Mr. SMOOT. When the minority members employed Mr. Hernstein he was employed in the customs office at New York.

Mr. BRISTOW. And not by the Tariff Board?

Mr. SMOOT. He was not in the employ of the Tariff Board at that time.

Mr. OVERMAN. Not at that time, but I learn he was at the time when the President said he sent to the Tariff Board to get an expert; and he is the same man. They may have gotten rid of him after he made this statement.

Mr. BRISTOW. The result of the argument is that an incompetent, unreliable man is employed somewhere in the Government service. He ought to be gotten out. But I can not see that that is an objection to employing men who are competent to obtain information intended for Congress or for the President.

Mr. SMOOT. The Senator will understand——

The PRESIDENT pro tempore. The Senator from Nevada is entitled to the floor. To whom does he yield?

Mr. NEWLANDS. Mr. President, I wish to say that I made the inquiry regarding this expert, because I have personal knowledge of three of the members of this board. I have a very high opinion of them, and I was unwilling to believe that they could either intentionally or unintentionally be guilty of an imposition upon the President. It now appears that the expert relied upon was in the employ of the customs service in New York.

Mr. OVERMAN. No; not at that time.

Mr. NEWLANDS. He had been.

Mr. OVERMAN. He was the chemical expert for the Tariff Board when he made out this statement.

Mr. NEWLANDS. And that he was a chemical expert of the board at that time, and that he had been in the customs service in New York. Subsequently he was called upon for expert services by the Democratic minority.

Now, under those conditions, I am not inclined to hold the Tariff Board to any serious responsibility regarding this imposition upon the President, whether intentional or unintentional. I should like to ask the Senator from Wyoming whether the appropriation asked for or granted in the amendment in the sundry civil bill offered by the committee is the same as it was last year.

Mr. WARREN. I will say to the Senator from Nevada that it is exactly the amount.

Mr. NEWLANDS. Can the Senator state how many employees there are connected with the Tariff Board?

Mr. WARREN. The Tariff Board, as the Senator knows, has five members and a secretary, or had that number; and as to the employees, I think the number has varied up and down according to the work that was given it. For instance, when we in the sundry civil bill instructed that wool and woolens should be the first products reported upon, they sent experts abroad, and sent them all over the field in this country. When that work was completed, then that class of men were largely discharged and certain others hired. So I think they went all the way from half a dozen up to perhaps a hundred.

Mr. NEWLANDS. Mr. President, the question which we wish to consider is, it seems to me, entirely a nonpartisan one, and that is whether there is any necessity, in the first place, of having a board of experts to make inquiries regarding foreign and domestic production and trade, and give either the President or Congress, or both, information relating thereto; and in the second place, whether, having created an organization of this kind, now in existence for about three years, we should suddenly, when we are in the very midst of tariff revision and tariff reform, destroy that organization, discharge every employee, and leave the information which we have collected in the shape of statistics and reports to be scattered to the four winds, and the accumulated experience of such an organization to be unavailable in the future.

It seems to me that that is a nonpartisan question. The Democratic Party hopes to come into power at the next election. One of its first duties will be the revision of the tariff. The Democratic Party has never acted in a revision of the tariff without the aid of experts. The Democratic minority in this body has employed experts throughout this entire inquiry; has availed itself of Government experts, the experts of the customhouse of New York; has availed itself of the Tariff Board experts, recognizing the fact that these experts are for the most part scientists, statisticians—not partisans. If, then, the Democratic Party is to act in revision with the aid of experts, why destroy the accumulations that have been gained during the past few years? Why refuse to accept the benefit of the information and the experience that have been accumulated by this board and its employees during the past three years?

You may object to the personnel of the board—five members, three Republicans and two Democrats. Very well. If Wilson comes into power he can change the board in whole or in part, for they have no certain tenure of office. They are there at the pleasure of the President, and he can change them, and this change can be accomplished without entirely disorganizing the force of scientists, economists, and statisticians who have been engaged in this great work.

This Tariff Board has been an evolution. When we were framing the Payne-Aldrich bill we endeavored in the Senate to provide for a tariff board, and the provision had the support of some Democrats. The conference committee juggled with that provision and brought it back in its present state, making it a board advisory to the President with reference to the maximum and minimum clause of the tariff act, and we recall that when the conferees were questioned regarding the meaning of the changed provision the two great leaders of the Republican Party differed as to the interpretation which was to be put upon the conference report, Senator Hale absolutely insisting that the very purpose of the conferees was to do away with the tariff board which the Senate had in contemplation and Senator Aldrich contending, on the other hand, that the provision in the conference report was an enlargement of the powers originally imposed upon that board by the action of the Senate.

Mr. BACON. Will the Senator permit me to make an inquiry of him?

Mr. NEWLANDS. Certainly.

Mr. BACON. Does not the Senator think that this ought to be a board reporting to Congress?

Mr. NEWLANDS. Yes; I should be glad to have an amendment put in this appropriation bill to that effect.

Mr. BACON. The Senator will recall, if he will pardon me, that the original purpose of the board, if I recollect correctly, was to furnish the President with information under which he could correctly judge as to how he should proceed in the application of the new provision of law which provided for a maximum and a minimum tariff. I presume that it was almost entirely, if I recollect aright, limited to that; and there was the provision that they should report to the President. But if the office to be performed by this board is to gather information which will be an assistance in the enactment of tariff laws, then the board ought, undoubtedly, to report to and be subject to Congress.

Mr. NEWLANDS. Undoubtedly; it should be an administrative board.

Mr. BACON. I would suggest further, in response to a side suggestion to me of the Senator from Missouri, that the board ought to be provided for by law in such a way as not to be subjected to the arbitrary rule of the President.

Mr. SMITH of Georgia. It ought to be selected by Congress.

Mr. BACON. It ought either to be selected by Congress or there ought to be such a provision of law as that Congress should control the manner in which it would be selected.

Mr. NEWLANDS. As to the suggestion that the members of the board should be selected by Congress, I must say that I do not take kindly to it.

Mr. BACON. I do not wish myself to be understood as meaning that. I qualified it, the Senator will remember. The words were suggested by some Senators who sit around me, and I used them; but I qualified them. Of course, I do not think that Congress can go into an election, and that would be the only way in which Congress could elect anybody. I think the selection ought to be provided for by law. They are officers of the United States, and they ought to be nominated by the President and confirmed by the Senate, or some provision of that sort should be made.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. SIMMONS. I should like to inquire of the Senator from Georgia if he does not think that Congress could designate some of its Members to act as a tariff board?

Mr. BACON. Yes; by statute, undoubtedly.

Mr. SIMMONS. Those Members would not be paid a salary. They would do whatever they did in consideration of their salary as Senators, and they could employ the very men whom the President now employs on his so-called Tariff Board, or better ones. Then the investigation, instead of being made by an outside board, could be made by experts just as competent as the outside board, under the supervision and direction of members of the Finance Committee and members of the Ways and Means Committee. Congress undoubtedly could create such a board.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. I will first answer the Senator from North Carolina. I am not contending now as to the form of the board, as to who shall constitute the board, as to who shall appoint the board. I am simply contending that having a board with a large organization of experts, economists, and statisticians, and large accumulated experience and large information, it is not wise now to scatter and disorganize that organization, but that it is wise to perfect it. And when the Democratic Party comes into power, as we all believe it will, it can then turn to the question of the personnel of the board, as to whether it shall be made responsible both to Congress and the President, and also as to whether it shall be selected by the President or shall be a commission organized by Congress, consisting of Members of the Senate and the House. I will not pretend to enter into those questions now.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield further to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. SIMMONS. The Senator said that he would not consider the composition of the board. I suppose the Senator knows that when the board was originally created by a provision in the Payne-Aldrich bill it was created only for the purpose of aiding the President in the administration of the maximum and minimum clauses of that bill.

Mr. NEWLANDS. I had just stated that before the Senator came into the Chamber.

Mr. SIMMONS. The powers of the board have been somewhat enlarged by provisions in the sundry civil appropriation act. The Senator must know that the controversy in this Chamber over this tariff-commission question has been waged right around that subject, which he says he does not expect to consider at all, and that is the subject of the composition of the commission.

There are many Senators who oppose a tariff commission appointed by the President upon the ground that the chief function of such a board is securing information to aid the Congress in the discharge of its constitutional function to initiate and enact tariff legislation. A commission appointed for that specific purpose ought to be a commission under the control of the legislative branch and not a commission under the control of the executive branch.

That has been the ground of opposition to the present so-called Tariff Board. This opposition was not because it was thought information could not be secured by proper investigations with the aid of experts that would be of great benefit and value in the consideration and in the framing of tariff bills. It was because Senators were unwilling to turn over to the President the selection of the members of the board and to give him control over its investigations and reports. They thought that the board ought to be composed largely of the membership of this body and of the other branch of Congress, with power on their part to employ such expert assistance as they might need and report directly to Congress. In that way the legislative branch would retain the control of matters of legislation, instead of having them turned over, in part at least, to the executive branch of the Government.

Mr. NEWLANDS. Mr. President, I did not intend to treat lightly the suggestion of the Senator from North Carolina that the powers of a tariff board should be exercised by a joint commission composed of the Members of the Senate and the House. I simply thought it unnecessary to enter into a discussion of that question now, because, obviously, we have not the majority in this body and we have not the power to enact such a provision. But we have the power to preserve an organization which has large information and vast experience on this subject, the preservation of which I regard as of great value in future work relating to the revision of the tariff.

I will say, however, in passing, that I doubt very much whether the organization of a joint committee of Members of the Senate and House will accomplish the purpose that Congress will have in view when it enters upon legislation of this kind. We will then have a Democratic President. That Democratic President will have the power of recommendation and the power of veto. Through these powers he is a part, really, of the legislative department. We will trust him. He will be here summer and winter. The executive department will be moving on in its work, and will want this information not only for tariff making but with reference to all the questions that relate to foreign trade and domestic trade.

Experience has shown in the past that it is much better to leave the organization of such a board to the executive department, enjoining, however, upon it the duty to report to Congress. We did that in the exercise of the great powers conferred upon us by the Constitution to regulate commerce. We did not create an Interstate Commerce Commission out of the joint membership of the Senate and the House. We created an administrative and an advisory commission, and trusted to it certain functions in aid of our powers and prescribed the rules under which it should act. We have saved ourselves an immense amount of labor by that wise act of legislation. We have created an efficiency of regulations such as would not have been accomplished by the manner suggested by the Senator from North Carolina. The function of regulating commerce is just as important as the function of fixing duties.

Mr. SMITH of Arizona. They are very different, are they not?

Mr. NEWLANDS. Yes; they are different, but both of them belong to Congress. Yet in the case of commerce we have found it highly beneficial to create a commission appointed by the President, with the consent of the Senate. We have turned over to it the exercise of certain functions that belong to us, to be exercised under rules fixed by us.

Mr. President, is there anything that has been done by this board to cause us to lack confidence in it? Is there anything in the personnel of the board itself that arouses our distrust and our suspicion? At first it was a partisan board adminis-

tering the maximum and minimum provisions of the tariff. It was composed of three members, headed by a professor of economics at Yale, Prof. Emery, a man of the highest character and of broad attainments.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I do.

Mr. OVERMAN. I indorse everything the Senator says in reference to those gentlemen on the board. They are splendid men. But the Senator will remember in the Winona speech the President said the figures in regard to the maximum and minimum tariff should not be given out to anybody; that they were solely for his use. What benefit would that board be to Congress or to the people of the United States if the President is going to use the information they acquire for just his own use?

Mr. NEWLANDS. In making the appropriation we could prescribe that the information should be given to Congress.

Mr. OVERMAN. We could not get the figures if the President would not allow us to have them, and that is what he said at Winona in regard to the maximum and minimum tariff. He said they were for him and the public could not have them.

Mr. NEWLANDS. Mr. President, I do not know what the President said with reference to the subject at Winona, but I can imagine that as the law placed upon him the duty of ascertaining certain facts and making a decision upon those facts he might claim that under the law he was the repository of the information gained. But if in this appropriation we change the law so as to make the board responsible to Congress as well as to the President and give it the power of reporting and of recommendation, if you choose, to Congress, then when he signs that bill the law taking the place of the other law will make the board responsible to Congress itself.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. Let me suggest to the Senator that that law was changed in 1910 in the appropriation act extending the powers of the board and increasing the membership from three to five. The original bill, as suggested by the Senator, was for the purpose of furnishing to the President information relative to the maximum and minimum provision in the tariff act of August 5, 1909, but the next year there was an amendment made to the sundry civil appropriation act increasing the board from three to five, extending their powers, and specifically requiring them to make a report—

> Including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act, * * * and including the employment of such persons as may be required for those purposes.

Mr. NEWLANDS. Does it instruct them to report to Congress?

Mr. SMOOT. No; but it says——

Mr. NEWLANDS. Very well; that ought to be done.

Mr. SMOOT. It says:

> To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws.

Mr. OVERMAN. While the Senator is right about that, he will also bear in mind that we gave the President $100,000 for the purpose of ascertaining those facts; and what did he do with them? He gave them to the Secretary of State. He employed 8 or 10 officers. One of them gets $7,500, another $6,000, another $5,000, and so on. They took the $100,000 and used it in the establishment of a new bureau. Then it was that they came asking for a tariff board.

Mr. SMOOT. No; the Senator has not got it quite right. When we created the first tariff board in the act of August 5, 1909, we appropriated $75,000 for carrying on the work imposed upon the board.

Mr. OVERMAN. That is right.

Mr. SMOOT. I remember the $100,000 the Senator refers to. That was to be used in connection with the collection of information in regard to our foreign trade.

Mr. OVERMAN. In regard to the maximum and minimum tariff.

Mr. SMOOT. And as to the whole question of the production of goods abroad and in this country and the cost of the same.

Mr. OVERMAN. The Payne-Aldrich bill says that $100,000 is for the purpose of carrying out the provision of that bill in regard to the maximum and minimum tariff.

Mr. SMOOT. The $75,000 appropriation related to the first Tariff Board. That is the act of August 5, 1909, creating this board. They were to report to the President so as to enable him to enforce the maximum and minimum clause, and in order to do that the first appropriation was $75,000. Then the next year in the sundry civil appropriation act we appropriated $250,000 and enlarged the powers of that board, and increased it from three to five members, and gave it other duties to perform; and the following year we made an appropriation for the same board and for the same purposes.

Mr. OVERMAN. How much?

Mr. SMOOT. Two hundred and twenty-five thousand dollars.

Mr. WARREN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. As the Senator from Utah stated, in the first instance there was $75,000 appropriated in the general deficiency act. Next, there was $250,000 appropriated in the sundry civil act for 1911, with slightly different language as to powers and duties of the board. And last year there was $225,000 appropriated in the sundry civil act, and the language, after saying "An act to provide revenue, equalize duties, and so forth," according to the first act, says:

> And the officers of the Government in administering the customs laws—

Then it goes on to include the investigations to be made, and after that specifically states that—

> The Tariff Board, if established by law, shall make report to each House of Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

That is in the act itself, so that the findings of the Tariff Board must in reality be open to Congress and to all the officers of the Government.

Mr. NEWLANDS. But, at all events, if there is any doubt about that, it ought to be clearly expressed in the appropriation. The board should be responsible to Congress.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. In order that we may have something substantial to go on, I ask the Senator if he will permit me to offer at this stage a substitute for the proposed committee amendment, so that it may now be read. I do not flatter myself, Mr. President, that it is perfect by any means, but it may be a basis for something better.

The PRESIDENT pro tempore. The Senator from Georgia submits an amendment as a substitute for the committee amendment, which will be stated.

The SECRETARY. It is proposed to strike out the amendment of the committee and in lieu thereof to insert:

> To enable the Congress to secure needed information in the preparation of laws prescribing the duties to be levied upon imports through the employment of such persons as may be determined by the Finance Committee of the Senate and the Committee on Ways and Means of the House of Representatives to be required for such purpose, $225,000.

Mr. CRAWFORD. Does the Senator offer that as an amendment to the committee amendment or as a substitute?

Mr. BACON. Every substitute is an amendment.

Mr. CRAWFORD. I understand that; but it is quite a different thing to offer it as a substitute.

Mr. BACON. Of course it is to take the place of the amendment proposed by the committee.

Mr. CRAWFORD. I make that inquiry because it occurs to me that it might be a still greater improvement to retain the language used by the committee and incorporate the Senator's amendment with it.

Mr. BACON. The two are not consistent; we have got to have one or the other.

Mr. CRAWFORD. So long as we are paying for this information, it seems to me we might utilize it, not only for the benefit of Congress, but also for the benefit of the President.

Mr. BACON. Everything that is reported to Congress is published and the President has the advantage of it. There is no secret information that Congress has, except matters which relate to the executive business of the Senate.

Mr. WARREN. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Yes.

Mr. WARREN. As I understood, the proposed substitute is entirely different from the committee amendment, and provides for what we already have. We already have authorized and instructed the Finance Committee to spend the necessary money to secure the information needed by the committee.

Mr. NEWLANDS. Mr. President, what I desire to do is to keep together the existing organization and not to create a new organization. That is my present purpose, and it seems to me the wise thing to do. I am not going to declare myself now either for or against the suggestion of the Senator from Georgia. I do not think it is necessary to consider it now.

Mr. BACON. Will the Senator pardon me a moment?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Yes.

Mr. BACON. I entirely agree with the Senator about that, and had it in mind in the preparation of the amendment.

Mr. NEWLANDS. It says nothing about the existing organization of the Tariff Board.

Mr. BACON. Neither does the amendment proposed by the committee. There are no such offices known to the law. These gentlemen who now constitute the Tariff Board are simply employed by the President. That is the language of the law. They are not officers of the Government, and have no place except as employees of the Executive. My idea is that they should become employees under the provisions of law, to be selected by the committees of the two Houses, and, in so far as I am concerned, as I have said to my colleagues here in private conversation before offering the amendment, I think it important, if we are going to have the services of men employed in this capacity, that we should have those who have had the advantage of this very valuable experience; and, so far as I am personally concerned. I would desire that they should be retained; but there is nothing in the amendment proposed by the committee which retains them.

It simply authorizes the President to employ somebody, the supposition being that he will employ the men who have already been engaged in the work; but he is not obliged to do so. He can employ anybody he sees fit under the present law, and for as short a time or as long a time as the appropriation will permit.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. BRISTOW. I would suggest to the chairman of the committee and also to the Senator from Nevada the following amendment to the amendment to see if it would improve the paragraph: Add, after the sum $225,000 on line 4, page 3, the following:

Such officers shall report annually to Congress the results of their investigation.

That will require them to make an annual report to Congress as to what they do.

Mr. NEWLANDS. Well, Mr. President, the suggestions are valuable and no doubt will be thrashed out during the debate, but I wish to confine myself as far as possible to the question of the importance of holding together in some form this organization with its accumulated information and experience. I was speaking a moment ago regarding its personnel.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. NEWLANDS. I do.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Nevada why he thinks we need information as to the cost of production and the cost of materials in levying a tariff for revenue. Why should we not depend upon the imports of the United States, their magnitude, and their value when they get here? What have we to do with the cost of production in levying a tariff for revenue?

Mr. NEWLANDS. Mr. President, I will answer the Senator's question in a moment when I get through with the consideration of the personnel of the Tariff Board.

I referred to the chairman of the board, formerly a professor at Yale, not a decided partisan, according to my understanding. Then there are the two Democratic members, a selection which it seems to me ought to satisfy every Democrat of this body.

Those two Democrats are Prof. Page, professor of economics in the University of Virginia, an economist of distinction, and Mr. Howard, who served for nearly 20 years in the House of Representatives, many of whose associates are in this Chamber, all of whom will testify to his standing and character; a man who so impressed himself upon the party councils in the House of Representatives that he was listened to with a consideration and attention rarely accorded to other Members, and whose judicial quality was so high as to inspire the respect and the confidence of all the members of his party. I have only a slight acquaintance with Messrs. Sanders and Reynolds, and I am unable to speak regarding them; but here we have a majority of that board, the selection of whom reflects credit upon the President of the United States.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. I do.

Mr. REED. I do not desire to interrupt the Senator from Nevada except to elicit his views upon this question: What is there about these men, their experience or their intelligence, either taken separately or collectively, that makes their opinion of any more value than the opinion of the Members of the House of Representatives and of the Senate who have for years served upon the two great committees dealing with the tariff question?

Mr. NEWLANDS. Well, I am not disposed at all to assert that the judgment or opinion of those men is superior to that of the gentlemen to whom the Senator from Missouri has referred. I was simply commenting upon the fact that experts are necessary; they are used by both parties. Senators and Members of the House of Representatives on these great committees find it necessary to tap the experience and the information of experts upon these subjects. That is no admission of inferiority upon their part or of personal superiority upon the part of the experts.

Mr. REED. But, Mr. President, that is not the question; it is not the question of the value of experts who collect the information that I am considering. The Senator has been discussing the personnel of the board, and I am directing my interrogatory to that point, not to the experts who may be employed—for they might be employed by committees of Congress—but to the personnel of the board itself. Unless the intelligence, experience, or honesty of the members of that board are superior to that of the members of these great committees of Congress, then it strikes me you have simply created an utterly useless organization, because why have these men unless they are capable of advice? And they are not capable of advice unless they possess superior intelligence, honesty, or experience.

Mr. NEWLANDS. Well, Mr. President, I am not prepared to say that the employment of one man by another as an expert is an assertion of the latter's superiority in either intelligence or integrity. Otherwise all of us who employ the brains of others would be convicted of incapacity. We all know that the most successful men in the business world are those who learn how to use the brains of others; and in utilizing the brains of others they are asserting not their inferiority but their superiority. So it is with these experts. They are employees of the Government who have the time to make these inquiries while we have not. We all realize that Congress is overburdened; we have now been in almost continuous session for four years; we all realize that our duties are increasing—the duties of correspondence, the duties of our offices, and the necessity of securing clerical aid. We all realize that our committee duties are enlarging and that our legislative duties are enlarging, and if there is one thing that is necessary for us to establish, if it could be established, it would be a division of efficiency and economy in the Congress, just such as has been established in the executive departments.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Gladly.

Mr. BORAH. Does not the Senator also think that the board has the capacity to do something, and in that respect has the advantage over the Senate?

Mr. NEWLANDS. The board has the capacity to do something; it has the time to do something; it has the experience that is necessary to enable it to do something; but it is simply an administrative board, acting as the servant of Congress, and the employment of its services is no acknowledgment of inferiority on our part, but, on the other hand, is an assertion of superiority.

Mr. President, I was referring to the personnel of the Tariff Board, because we often hear this board referred to contemptuously. I have not heard it referred to in terms of contempt in this debate, but the memory hangs about me of contemptuous references to this board as an incapable board, an inefficient board, a board that was organized for misinformation. So I have entered upon the consideration of the personnel of the board, so far as I know it; and I say that it is a board that should not arouse distrust or suspicion, but, on the contrary, that it is a board that invokes confidence and respect.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. The Senator from Alabama [Mr. JOHNSTON]—if the Senator from Florida will permit me to answer

the inquiry of that Senator—inquires why it is necessary to get all this information about the cost of production abroad and the cost of production at home and all those various details referred to in this paragraph. I will admit that the Republican Party has established a wrong rule for the determination of the tariff, namely, that the duty should be fixed so as to cover the difference between the cost of production at home and abroad, with a profit to the manufacturer added; and, of course, the Republican Party being in power when this provision was made, shaped the law with reference to ascertaining the facts according to the rule that they intended to assert; and yet those facts are available and useful, even when we come to apply the rule which the Democratic Party proposes to apply.

Mr. BACON. Now, Mr. President——

Mr. NEWLANDS. The Democratic Party, if the Senator from Georgia will permit me to finish my answer, is committed to the doctrine of a tariff for revenue; it ignores the protective principle; it refuses to indorse the protective principle; but it realizes that protection exists to-day as a fact; that it has existed for generations; and that the industries of the country have been adjusted, in a greater or less degree, to the protective system. So, while the Democratic Party is devoted to the principle of a reduction of the tariff duties to a revenue basis, it declared, and wisely declared, in the platform of four years ago that the reduction should be a gradual one. Why gradual? Simply because it realizes that Uncle Sam, having climbed to a pinnacle, can not jump down.

If he propose to save his life, the thing to do is to slide down, and that is recognized in some form or the other in every Democratic platform which we have had for many years. We had the expression in the platform four years ago "a gradual reduction." We have in this platform the following statement:

> We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industries.

Now, then, in our inquiries are we not called upon to ascertain the facts as to whether a duty which we propose is to injure or to destroy an existing industry?

Mr. BACON. Now, Mr. President——

Mr. NEWLANDS. How are the industries to be injured or destroyed? Only in one way—by an increase of foreign importations. That is the only way.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. I had hardly finished my reply.

Mr. BACON. I beg the Senator's pardon; I will wait until he indicates that he will yield.

Mr. NEWLANDS. I was remarking that we must ascertain whether a reduction which we propose will injure or destroy any existing industry. Now, how are they to be injured and how are they to be destroyed? Only in one way—by an increase in foreign importations. That increase may be so gradual, as the result of the reduction of duties, as not to injure or impair any existing industry.

Mr. JOHNSTON of Alabama. Would we need any Tariff Board to ascertain what the imports are? We can get that information from a clerk in one of the departments.

Mr. NEWLANDS. Very well. If the Senator will make the importations the rule, if he will urge a law providing for a percentage reduction and providing for a cessation of the reduction when the importations of a given article increase beyond a certain percentage, then he will have a rule which can be worked. I have been urging that rule for years here, but I have not met with much response in the action of my brothers on this side of the House. I have insisted that the easiest and the best way was just to gauge the importations, make our reductions steadily by a certain percentage year after year, and then apply the brake whenever the importations were of such proportions as to threaten to impair or injure or destroy any American industry, as our platform says. If that could be done, we could perhaps do away with all these tariff boards, but there is no prospect of the Democratic Party establishing this highly sensible rule at present, though I hope it will sometime come to it.

Mr. REED. I understand the plan of the Senator from Nevada to begin by a reduction of a certain percentage each year?

Mr. NEWLANDS. Yes.

Mr. REED. Beginning with the present rates?

Mr. NEWLANDS. Yes.

Mr. REED. And taking off how much a year, 10 per cent?

Mr. NEWLANDS. Whatever percentage may be determined upon—10 per cent the first year, 5 per cent in succeeding years.

Mr. REED. If we are correct in our contention, for instance, that we pay 110 per cent duty on cheap blankets——

Mr. JOHNSTON of Alabama. One hundred and thirty-five per cent.

Mr. BACON. One hundred and sixty-five per cent.

Mr. REED. One hundred and sixty-five per cent. We will start with that. It is 165 per cent and you take off 10 per cent the first year——

Mr. NEWLANDS. That would be very unsatisfactory.

Mr. REED. And you make these gradual reductions; we would perpetuate the gross inequalities of the present tariff for all the way from 5, we will say, to 20 years, dependent upon the scale.

Mr. JOHNSTON of Alabama. Sixty years.

Mr. REED. Most of us would be dead before we would have these inequalities wiped out. I am not saying this in an unkindly criticism. I can see some philosophy on the part of the Senator's plan, but does he not think that before he begins to apply the rule of regulation, dependent upon the importations, we ought to begin by wiping out the enormities of the present system and by getting down to something like an equitable basis to start with?

Mr. NEWLANDS. My plan did not involve ignoring these excessive duties, these prohibitory duties. Nor did it prevent in any way the contemporaneous inquiry by Congress into these highly prohibitory duties and making reductions of a greater percentage than those called for by the general bill. But we have been trying for 40 years to reduce the tariff without result. Under the plan I suggest we would have an average reduction of 30 per cent in five years, and every prohibitory duty would be turned into a revenue duty. During this time we could gradually, without unduly disturbing either labor or wealth or creating serious economic disarrangements, increase income and inheritance taxes, and thus gradually shift a portion of the burden from consumption to wealth.

But right here let me say to the Senator from Alabama that if we pursue the rule fixed by our platform, and, in considering a duty of 100 per cent, we want to shave off the entire excess, which simply aids monopoly, and shave it off in such a way as to not to injure or destroy any American industry, then, necessarily, we must make an inquiry as to the cost of production at home and abroad, because otherwise we can not ascertain the exact level at which we shall shave off these excessive duties.

So that under any plan, under the plan of a gradual percentage reduction, such as I suggest, with the accompanying abolition of prohibitory and excessive duties, or a plan following simply the rule fixed in this platform, that we shall make these reductions in such a way as not to injure or destroy any legitimate industry, we must ascertain the facts.

Now, the question is whether each one of us is going to try to ascertain those facts individually or are we going to turn over the ascertainment of these facts to our committees or are we going to allow ourselves individually and our committees to avail themselves of the accumulated experience and information of experts upon this subject gained during the last three years of controversy?

Mr. BACON. I have several times risen, but only to say a word.

Mr. NEWLANDS. I am going to yield to the Senator from Georgia.

Mr. BACON. It would not have taken any time at all to have done so.

I simply want to call the attention of the Senator to the fact that the substitute which I have offered does not limit the inquiry in any manner to any particular investigation, except that it would have investigations which should have reference to the preparation of the tariff laws, and everything the Senator says can be done under this substitute as well as under the view the Senator from Alabama suggests. There is no limitation.

If the committees of the two Houses should wish to go into the question of production abroad as well as the quantity of importations, and the question of consumption at home and the question of production at home, all those matters are amply within the powers that would be conferred on the committee if this substitute were adopted.

Mr. NEWLANDS. I was simply answering the inquiry of the Senator from Alabama——

Mr. BACON. I understand that.

Mr. NEWLANDS. As to what necessity there was for an expert board; that our plain duty was to reduce the tariff——

Mr. BACON. I simply wanted to call attention to the fact that if this substitute should be adopted the views of the Senator from Nevada as well as the views of the Senator from Alabama would be in a position to be availed of and inquiries made in pursuance thereof.

Mr. NEWLANDS. I would rather have the provision offered by the Senator from Georgia than to have no legislation whatever on this subject; but I emphatically say that my main purpose is not to create now such a tariff board as we would like, because that is impossible considering the balance of the parties. We have not the control of this body that we probably will have after the 4th of March next. It would be impossible probably to adopt to-day the suggestion of the Senator from Georgia.

Then the question arises whether we shall absolutely wipe out this organization or keep it alive until the new President comes in and the new Senate, when, charged with responsibility by the people, we can reorganize this board according to our party views. That is all I have to say at present upon this subject. It was only my intention to speak for a few minutes, but there have been so many interruptions that I have advanced step by step and have taken much time. I regard this as a provision of importance, and I hope it can be amended in such a way as to disarm Democratic opposition. I hope the suggestion of the Senator from Kansas will be accepted. I would ask the Senator from Wyoming whether he will accept the amendment proposed by the Senator from Kansas?

Mr. BACON. That can not now be done.

Mr. BRISTOW. "Such officers shall report annually to Congress."

Mr. WARREN. I am willing to accept it.

Mr. NEWLANDS. I did not hear the statement of the Senator from Wyoming.

Mr. WARREN. So far as I am concerned, I will accept the amendment.

Mr. BACON. I want to suggest that it can not now be done. An amendment having been offered, the original amendment can not now be altered by the action of the Senate.

Mr. NEWLANDS. Can not the amendment be perfected?

The PRESIDENT pro tempore. The amendment to the text of the original amendment will again be stated.

The SECRETARY. Add, at the end of the committee amendment, the following:

Such officers shall report annually to Congress.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the substitute offered by the Senator from Georgia [Mr. BACON].

Mr. STONE. Is that subject to amendment?

Mr. BACON. Yes.

Mr. STONE. In what degree is that amendment?

Mr. BACON. I want to submit this suggestion, if the Chair will permit me, in response to the inquiry of the Senator from Missouri, that where there are two propositions, each of them a substantive proposition like an original proposition or a substitute, each is open to amendment, and then the parliamentary body chooses between the two after each has been perfected. The original has been perfected by the action of the Senate in adopting the amendment offered by the Senator from Kansas, and it is now competent to perfect the substitute offered by me. Then the matter will be before the Senate for decision and determination as to which it will adopt.

The PRESIDENT pro tempore. The Chair would so hold.

Mr. STONE. Mr. President, I do not care to detain the Senate to debate this question. I think any debate would in large measure be useless, so far as accomplishing results is concerned, and moreover it has been debated very fully from time to time in the past, and I think Senators here are quite well advised and that they have pretty well made up their opinion with respect to a tariff board or a tariff commission.

Personally I am opposed to a tariff commission or a tariff board. Two years ago the proposition was pending here to establish a permanent tariff commission. I stood on the floor of the Senate, in conjunction with two or three or four other Senators holding to views like mine, and opposed with all the energy I could the enactment of that law, and I think that opposition, protracted here in the Senate for hours and hours, running even into days——

Mr. OVERMAN. And nights.

Mr. STONE. Resulted in the final defeat of that measure. The President appointed an executive Tariff Board.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Yes.

Mr. NEWLANDS. The Senator will recall the fact that the bill originated in the House, and was supported in the House by Speaker CLARK and Mr. UNDERWOOD. It came to the Senate and passed the Senate. It went back to the House, and the filibuster was organized by men who were not on the Ways and Means Committee, but who were on the Appropriations Committee, and the result was that the bill failed because of want of time to act. I state that to show that eminent Democrats of the House favored that tariff bill at that time.

Mr. STONE. Some of the eminent Democrats of the House did. A majority of them did not favor it.

Mr. NEWLANDS. I do not recall what the vote showed, but I do not think a large number voted for it.

Mr. STONE. I do not think when the eminent Democrats named by the Senator from Nevada voted for that proposition in the House they reflected the majority sentiment of the Democrats over there. However, I do not care to comment on that phase. Later I shall probably do so.

I say, instead of having a permanent tariff board or tariff commission this so-called tariff board, and executive body composed of men appointed by the President, has been undertaking in a large measure to discharge the duties that the proposed tariff commission was expected to undertake. I think the tariff board, so called, has enlarged by its own action or its own initiative, no doubt with the consent of the Executive, the scope of its statutory authority. But however that may be, I am opposed to boards of that kind.

We have had this board now for three years, I think. This is the fourth appropriation to be made for its support. It has already cost the Treasury $555,000. Here we are proposing to appropriate $225,000 more, making $775,000, or thereabouts, expended for the support of this executive board, and, as the Senator from Arizona [Mr. SMITH] very pertinently asks me, for what? For what good? For what end? They have made one or two reports to the President and through him to Congress. They made an examination into some questions relating to the reciprocity agreement contracted between the President and the Secretary of State representing this Government and the Government of Canada. Very little attention was paid to it. They made a report here on wool and, it may be, one or two other items, but when they make reports they are not followed.

Mr. President, I do not believe in allowing the President of the United States to choose the agency through which information is to be gathered for the use of Congress in passing tariff laws when Congress itself can get the information at first hand. I would rather have the amendment offered by the Senator from Georgia than the one embodied in the bill. But I recall that a year or two ago, when this Tariff Commission proposition was up, hearing it discussed in the Finance Committee of the Senate. I think I am warranted in saying that the Democratic members of that committee were, so far as I recall, unanimous in the opinion that such a board ought not to be authorized, and they favored the policy of having a joint commission composed of Senators and Representatives, clothed with authority to make such inquiries as might be necessary and to employ such experts and clerical assistants as might be deemed advisable in prosecuting the inquiries, Congress having the whole thing in its own hands and doing the work through its own agencies, so that Congress might be advised, so that Congress might direct the course of the examination and stop it when they pleased and enlarge it at pleasure, and might direct the commission to ascertain what Congress wanted to find out, instead of turning loose a roving commission appointed by the President, composed of men who, so far as I know and am advised, are not endowed with any special fitness for the task imposed upon them.

You put a man on a board of this kind and say he is a tariff expert. What have these men done? What records have they made? What showing have they made that justifies a claim that they are specially qualified to carry on so important a work as this?

I prefer, if we are going to put anything in the bill at all, something such as I have hastily prepared here, even as against what the Senator from Georgia has suggested. I will read it, and I think I will submit it to the Senate:

To enable the Congress to secure information to assist it in the enactment of laws prescribing customs duties on imports and to assist the officers of the Government in administering the customs laws, a commission, to be composed of five Senators, to be selected by the Finance Committee, and five Representatives, to be selected by the Ways and Means Committee, is hereby created and authorized to employ such expert and clerical assistants as said commission may deem necessary, and to enable said commission to do any and all things deemed necessary in connection therewith, $100,000.

That is enough.

Mr. BACON. I will say to the Senator that as to his suggestion for the appointment of the commission to be selected from the membership of those two committees, while I think myself it would be better that the full committees of the two Houses should be charged with the responsibility, I would not

make any opposition to the change if it is deemed best. I quite agree with the Senator as to the amount of the appropriation. I will say to him very frankly that the amendment which I read was written very hurriedly, and the appropriation was simply taken from the bill, the main thought in my mind at the time being to transfer the matter from executive employees to the employees of the committees of Congress especially charged with the work.

Therefore I am perfectly willing that the matter shall be modified as suggested by the Senator from Missouri, if it is the general opinion that that is the better course. I am not wedded at all to what I proposed. As Senators will probably recall, when I offered my amendment I said that I did not flatter myself that it was perfect, but it furnished a basis upon which the Senate could act.

Mr. STONE. Nor had I flattered myself that this is perfect. It was drawn hastily. Would the Senator be willing to accept this as a modification of his amendment?

Mr. BACON. Certainly.

The PRESIDENT pro tempore. Does the Senator from Georgia withdraw his amendment?

Mr. BACON. No; I do not withdraw it. I consent to modify it to that extent. I simply agree that my amendment may be modified so that it will read as suggested by the Senator from Missouri.

Mr. SMOOT. Mr. President, I simply wish to suggest to the Senator from Missouri that the Finance Committee of the Senate has the authority to-day that is embodied in the amendment offered by him, and the Ways and Means Committee of the House has equal authority in the House. I do not see any reason for action on the resolution. It takes five members of the Ways and Means Committee of the House and five members of the Finance Committee of the Senate, and gives them the power that the whole committee of each House has to-day. The committees of the two Houses have the power to do just what the amendment proposes.

Mr. STONE. They get that power from resolutions.

Mr. SMOOT. They get the power from a resolution of the Senate and a resolution of the House.

Mr. STONE. The resolution passed by the Senate authorizes the Finance Committee to summon witnesses and make investigations. A like proceeding is authorized by the Ways and Means Committee under the House resolution. But here is a proposition to authorize a joint committee of the two Houses, with a distinct appropriation of $100,000, to employ experts and such assistants as this legislative commission may deem necessary to them in prosecuting inquiries. There would be a saving of $125,000 and possibly more. I really think $75,000 would be ample.

Mr. SMOOT. Of course, Mr. President, the Senator understands that the members of the Finance Committee, and also the members of the Ways and Means Committee, have numerous other duties, and I do not believe if this duty were imposed upon them they could work at it continuously. In fact, it would be impossible to do so. To-day, if there is any information in any part of the world that the Finance Committee desire, they have the power and authority to gather it in any legitimate way, and an appropriation to cover the expense, whether it be only $10,000 or whether it be $100,000. They are authorized to collect whatever information they desire, and that, I understand, is all that the amendment now proposed provides.

Mr. SIMMONS. With the permission of the Senator from Missouri——

Mr. STONE. If my friend will pardon me, I have really said all I care to say, and I will yield the floor to the Senator from North Carolina.

Mr. SIMMONS. Then I will interrupt the Senator from Utah. It was in reference to the Senator's statement that I wish to make some observations. I understood the Senator to insist that the Committee on Finance of the Senate and the Committee on Ways and Means of the House have the power to do these things now. Possibly that may be true. That is to say, each of these committees may spend any reasonable sum of money out of the contingent funds of the Senate and House for the purpose of securing information to aid them when they are actually engaged in the preparation or consideration of tariff legislation.

I did not understand that the purpose of the amendment offered by the Senator from Georgia or the Senator from Missouri was quite as limited and restricted as that. I understood that the purpose of their amendments was to create a commission with authority to acquire general information with respect to tariff matters.

Mr. SMOOT. That is as I understand it.

Mr. SIMMONS. Now, the Senator says that the members of these two committees who may be assigned as members of this commission would not have the time to give to the investigation of these questions, nor is it intended, as I understand it, that these commissioners should make these investigations. If I understand the purport of the amendment or the substitute it is to create a commission and place that commission, with respect to these tariff investigations, exactly in the position which the President occupies in the provision of law applicable to that subject now.

Mr. SMOOT. Then let me ask the Senator——

Mr. SIMMONS. The President is not expected to make these investigations. The President is simply authorized by the provision creating the board in the Payne-Aldrich Act and by the enlargement made by the provision in the sundry civil act to employ experts or any other persons whom he may see fit to secure this information and report to him. Now, the commission which it is proposed to raise is no more expected, as I take it, to make those investigations itself than the President under the present law is expected to make these investigations. The commission is raised for the purpose of doing this work through experts such as it may see fit to employ, and when these experts have gathered the information then that is submitted to the commission and the commission collates it; the commission reaches conclusions from it; the commission makes recommendations; but the commission itself is not expected to make these investigations.

Mr. SMOOT. Mr. President, I realize, as does the Senator, that the President makes no investigations; but I can not see why we should take five members of the Finance Committee of the Senate and five members of the Ways and Means Committee of the House and create a commission for them to do exactly what either of the full committees have the power to do to-day.

Mr. STONE. If the Senator will pardon me, not necessarily five members of the Finance Committee or necessarily five members of the Ways and Means Committee, but five Members who will be suggested by these committees for appointment. They may come from the body of the Senate and the body of the House.

Mr. SMITH of Georgia. Will the Senator from Utah allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Suppose the original amendment of my colleague was passed providing that the Finance Committee of the Senate and the Ways and Means Committee of the House, the two committees that represent the respective bodies in the study and preparation of these bills, should furnish us reports, and it was left to those committees to organize a commission and put it to work directly under the control of and reporting immediately to the two committees from the two Houses on whom the work of legislation primarily depends, would not that really be the most effective way to help to conduct this work?

Mr. SMOOT. My opinion is that it would not, for the reason that, if the Finance Committee of the Senate, with the Ways and Means Committee of the House, created a commission or a board, it is more than likely that the members of either of the committees would not go into the investigation and study of any report made to them by such a commission or board, as they would be responsible for the appointment of the personnel of the commission or board, whereas if the President appoints a board or a commission and they collect the information, every member of the committees of both Houses would study it with a great deal more care than if the report came from a commission created by the two committees. I think it very much better to allow the board to be created by the President than by a committee of the Senate and a committee of the House and have them report to the House and the Senate the findings of the board or commission appointed by them.

Mr. SHIVELY. Before the Senator takes his seat, permit me to ask whether he is to be understood as saying that the Committee on Ways and Means of the House is now fully equipped to secure all the information that could be secured by the body suggested and created by the amendments of the Senator from Georgia as modified by the amendment of the Senator from Missouri?

Mr. SMOOT. I do.

Mr. SHIVELY. And that the Committee on Finance of the Senate is fully equipped to secure like expert information?

Mr. SMOOT. Fully authorized.

Mr. SHIVELY. Fully authorized to secure it, and equipped, is it not?

Mr. SMOOT. Yes; I will say equipped, although I do not believe it has the time to give it that is necessary.

Mr. SHIVELY. Has the Senator any doubt about the equipment of the committee?

Mr. SMOOT. I think so.

Mr. SHIVELY. It is fully equipped to secure all necessary information to do intelligent work on tariff questions.

Mr. SMOOT. I think so.

Mr. SHIVELY. Then what is the necessity to provide at all for this Tariff Board?

Mr. SMOOT. I have just explained one consideration. I think we could get better results by having the board appointed by the President.

Mr. SHIVELY. Does the Senator from Utah mean to say to the Senate that information coming from the President is a different thing from the information coming from his own committee?

Mr. SMOOT. Oh, no; that is not the ground that I put it upon, Mr. President. I put it upon the ground that if a commission were appointed by two of the great committees of Congress to make a report to Congress, I do not believe that study will be given to the subject and the investigation made into it that would be made if a commission were appointed by the President to report information to be used by Congress.

Mr. SHIVELY. I should like for the Senator to give the Senate some reason for that conclusion.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. BRISTOW. I should like to make a suggestion to the Senator from Indiana.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. SHIVELY. Yes.

Mr. BRISTOW. If the Senator from Indiana has examined the report of the Tariff Board on the wool industry he will certainly concede that it is a very valuable and complete report, and that anyone who is interested in legislation affecting the wool tariff will get a great deal of very valuable information from it. If Congress has not availed itself of the information which has been furnished, the criticism is on Congress and not on the Tariff Board.

Any investigation made by a commission of this kind will be nonpartisan, while an investigation by a committee of Congress will be colored according to the politics of a majority of the committee. It seems to me that if we want unbiased information in regard to matters upon which we are to legislate the best way to get it is through a tariff commission. I think that the experience we have had with the Tariff Board demonstrates that to be a fact.

Mr. SHIVELY. Mr. President, the Senator from Indiana begs to say to the Senator from Kansas that he has examined the series of volumes of information submitted by the Tariff Board on the wool question, and he finds that the conclusions of that Tariff Board in one important respect are just such conclusions as any Senator must have come to on the examination of the question himself, or on reflection without special examination.

The Senator from Kansas seems to think that the mere source of the appointment or the creation of a tariff board is to determine all questions to their bias on the tariff. Any man who may be appointed on a board will have some sort of politics. Be he a Republican, a Democrat, a Progressive, a Prohibitionist, a Socialist, or a Bull Moose man, he comes to his task with his own peculiar views on the tariff. The issue is distinctly partisan. No act of Congress, no resolution we can adopt, can refine away the predilections and biases which the appointee may have. It is straining a point to say that because a board is created by Congress its information can not be regarded as reliable, while the information of a board composed by the Executive is for that reason reliable. The Senator speaks of the report on wool and woolens. I note that among the conclusions found by the board is that out of 167 different labor costs it was found that in the establishments paying the highest wages the labor cost was lowest, and in the establishments paying the lowest wages the labor cost was highest.

Mr. SMOOT. Mr. President, that proves nothing——

Mr. SHIVELY. These were conclusions arrived at by the board. They do prove a great deal; there is no question about it, and yet the observation of every man who has given any real study to the question and noted the plain facts in it leads him to the same conclusion. Of course, the report is useful to the man who has no information and has sought none from other sources; and yet I believe the Senator from Kansas was sent here because it was thought he was well equipped to look into this question and determine for himself the facts about it. There are nearly 400 Representatives in the other House, each of whom was willing that his constituents should believe him to have special equipment on the tariff and to be able to arrive at intelligent conclusions. As has been suggested there is nothing in the appointments which have been made to the Tariff Board indicating that the appointees have peculiar capacity and special ability for the functions assigned to them by the act creating the board.

But I am not criticizing the personnel of the board. They were selected by the President for reasons sufficient to the President and in pursuance of a certain theory of how a tariff should be made. My criticism goes to the unsoundness of the theory and the essentially doubtful character of the information assembled by the board to be used in carrying it out. The fact is that so long as our tariffs are organized with primary reference to private enterprise rather than to Federal revenue the beneficiaries of the dutiable schedules are the natural sources of information as to what duties are necessary to render their enterprises profitable. Each knows the secrets of his own business. In the past, in hundreds of instances, men in protected lines of business have themselves written their own tariffs. This has been the rule rather than the exception. Now, you appoint a tariff board and proceed on the theory that in a brief time this appointed body will know as much about everybody's business affected by the dutiable schedules as each beneficiary or victim of the schedules knows about his own business. The result is that the portion of information reported that can be relied on is fully available from other governmental sources, and the rest is derived from sources uncertain, doubtful, and unreliable.

You proceed on the theory that you can ascertain the difference of cost at home and abroad and fix this difference as the scientific basis of tariff rates, as if to abolish the only incentive to or advantage of trade anywhere. So far as our country is concerned, the investigations by the Tariff Board only show what every thoughtful man already knew—that there are about as many different farm-product costs as there are farms, as many different factory-product costs as there are factories, and as many different mine-product costs as there are mines. In many industries the costs vary from year to year, and in not a few from month to month.

Of course, we must have information. But you go on the theory that the creation of a tariff board by Congress, the selection and appointment of its members by the President, their confirmation by the Senate, and the issue to them of commissions endow the members of the board with omniscience to report reliable information where the very nature of the subject precludes scientific accuracy.

Mr. BRISTOW. Mr. President, the Senator from Indiana is entirely mistaken if he thinks that I believe that any board is as highly equipped as he indicates so as to be omniscient; but I must say—and I think the Senator will agree with me—that what we want in studying any question is information.

The Senator refers to the conclusions which the Tariff Board has drawn. Those conclusions may be justified and they may not be justified; those conclusions may be the same as would be the conclusions of the Senator from Indiana, or they may be different. We are not supposed to be controlled by the conclusions or opinions of the members of the Tariff Board, but we are supposed to welcome any information which intelligent men, organized and equipped for the purpose of securing that information, can furnish us.

The Senator indicates that we are sent here to legislate; I entirely agree with him as to that, but certainly the Senator does not expect every Senator or every Member of the other House to procure detailed information in regard to every bill that is presented and to try to ascertain all the detailed facts. We must, in a great many instances, depend upon the information that is compiled by officials of the United States Government.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. SHIVELY. While I believe the report of the Tariff Board refers to those statements as conclusions, it is technically incorrect to call them conclusions. They are really statements of fact. As to the difference of cost, in 167 different institutions, which were subjected to the examination, they report that those institutions in which the highest wages were paid show the lowest labor cost of the product, and that those institutions in which the lowest wages were paid show the highest labor cost of the product.

Mr. BRISTOW. I agree with the Senator that the report of the board shows a wide diversity of conditions in various manu-

facturing enterprises in various countries, but certainly the Senator can not claim that the knowledge of this diversity of conditions everywhere is not valuable to a Senator or Member of the other House who is called upon to legislate upon a matter that is controlled or influenced to a certain degree by those conditions. It seems to me, when we say we do not want a board to be created for the purpose of securing information that will be of value to us in determining public questions, that we are taking a very strange position for men who are called upon and whose duties require them to legislate in behalf of a great Nation.

Mr. SHIVELY. Mr. President, one of the difficulties confronting the Senate on a question like the one now before it is that the moment an appropriation is suggested for the purpose of securing information we are expected to promptly vote any amount called for without reference to the present existence of ample facilities to secure the same information provided and maintained at heavy expense to the Government. No Senator wishes to close any avenue to needful and useful information. The Senator ignores the fact of our present means of information outside of the Tariff Board. There is the Department of Commerce and Labor. It is equipped with a series of bureaus. We are appropriating over $20,000,000 a year for this department. It has its large supply of special agents. Then there is our Consular Service, with its officials in every city and town of any considerable size in every foreign country. If the kind of information to which the Senator has referred is necessary to intelligent tariff legislation, the machinery to procure it is at hand in so far as such information is procurable by any agency whatever.

But to return to the point I was discussing when interrupted by the Senator, when every resource shall have been exhausted to assemble the infinite variety of costs in our own country, the problem of the difference between cost at home and abroad is still unsolved. The same variety of costs exists in each line of industry abroad as in our own country. Our Government confessedly possesses no inquisitorial power whatever to compel a foreign farm, factory, or mine owner to exhibit his cost sheets or admit us in any other way to the secret of the cost of his product. Will he be likely to rush forward to furnish information on which to have a tariff framed against him? If anyone can procure this information, the consul can do it. If the information is refused, no tariff board can secure it. If it be secured at all, it will disclose the same wide variety and fluctuations of costs that characterize industry in our own country and make so-called differences of costs a farcical basis of tariff legislation.

The difference between the cost of product as between home and abroad is impossible of accurate official ascertainment. The final conclusive and only accurate test of ability to compete is shown in the market, not on the farm or in the factory or mine. No, it is not a question of providing suitable information. It is a question of appropriating $225,000 to secure information which in so far as it is available at all is already at the command of the Government, if the existing agencies of the Government are exerted to this end.

Mr. BRISTOW. Mr. President, I should like to ask the Senator if he does not think that the Tariff Board's report on Schedule K presents the most elaborate investigation of that subject that has ever been submitted to the American Congress?

Mr. SHIVELY. Why, certainly, it is elaborate. The board could have multiplied its volumes by five and it would have appeared still larger and have been more elaborate.

Mr. BRISTOW. Well, I do not know as to that; I doubt whether five more volumes would have been any more valuable than the five we have; but certainly it seems to me that we have more reliable and more extensive information than we ever had before, and, I think, are better prepared to legislate on that question than any Congress that has preceded us. I should like for the Tariff Board to be continued, so that we could have information equally as accurate and extensive in regard to every schedule of the tariff bill.

Mr. SHIVELY. If the Senator please, they found 167 different labor costs in a single industry.

Mr. BRISTOW. Well, that is a condition that we have no control over. They report the facts. Is it not important that we should know what the facts are?

Mr. SHIVELY. True, they report the facts as they found them. You say you want these facts as the basis of tariff legislation?

Mr. BRISTOW. It is necessary information to have, in order to legislate intelligently.

Mr. SHIVELY. How would you legislate on tariff rates, with reference to 167 different labor costs in a single industry?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. SHIVELY. I think the Senator from Indiana had the floor to start with.

The PRESIDENT pro tempore. The Chair will correct himself. The Senator from Indiana did have the floor. Does the Senator from Indiana yield to the Senator from Utah?

Mr. SHIVELY. I do.

Mr. SMOOT. Mr. President, I was merely going to ask the Senator from Indiana a question. He makes the statement that the Tariff Board reported as to 167 different labor costs. That upon its face ought to be qualified, for the board makes the statement that, taking 167 institutions into consideration, the results showed that high-priced labor makes the lowest-priced goods; but the reason of that was that the 167 institutions have the best-equipped mills in the world. Of course a mill that is equipped with all the modern machinery, running at the highest possible speed, with every improvement that can possibly be made in the manufacture of woolen goods can produce goods cheaper than a mill that is not so equipped.

Mr. SHIVELY. That raises many questions going to the very merits of the whole tariff controversy.

Mr. SMOOT. It certainly does, and it is the very purpose——

Mr. SHIVELY. Do you arrange your tariffs with reference to sloth, indifference, and inefficiency or with some reference to energy, enterprise, and efficiency?

Mr. SMOOT. Mr. President, no one even intimated such a thing, but in the making of tariffs we ought to have the information. We ought to have the information of what it costs in the best mills in the world to make goods; then the Senator from Indiana and every other Senator may use his own discretion as to what the rate should be.

Mr. SHIVELY. That, of course, is assuming again that information, so far as procurable at all, is not available without this appropriation, all of which I deny.

Mr. BORAH. Mr. President——

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

Mr. SHIVELY. I do.

Mr. BORAH. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 10 o'clock.

Mr. SMOOT. I suggest the Senator make the hour a little later.

Mr. BORAH. I am not asking for an adjournment; I am asking that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

Mr. SIMMONS. Mr. President, I know——

The PRESIDENT pro tempore. The question is not debatable.

Mr. SIMMONS. I understand that, but I desire to make a suggestion to the Senator. The Finance Committee is to hold a meeting to-morrow morning at 10 o'clock.

Mr. SMOOT. Yes; we have a meeting at 10 o'clock to-morrow morning. I suggest to the Senator from Idaho that he make the hour 11 o'clock.

Mr. SIMMONS. We are to have at that time a very important meeting, I understand. The chairman of the Finance Committee has been absent for some little time, and we have been waiting upon him to return in order to have a meeting. He has returned, and I understand has called a meeting of the committee for 10 o'clock to-morrow.

Mr. BORAH. Well, Mr. President, I will withdraw my motion with the understanding that I am going to insist from this time on that we meet at 10 o'clock, and if that is not done it will be because the Senate votes against meeting at 10 o'clock.

The PRESIDENT pro tempore. The motion is withdrawn.

Mr. WARREN. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] has submitted a substitute for the committee amendment. The Senator from Missouri proposes to modify that substitute. The substitute as proposed to be modified will be stated by the Secretary.

The Secretary read as follows:

To enable the Congress to secure needed information to assist it in the enactment of laws prescribing customs duties to be levied on imports and to assist the officers of the Government in administering the customs laws a commission, to be composed of five Senators to be selected by the Finance Committee of the Senate and five Representatives to be selected by the Ways and Means Committee of the House of Representatives, is hereby created and is hereby authorized

to employ such expert and clerical assistance as said commission may deem necessary, and to enable said commission to do any and all things deemed necessary in connection therewith, $100,000.

Mr. WARREN. Mr. President, I understand that is offered in the nature of a substitute.

The PRESIDENT pro tempore. The Chair can not entertain two substitutes at one time.

Mr. BACON. Mr. President, I simply said I would agree to the modification of the substitute I offered, so that it will read as it has just been stated at the desk.

The PRESIDENT pro tempore. The Senator from Georgia accepts the modification.

Mr. WARREN. I understand, then, the Senator from Georgia accepts the amendment which has been read in place of the one offered by him.

Mr. BACON. I do so, I desire to say, because I am willing to yield my judgment to that of others. I would prefer the original, but I will, for the purpose of meeting the views of others, accept that modification.

The PRESIDENT pro tempore. The question is on agreeing to the substitute which has just been read.

Mr. WARREN. I hope it may not carry.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the Senator from Maryland [Mr. SMITH] and will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], who is absent. Were I permitted to vote, I should vote "nay." I withhold my vote.

Mr. REED. I understand the Senator from Michigan [Mr. SMITH] is absent. During his absence I have a sort of understanding with him that I will not vote. I regard that as a pair. I transfer the pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. SMOOT (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber. He has a pair with the Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent. I transfer the pair to the Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer the pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. DILLINGHAM. I desire to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote, as I have a general pair with that Senator.

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER]. I transfer the pair to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I have been requested to announce that the junior Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. LODGE. My colleague [Mr. CRANE] is unavoidably absent from the city. He stands paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "nay."

I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN].

The Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] with the Senator from Kentucky [Mr. PAYNTER].

Mr. SHIVELY. I wish to announce the pair of my colleague [Mr. KERN] with the junior Senator from Tennessee [Mr. SANDERS].

The result was announced—yeas 21, nays 31, as follows:

YEAS—21.

Ashurst	Johnston, Ala.	Pomerene	Smith, S. C.
Bacon	Martin, Va.	Reed	Stone
Bankhead	Martine, N. J.	Shively	Swanson
Chamberlain	Myers	Simmons	
Fletcher	Overman	Smith, Ariz.	
Johnson, Me.	Percy	Smith, Ga.	

NAYS—31.

Borah	Crawford	Lodge	Poindexter
Bradley	Cullom	McCumber	Smoot
Brandegee	Fall	McLean	Stephenson
Bristow	Gallinger	Massey	Sutherland
Burnham	Gronna	Nelson	Thornton
Burton	Heyburn	Oliver	Warren
Catron	Jones	Page	Works
Clark, Wyo.	Kenyon	Perkins	

NOT VOTING—42.

Bailey	Curtis	Kern	Root
Bourne	Davis	La Follette	Sanders
Briggs	Dillingham	Lea	Smith, Md.
Brown	Dixon	Lippitt	Smith, Mich.
Bryan	du Pont	Newlands	Tillman
Chilton	Foster	O'Gorman	Townsend
Clapp	Gamble	Owen	Watson
Clarke, Ark.	Gardner	Paynter	Wetmore
Crane	Gore	Penrose	Williams
Culberson	Guggenheim	Rayner	
Cummins	Hitchcock	Richardson	

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So Mr. BACON's substitute was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. STONE. I wish to offer an amendment, at the end of line 4, on page 3, to strike out "$225,000" and insert "$100,000," so as to read $100,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I transfer my pair with the Senator from Maryland [Mr. RAYNER] to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I make the same transfer as announced on the last roll call and will vote. I vote "yea."

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). Observing that my pair, the senior Senator from South Carolina [Mr. TILLMAN] is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Maryland [Mr. SMITH] and will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I again announce my pair with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. REED (when his name was called). I make the same announcement that I made when my name was called a few moments ago, and transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Florida [Mr. BRYAN]. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], which I transfer to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the same arrangement for the transfer of pairs, I will vote. I vote "yea."

Mr. WETMORE (when his name was called). I make the same announcement that I did on the previous roll call. Were I at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. PERCY. My colleague [Mr. WILLIAMS] is unavoidably absent. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. LODGE. I desire to make the same announcement that I did on the former roll call. My colleague [Mr. CRANE] stands paired with the Senator from Oklahoma [Mr. GORE]. If present, my colleague would vote "yea."

Mr. SMITH of Michigan. I should like to inquire whether the junior Senator from Missouri [Mr. REED] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has voted, having transferred his pair.

Mr. SMITH of Michigan. I am paired with the junior Senator from Florida [Mr. BRYAN]. If he were present, I should vote "yea."

Mr. BRADLEY (after having voted in the affirmative). I transferred my pair to the Senator from Michigan [Mr. TOWNSEND]. As he has come in and voted, I now withdraw my vote, but announce that if I were at liberty to vote I should vote "yea."

Mr. SMITH of Michigan. Under the rule I feel at liberty to vote. I have no regular pair with the Senator from Florida [Mr. BRYAN].

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. SMITH of Michigan, and he voted "yea."

The result was announced—yeas 34, nays 20, as follows:

YEAS—34.

Borah	Cullom	McLean	Smoot
Brandegee	Fall	Massey	Stephenson
Bristow	Gallinger	Nelson	Sutherland
Burnham	Gronna	Newlands	Thornton
Burton	Heyburn	Oliver	Townsend
Catron	Jones	Page	Warren
Chamberlain	Kenyon	Perkins	Works
Clark, Wyo.	Lodge	Poindexter	
Crawford	McCumber	Smith, Mich.	

NAYS—20.

Ashurst	Johnston, Ala.	Percy	Smith, Ariz.
Bacon	Martin, Va.	Pomerene	Smith, Ga.
Bankhead	Martine, N. J.	Reed	Smith, S. C.
Fletcher	Myers	Shively	Stone
Johnson, Me.	Overman	Simmons	Swanson

NOT VOTING—40.

Bailey	Culberson	Gore	Penrose
Bourne	Cummins	Guggenheim	Rayner
Bradley	Curtis	Hitchcock	Richardson
Briggs	Davis	Kern	Root
Brown	Dillingham	La Follette	Sanders
Bryan	Dixon	Lea	Smith, Md.
Chilton	du Pont	Lippitt	Tillman
Clapp	Foster	O'Gorman	Watson
Clarke, Ark.	Gamble	Owen	Wetmore
Crane	Gardner	Paynter	Williams

(114)

So the committee amendment as amended was agreed to

Mr. WARREN. There is a committee amendment, on page 2, line 13, to strike out the two words "rates of" and insert the article "a."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 13, before the word "compensation," strike out the words "rates of" and insert "a."

The amendment was agreed to.

Mr. WARREN. The next amendment that we passed over is on page 105.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, lines 7 to 12, as amended, the paragraph reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. [Putting the question.] The ayes appear to have it.

Mr. REED. I ask for a roll call.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The ayes have it, and the amendment as amended is agreed to.

Mr. WARREN. The next amendment is, on page 125, under the heading "Miscellaneous objects, Department of Justice." I wish to say particularly to the Senator from Georgia [Mr. SMITH] that I am not certain whether he has had a conference with my colleague on the committee, the Senator from Texas [Mr. CULBERSON]——

Mr. SMITH of Georgia. No.

Mr. WARREN. Whether he wishes both amendments made, and to let them both go to the conferees, or to offer his own amendment.

Mr. SMITH of Georgia. My suggestion would be that where the time limit is placed at two years for the employment of anyone retiring from the department, it might well be reduced to six months. Then, with that amendment inserted reducing the time limit to six months, and the amendment offered by the Senator from Texas, the amendment which I suggest to follow immediately after, I think it would relieve——

Mr. WARREN. I much prefer that the Senator's amendment, as he has shown it to me this morning, would go in about line 6.

Mr. SMITH of Georgia. I have tried to fix it at that part of the paragraph, but you will find that it cuts off the language following, and read, then, as a whole, it renders the language confusing. If placed at the conclusion of all the language, it is perfectly clear and does not prevent that which precedes from being clear.

Mr. WARREN. As I understand the Senator, then, he proposes to leave the part stricken out and to insert the other matter.

Mr. SMITH of Georgia. No; I would leave the entire language as it came from the House, changed only by striking out the term "two years" and inserting "six months" as the length of time for employment in the department that outside employment may be had, followed with the amendment of the Senator from Texas, which I suggest be read by the Secretary. It follows immediately after the amendment which I offered.

Mr. WARREN. I suggest, if agreeable, that the Secretary read the whole paragraph as it would read if amended.

Mr. SMITH of Georgia. Yes; as it would read if amended, reading "six months" instead of "two years." I think these amendments relieve the provision as it came from the House of its objectionable features and preserve what is good in it, and also guard against the danger suggested by the Attorney General.

Mr. WARREN. The Senator does not object to having the paragraph read as it would read if amended, so that Senators may understand it?

Mr. SMITH of Georgia. Not at all.

The PRESIDENT pro tempore. The paragraph will be read as it would read if the amendments submitted by the Senator from Georgia should be agreed to.

The Secretary read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits and claims against the United States, detection and prosecution of crime; defense in Indian depredation claims; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General for the United States courts and their officers; shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, who within six months next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States

Government, or any department thereof: *Provided*, That this inhibition shall not apply except in cases where the persons appointed, designated, employed, or paid shall have previously rendered service in connection with the same subject matter: *And provided further*, That nothing in the foregoing provision shall prevent a person who holds an office, place, position, or appointment under the United States Government, or any department thereof, from being detailed to other work falling under the appropriations for the purpose hereinbefore named and from being paid out of said appropriations, the amount of the payments not to exceed the amount of compensation which said person would have received from his regular office, place, position, or appointment, together with his expenses incident to his temporary detail.

Mr. MYERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The roll will be called.

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

Ashurst	Dillingham	Massey	Smith, Ga.
Bacon	Fletcher	Myers	Smith, Mich.
Borah	Gallinger	Nelson	Smith, S. C.
Bradley	Gronna	Oliver	Smoot
Brandegee	Heyburn	Overman	Stephenson
Bristow	Johnson, Me.	Page	Sutherland
Burnham	Jones	Penrose	Swanson
Burton	Kenyon	Percy	Thornton
Catron	Lippitt	Perkins	Townsend
Chamberlain	Lodge	Poindexter	Warren
Clark, Wyo.	McCumber	Pomerene	Wetmore
Crawford	McLean	Sanders	
Cullom	Martin, Va.	Smith, Ariz.	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. If there be no objection, the Chair will treat the two amendments submitted by the Senator from Georgia as one. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee striking out the paragraph.

The amendment was rejected.

Mr. WARREN. An amendment was offered by the Senator from North Carolina [Mr. SIMMONS], which I wish to transfer from page 181, where it appears, to page 196, to come in just before the closing section, and give it a proper number and amend it with the marginal note on the RECORD which I send to the Clerk's desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert the amendment that was inserted on page 181 at page 196, at the end of the bill:

Nothing contained in an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be construed so as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures and the giving of instruction by its employees on subjects relating to agriculture or live-stock growing to any meeting or convention of farmers or live-stock growers or any convention of members of any society or association thereof.

The amendment was agreed to.

Mr. WARREN. The committee has one more amendment, which I will ask be read.

The SECRETARY. It is proposed to insert on page 114, after line 23:

BUREAU OF EDUCATION.

The Bureau of Education of the Department of the Interior is hereby exempted from the provisions of section 8 of the act of Congress approved June 26, 1912, 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, 1913, and for other purposes," and the payment of expenses of officers and employees of the bureau in attending meetings or conventions of educational societies or associations, or in visiting educational institutions for the purpose of collecting and disseminating information relating to educational conditions, is hereby authorized to be made from the appropriations made for the Bureau of Education for collecting statistics and for the investigation of rural education, industrial education, and school hygiene.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. REED. Is that a new amendment offered by the Senator from Wyoming?

The PRESIDENT pro tempore. The Senator from Wyoming offers the amendment in behalf of the committee.

Mr. REED. Mr. President, no man can tell anything about an amendment of that kind by merely having it read in this way. I have not the slightest disposition to obstruct the passage of the bill, but I most earnestly protest against the effort that is now being made to force through these important amendments without time to consider them.

Mr. WARREN. If the Senator will allow me a moment? If he has the slightest objection to the amendment, and I am allowed to do so, I will withdraw it.

Mr. REED. I am not filing an objection to the amendment in particular, for I do not know what it is. I have heard it read from the desk in the confusion of the Senate and in such a way that as to grasping its meaning I am not sure that I have done so. But what I am protesting against and intend to protest against is the effort now being made to force this bill through after the usual hour of adjournment with these important amendments to it and without the opportunity to clearly understand what is proposed. I do not want to delay the passage of the bill a moment beyond what is necessary to a proper consideration.

Mr. WARREN. Will the Senator yield a moment?

Mr. REED. Certainly.

Mr. WARREN. I would be glad to explain it in a dozen words, or I will withdraw it. I have no——

Mr. REED. Well——

Mr. PAGE. Will the Senator from Missouri yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. When I have completed the sentence I have several times undertaken to utter I will gladly yield to the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Missouri has the floor.

Mr. REED. We all understand now the purpose is to push this bill through to-night, the idea evidently being that because of the hardship of waiting here, when no notice has been given of any night session, matters will be passed through which otherwise might meet with opposition. I protest against that kind of a proceeding when we are dealing with the money of the people to the amount of millions of dollars. I insist that this bill ought to go over until to-morrow morning and that we may then take up these important amendments and consider them properly. I gladly yield to the Senator from Vermont.

Mr. OVERMAN. I think this is the last amendment to be offered by the committee. I understand there are several other amendments to be offered by Senators.

Mr. WARREN. The committee has offered its last amendment.

The PRESIDENT pro tempore. The Senator from Missouri yields to the Senator from Vermont.

Mr. PAGE. I only want to say that so far as I can do so I shall object to the withdrawal of this amendment; and I am sure the Senator from Missouri, if he understood it, would not object to its passage.

Mr. REED. Mr. President, I do not know what it is. That is just the trouble. And nobody else in this part of the Chamber, unless he has better hearing than I have, could tell what it is from the reading at the desk.

Mr. POINDEXTER. Mr. President——

Mr. REED. I do not want to have any good amendment withdrawn or any good amendment beaten, and I do not want any bad amendment put through here when we are not in any frame of mind to consider it. That is why I say the bill ought to go over until to-morrow morning.

Mr. WARREN. Will the Senator allow me to explain this? It will take but a moment.

Mr. POINDEXTER. I should like to have the amendment again stated.

Mr. WARREN. I can state what it is more quickly than it can be read at the desk. There was incorporated in the District of Columbia appropriation bill a paragraph forbidding the attendance of any employee or officer of any department in Washington, at the expense of the Government, at any of the national gatherings, as had been done heretofore, unless specially provided for in each department by appropriation or otherwise. That sweeping paragraph affected certain interests, such, for instance, as some of the services in the Department of Agriculture. It would place them in such a position that they could not do the demonstration work and could not visit various sections of the country for the purpose of demonstrating to farmers methods of eradicating the boll weevil, and so forth. It would also prevent the Marine Hospital surgeons from attending meetings for which the law provides. In this case it is proposed to repeal the provision as to the officers of the Bureau of Education and give them authority simply to attend certain annual society meetings or conventions that are provided for and required by law, under the direction of the head of the bureau.

Mr. REED. Mr. President, I suggest now that we have order in the Senate so that we may hear the amendment read, and that it may again be stated.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. REED. Mr. President——

Mr. WARREN. Would the Senator like to have me read the provision in the District of Columbia appropriation act from which it is proposed to exempt the Bureau of Education?

Mr. REED. I think I understand that; but is there any limit in this amendment on the amount that can be expended in this way?

Mr. WARREN. That would be in the appropriation that provides for the bureau. This proposal does not appropriate anything, but exempts the Bureau of Education from the prohibition of the law against expending money for such gathering.

Mr. REED. It exempts them from it without placing any limitation. All I can say about it is I doubt the wisdom of exempting one department when you place the limitation upon the other. I am not going to oppose the amendment, for I do not understand about it, but I insist that Senators on the other side ought not to try to railroad this bill through to-night.

Mr. BACON. Mr. President, I understand that there are several Senators present who, no notice having been given that it was the intention to keep them here to-night, have made engagements for the evening which they can not very well break. I think when it is the purpose to remain longer than the usual hour there ought to be some notice of that fact given in advance. I do not say this in my own interest at all, for I have nothing which will keep me from remaining here until 12 o'clock to-night, if the Senator from Wyoming so desires.

Mr. WARREN. The bill is finished, so far as the committee is concerned.

Mr. BACON. I am not speaking in my own interest now, but I repeat I have that information as to some other Senators. I understand, also, there are other amendments—I have none myself—to be offered by individual Senators, not committee amendments. As Senators do not make that suggestion for themselves, I make it for them without their request.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POMERENE. I gave notice of my intention the other day to offer an amendment to the bill, and I now send it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 101, after line 5, it is proposed to insert the following:

PENSION BUREAU.

Three hundred thousand dollars, or so much thereof as may be necessary, to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however,* That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or by reason of said employment alone be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for.

Mr. WARREN. Mr. President, if the Senator will allow me, it is a very ungracious thing to refuse any necessary help in the Pension Bureau; but I wish to say to the Senator that the matter is now, as I am informed, being considered by the subcommittee of the Committee on Appropriations of another body in connection with an appropriation bill which follows this one. The committee of the Senate is without any estimate, and I wish the Senator would withhold the amendment from this bill and let us have it considered when we know what the other House does with the bill which is to follow.

Mr. POMERENE. Mr. President, I have some indirect information to the effect that the committee now considering that bill has declined to take the matter up; and it was after I had that information that I prepared this amendment. There will be about 450,000 claims filed under the act of May 11, 1912. The Commissioner of Pensions appeared before the subcommittee of the House Committee on Appropriations and testified that at that time they could only handle about 400 cases per day; they can handle now about 600. At that rate, it would take 750 days to adjudicate these claims. The commissioner testified—I will not take the time to read all he said——

Mr. WARREN. Mr. President, will the Senator allow me?

Mr. POMERENE. Yes.

Mr. WARREN. I do not propose to object to the amendment. I merely wanted to advise the Senator that I thought it would be better to have it come in in connection with the other bill.

Mr. POMERENE. I understood the Senator was objecting. If he is not, I will not take the time of the Senate further.

Mr. WARREN. I am not objecting.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. LODGE. I offer the amendment which I send to the desk to come in on page 159, line 23.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 159, after line 23, it is proposed to insert the following:

To enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. REED. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate adjourn.

Mr. LODGE. If that motion is to be made, I hope the Senator will at least allow us to have an executive session.

Mr. WARREN. I should like the Senator from Missouri to withhold the motion, also, in order that I may ask unanimous consent——

The PRESIDENT pro tempore. Does the Senator from Missouri withhold the motion?

Mr. REED. I may do so, when I hear the request.

Mr. WARREN. Since the Senator from Missouri desires that the Senate adjourn, I wish to ask unanimous consent that the pending bill be taken up to-morrow morning immediately after the morning business and that we proceed with it until it is concluded.

Mr. REED. I withhold my motion for that purpose. I am content with the suggestion.

Mr. LODGE. Mr. President, would the Senator from Missouri be willing to substitute for his motion to adjourn a motion that the Senate proceed to the consideration of executive business?

Mr. REED. Yes, sir.

The PRESIDENT pro tempore. The Chair did not understand the request preferred by the Senator from Wyoming.

Mr. WARREN. I ask unanimous consent that the sundry civil bill be taken up immediately after the morning business to-morrow and proceeded with until finished.

Mr. BACON. I suggest to the Senator that he does not design by that to displace the regular order?

Mr. WARREN. I do not desire to displace the regular order, because I assume that that will be temporarily laid aside.

Mr. BACON. The understanding would be that the Senator from Connecticut [Mr. BRANDEGEE] would ask that it be temporarily laid aside when the morning hour expired.

Mr. WARREN. I was assuming that we ought not to reach that hour, for the consideration of the bill is nearly concluded; but I feel assured that the Senator from Connecticut [Mr. BRANDEGEE] will arrange about the regular order so that we may have no difficulty.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

Mr. LODGE. Mr. President——

Mr. REED. I withdraw my motion at the request of the Senator from Massachusetts.

EXECUTIVE SESSION.

Mr. LODGE. 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 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 24, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 23, 1912.

JUDGE OF THE DISTRICT COURT FOR THE DISTRICT OF ALASKA.

Frederick E. Fuller, of Alaska, to be judge of the District Court for the District of Alaska, Division No. 4, vice Edward E. Cushman, nominated to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEYS.

James J. Crossley, of Alaska, to be United States attorney, District of Alaska, Division No. 4. (A reappointment, his term having expired.)

Beverly W. Coiner, of Washington, to be United States attorney for the western district of Washington, vice Elmer E. Todd, resigned.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Stephen Doherty to be a lieutenant in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. (Junior Grade) John T. G. Stapler to be a lieutenant in the Navy from the 1st day of July, 1912, to fill a vacancy.

Ensign Jonas H. Ingram to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

Asst. Paymaster Richard H. Johnston to be a passed assistant paymaster in the Navy from the 16th day of July, 1911, to fill a vacancy.

The following-named commanders to be captains in the Navy from the 1st day of July, 1912, to fill vacancies:

Joseph Strauss,
Edward W. Eberle, and
William W. Gilmer.

Lieut. Commander Orton P. Jackson to be a commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. Sinclair Gannon to be a lieutenant commander in the Navy from the 7th day of June, 1912, to fil a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

James McC. Murray,
Reuben R. Smith,
Grattan C. Dichman,
Harry A. McClure, and
Samuel A. Clement.

Asst. Surg. Tharos Harlan to be a passed assistant surgeon in the Navy from the 14th day of April, 1912, upon the completion of three years' service as an assistant surgeon.

POSTMASTERS.

CONNECTICUT.

Richard P. Smith to be postmaster at Falls Village, Conn. Office became presidential July 1, 1912.

George K. White to be postmaster at East Hampton, Conn., in place of George K. White. Incumbent's commission expired May 22, 1912.

ILLINOIS.

William T. Grimmett to be postmaster at Palmyra, Ill., in place of William T. Grimmett. Incumbent's commission expired June 28, 1910.

William L. Seymour to be postmaster at Raymond, Ill., in place of William L. Seymour. Incumbent's commission expired January 29, 1912.

IOWA.

Louis F. Bousquet to be postmaster at Pella, Iowa, in place of Louis F. Bousquet. Incumbent's commission expired February 10, 1912.

LOUISIANA.

Hugo Naegele to be postmaster at De Quincy, La. Office became presidential July 1, 1912.

MARYLAND.

Frank T. Buckingham to be postmaster at Woodbine, Md. Office became presidential October 1, 1911.

Charles A. Hollingsworth to be postmaster at Bel Air, Md., in place of Richard E. Bouldin. Incumbent's commission expired May 15, 1912.

NEW HAMPSHIRE.

Lafely Leroy Blodgett to be postmaster at Lisbon, N. H., in place of Eri Oakes, deceased.

NEW YORK.

Emily V. Auryansen to be postmaster at Sparkill, N. Y. Office became presidential July 1, 1912.

Janet S. Green to be postmaster at Narrowsburg, N. Y. Office became presidential July 1, 1912.

John H. Odell to be postmaster at Ardsley, N. Y. Office became presidential July 1, 1912.

Francis Worden to be postmaster at Coxsackie, N. Y., in place of Francis Worden. Incumbent's commission expired May 23, 1912.

OKLAHOMA.

Lincoln D. Trent to be postmaster at Hammon, Okla. Office became presidential July 1, 1912.

OREGON.

William J. Sweet to be postmaster at Bandon, Oreg., in place of Mary E. Walker, resigned.

SOUTH DAKOTA.

O. G. Oyloe to be postmaster at Brookings, S. Dak., in place of George N. Breed. Incumbent's commission expired May 21, 1912.

TEXAS.

Arthur P. McCauley to be postmaster at Sabinal, Tex., in place of Arthur P. McCauley. Incumbent's commission expired December 16, 1911.

George F. Taylor to be postmaster at Royse City, Tex., in place of George F. Taylor. Incumbent's commission expired April 28, 1912.

Louis Weete to be postmaster at Columbus, Tex., in place of Louis Weete. Incumbent's commission expired December 16, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 23, 1912.

UNITED STATES CIRCUIT JUDGE.

Frederic Dodge to be United States circuit judge for the first judicial circuit.

UNITED STATES MARSHAL.

Aaron M. Storer to be United States marshal, northern district of Mississippi.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants.

Shepler Ward FitzGerald.
Alden George Strong.

INFANTRY ARM.

Harold Hancock Taintor to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Robert Burns, jr.
Charles Dewey Center.
Sanders Lewis Christian.
William Ruston Davidson.
John Clinton Dodds.
Ernest Nesbitt Dolman.
William Augustus Downes.
Meyer Milton Eckert.
William Edward Fitch.
William Fuller.
Charles Lewis Gandy.
Preston Manasseh Hickey.
William Hilliard Honor.
Harry Neal Kerns.
George Price Lingenfelter.
George Edward Potter.
Charles David Ricker.
James Harry Ullrich.
Homer Samuel Warren.
Frederic Newhall Wilson.
Simon Jonathan Young.

MEDICAL CORPS.

First Lieut. Luther Raymond Poust to be first lieutenant.
Lloyd Le Roy Krebs to be a major.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Maj. Guy Carleton to be lieutenant colonel.
Capt. Matthew C. Butler, jr., to be major.

COAST ARTILLERY CORPS.

Second Lieut. Virginius E. Clark to be first lieutenant.
Second Lieut. Thomas I. Steere to be first lieutenant.

POSTMASTERS.

CONNECTICUT.

Henry L. Porter, Berlin.

MISSOURI.

E. S. Wilson, Mexico.

PENNSYLVANIA.

Alfred Evans, Kane.

WISCONSIN.

Charles Brown, Montello.
George W. Burchard, Fort Atkinson.

Jerome C. Capron, Menasha.
Wardlaw A. Clapp, Wauwatosa.
Adolph H. Jessell, Birnamwood.
John C. Mitchell, Kaukauna.
James E. Parry, Florence.
Charles Pfeifer, Plymouth.
George C. Seemann, Boscobel.
William Vanzile, Crandon.
John H. Wall, Highland.

WYOMING.

Icy S. Green, Moorcroft.

WITHDRAWALS.

Executive nominations withdrawn July 23, 1912.

POSTMASTERS.

ALABAMA.

Clyde P. Loranz to be postmaster at Jackson.

NEW YORK.

William B. Le Roy to be postmaster at Cohoes.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 23, 1912.*

The House met at 12 o'clock noon.

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

O Thou who art supremely great, the King of Kings and Lord of Lords, above all, through all, and in us all, to whom the rich, the poor, the high, the lowly, the good, the bad, may look up in faith and confidence and call thee "Father," help us to rid ourselves of selfishness, which is the root of all evil, that we may become fit temples for the indwelling of Thy spirit, that righteousness may reign supreme in all the earth, to the honor and glory of Thy holy name. Amen.

The SPEAKER. The Clerk will read the Journal.

The Clerk began the reading of the Journal.

Mr. McMORRAN. Mr. Speaker——

The SPEAKER. The Clerk will suspend.

Mr. McMORRAN. Mr. Speaker, I wish to suggest that before we proceed with this bill we should have a quorum.

The SPEAKER. We are not proceeding with the bill. We are having the Journal read.

Mr. McMORRAN. Then I make the point that there is no quorum present.

The SPEAKER. Of course, it is none of the Chair's business, but would not the gentleman reserve that point until we get through with the Journal, and then raise the point? The gentleman raises the point that there is no quorum present.

CALL OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, evidently there is not a quorum present. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Members will answer "present."

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Cox, Ohio	Graham	Loud
Ainey	Cravens	Guernsey	McCall
Ames	Cullop	Hamill	McCoy
Andrus	Curley	Hamilton, Mich.	McCreary
Ansberry	Currier	Hardwick	McGuire, Okla.
Anthony	Daugherty	Harris	McHenry
Austin	Davenport	Harrison, N. Y.	McKellar
Barchfeld	Davidson	Hartman	McKenzie
Barnhart	De Forest	Haugen	Macon
Bartlett	Denver	Heald	Maher
Bates	Dickson, Miss.	Helgesen	Martin, S. Dak.
Bathrick	Dies	Helm	Matthews
Bell, Ga.	Dodds	Henry, Conn.	Miller
Boehne	Draper	Higgins	Moon, Pa.
Bradley	Driscoll, M. E.	Hinds	Moon, Tenn.
Brown	Dyer	Hughes, Ga.	Moore, Tex.
Burgess	Ellerbe	Hughes, N. J.	Morgan
Burke, Pa.	Fairchild	Humphreys, Miss.	Morse
Butler	Farr	Jackson	Mott
Byrnes, S. C.	Ferris	Kindred	Murdock
Calder	Floyd, Ark.	Kinkead, N. J.	Murray
Callaway	Focht	Kopp	Nelson
Campbell	Fordney	Lamb	Nye
Cantrill	Fornes	Langley	Olmsted
Carter	Gardner, N. J.	Lawrence	O'Shaunessy
Cary	Garner	Legare	Parran
Catlin	Garrett	Lenroot	Patten, N. Y.
Clark, Fla.	Gillett	Lewis	Patton, Pa.
Collier	Glass	Lindsay	Peters
Conry	Goeke	Linthicum	Porter
Covington	Goldfogle	Littleton	Powers
Pray	Scully	Stephens, Nebr.	Vare
Pujo	Shackleford	Stephens, Miss.	Vreeland
Randell, Tex.	Sheppard	Sulloway	Whitacre
Redfield	Sherwood	Taggart	Wilder
Reyburn	Simmons	Talbott, Md.	Wilson, Ill.
Richardson	Slemp	Talcott, N. Y.	Wilson, N. Y.
Riordan	Smith, J. M. C.	Thistlewood	Wood, N. J.
Roberts, Nev.	Smith, Saml. W.	Thomas	Woods, Iowa
Rucker, Mo.	Smith, Cal.	Tilson	Young, Mich.
Sabath	Smith, N. Y.	Towner	Young, Tex.
Saunders	Stack	Tuttle	

The SPEAKER. The roll call shows 221 Members present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will proceed with the reading of the Journal.

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

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal requests, which the Clerk will report.

The Clerk read as follows:

Mr. SAUNDERS requests leave of absence for 10 days, on account of important business.

Mr. MORRISON requests leave of absence for 5 days, on account of important business.

Mr. LINDSAY requests leave of absence indefinitely, on account of sickness.

Mr. PORTER requests leave of absence for 1 week, on account of illness in his family.

Mr. LINTHICUM requests leave of absence for 1 day, on account of important public business.

The SPEAKER. Without objection, these requests will be granted.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to gentlemen of the House that I know of no more important business than fulfilling the functions here for which they were elected, although I shall not object at this time to these requests.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. AKIN of New York. Mr. Speaker, I have a matter of personal privilege.

The SPEAKER. The gentleman from New York will state it.

Mr. AKIN of New York. I have been recorded, Mr. Speaker, for some time past as being paired with different Members in this House. I have never given my permission to be paired with any man in this House. I have never wanted to be paired.

It is noted here on May 12, 1911, that I was paired with Mr. Gordon, of Tennessee, who is now dead. That is not so. I never was paired. On May 18, 1911, I am recorded as having being paired with Mr. AIKEN of South Carolina. I never gave permission to be paired with him, or he with me. And so on, through the different items where I have been paired, I want to say it is absolutely false, and I have been misrepresented. I have never asked yet to be paired with any man on the floor of this House, and I ask that the RECORD be corrected.

The SPEAKER. The gentleman evidently had a right to rise to a question of personal privilege about it, although the Chair has absolutely no control whatever over the matter of pairing. That is a private arrangement. Of course the practice has been that the Chair undertakes to enforce the contracts entered into, but whether one can have the RECORD corrected as far back as May 12, 1911, is a matter that the Chair would not like to pass upon.

Mr. FINLEY. Mr. Speaker, my understanding is that the permanent RECORD has been made up of that date, but of course the remarks of the gentleman will go into the RECORD as of to-day, and the correction will appear as he makes it.

The SPEAKER. The RECORD clerk informs the Chair that the permanent RECORD has been made up, and it would be a physical impossibility to change the permanent RECORD of May 12, 1911, or of any date approximating thereto.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. In the event the change in the RECORD is made, in accordance with the request of the gentleman from New York [Mr. AKIN], would the RECORD then show the gentleman as having been absent?

The SPEAKER. The Chair does not know. It can not be done. It is a physical impossibility.

Mr. EDWARDS. I would like to ask the gentleman a question, if he will yield.

Mr. AKIN of New York. I will.

Mr. EDWARDS. I would like to ask the gentleman whether or not he was present at those times?

Mr. AKIN of New York. I can not go back now and find out whether I was present or not present. But that does not make any difference. There is not a Member in this House who has been more attentive to his duties and has been here more days than I have been.

Mr. EDWARDS. I did not question the gentleman's attendance or diligence.

The SPEAKER. This whole discussion is out of order. The Chair will state, in justice to the pair clerks, that of course they do not undertake to pair people who do not want to be paired. They must have fallen into some honest error about the matter. The pair clerks have absolutely no right to pair a man unless he wishes to be paired, and it would be a very healthy mental exercise if all the Members of the House would dig up Senator Benton's book and read his opinion about this pairing business anyway. That is the end of that.

METROPOLITAN COACH CO.

The SPEAKER laid before the House the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., with House amendments disagreed to by the Senate and a conference asked.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House insist upon its amendments and that the request of the Senate for a conference be agreed to.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ROTHERMEL, Mr. LOBECK, and Mr. KAHN.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I call up for further consideration the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. For the information of the House the Clerk will, if there be no objection, report the amendment that was pending yesterday when the House adjourned, being an amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 2, line 10, after the word "States," insert the following: "Except those running on lakes, bays, sounds, and rivers."

Mr. GALLAGHER. Mr. Speaker, I would like to ask the reasons and motives that prompted the introduction of this amendment, for there must have been a reason for it. The gentleman has stated, "so far as the Great Lakes are concerned, there has been no complaint at all, and if I understand the provisions rightly, it increases very greatly the number of firemen, inasmuch as, so far as the committee knows, both the firemen and owners of the lake vessels are satisfied with the conditions upon the Great Lakes."

He assumes here that both the firemen and owners of the vessels are satisfied with the present state of things on the Great Lakes. In reply to this I beg leave to state to the gentleman that I differ with him, and, differing with him, I desire to call the attention of the members to the real situation there.

So far as the owners of these boats are concerned, they are perfectly satisfied with the present conditions as they now exist upon the Great Lakes. But the public and the firemen and those engaged in the laborious task of navigating the Great Lakes are not satisfied, and the reason they are not satisfied is clearly evident when we consider the situation as it actually exists. Before considering these matters, and in view of the statement made by the gentleman from Washington [Mr. HUMPHREY], I took occasion last evening to telegraph to the secretary of the Lake Seamen's Union, at Chicago, Ill., with reference to the general effect of this amendment upon the existing state of affairs upon the Lakes, and the effect that the passage of this amendment would have, not only with reference to the firemen, but also to the general conditions affected by it.

JULY 22, 1912.

V. A. OLANDER,
Secretary Lake Seamen's Union,
570 West Lake Street, Chicago, Ill.:

On line 10, page 2, of the bill it is to be contended to-morrow that it is not necessary that sailors be divided into two and firemen into three watches on the Great Lakes; that many vessels are only in day service. Wire what you think about it.

THOMAS GALLAGHER,
Member of Congress.

In reply to this I received this morning a telegram setting forth that it is not prudent to pass this amendment; and he further gives the reasons why the same should not be passed, in that there are but few boats that navigate for the period of one day or more, and that, for the security of life and property, it is absolutely essential that the number of watches provided for in this bill shall be kept and maintained at all hours, owing to the hazardous conditions of navigation upon the Great Lakes, which is greater than upon the ocean. He also points out how they place the sailor in occupations not connected with navigation—to do the work of the common laborer in nowise connected with navigation. He further shows the incompetency of the men now navigating the Great Lakes and the necessity for an immediate improvement along these lines.

I now read to you gentlemen the telegram, which is as follows and speaks for itself:

CHICAGO, ILL., *July 22, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.:

The division of watches, as provided by bill, is essentially necessary. There is no such thing as exclusive day service on Lakes. Where that term is used it applies only to a few of the passenger ships, and means all day and half or more of the night. All vessels, except harbor craft, which do not leave port, now carry two watches of sailors, because it is a physical impossibility to operate them otherwise. The only exception to this is four or five vessels sailing out of Detroit, one or two out of Toledo and Cleveland, and possibly two out of Buffalo, and these are passenger boats notoriously undermanned and dangerous. The real reason some shipowners object to provisions of bill regarding watches is not on account of so-called day service. A number of passenger vessels make a practice of working most of the deck crew at cargo all the time in port and letting them sleep between ports; result is that only two or at most three sailors, including man at wheel, are on watch while at sea. Many freight vessels work part of their deck crew all day while at sea, letting them sleep at night; result is that entire deck crew of immense 600-foot steamer on watch at night is one sailor at wheel and one supposedly on lookout, but who must look after everything on deck and many things below decks. This is a general practice and extremely dangerous, since the effect is that ship is dangerously undermanned. This can only be remedied by dividing sailors into two watches. All steamers on the Great Lakes, except exclusive harbor craft, have now at least two watches of firemen; many of them have already established the three-watch system for such men. Firing a steamship is mighty hard and hot work, and physical effect on men extremely bad unless they are given sufficient rest between watches.

V. A. OLANDER,
Secretary Lake Seamen's Union.

That is from V. A. Olander, secretary of the Lake Seamen's Union?

Mr. HUMPHREY of Washington. Does not the gentleman know that Victor Olander does not represent any of the men on the Great Lakes?

Mr. GALLAGHER. Is that so?

Mr. HUMPHREY of Washington. Certainly that is so. I ask the gentleman if that is not true?

Mr. GALLAGHER. That is hardly true. And I will tell you why he does not represent a great many of them now. It is because there has been a strike on the Great Lakes for the past four years, and there is a war on between the vessel owners and the seamen, and the able seamen have been driven from the Lakes.

The present conditions on the Lakes are such as to make life and property insecure, for as I have already stated, navigation there is more dangerous than that on the sea or the ocean. Accidents occur there very frequently, due to these conditions, which should be safeguarded, whereas when we sought to obtain from Congress proper protection to human life in the way of safeguards on the railroads and the use thereon of safety appliances and other methods of protection, there was great opposition.

Conditions on the Lakes, so far as labor in concerned, are unbearable. Life on the Great Lakes is not held very sacred, when we take into consideration the fact that navigating the Great Lakes is more dangerous than navigating the sea. It is more hazardous, and storms occur more frequently.

As things exist on the Lakes to-day they are similar to what they were on the railroads years ago before Congress began legislating and compelling the railroads to adopt safety appliances for the protection of life. There is little or no record kept of the great number of lives that are sacrificed upon the Great Lakes. There is no systematic reporting of accidents as they occur. And while the Government has spent hundreds of thousands of dollars in building life-saving stations, erecting storm signals, the placing of buoys, and other devices for the protection of life, the owners of boats have given little care for the security of life upon the Great Lakes, or the lives of their employees, and, as I told the gentleman, nearly all of the capable seamen have been driven from the Lakes on account of the war between the vessel owners and the seamen, and in their places have been gathered a lot of incompetent and untrained seamen to fill positions calling for the most skilled and expert men.

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

Mr. GALLAGHER. Certainly.

Mr. BUCHANAN. I would like to ask the gentleman if that war was not brought on by the unbearable conditions forced on the men, the able seamen, who were working on the Lakes?

Mr. GALLAGHER. That is exactly the fact; and let us see who owns these vessels.

Many of these great vessels on the Great Lakes are owned by the Steel Trust and the great railroads, the Pennsylvania, the Erie, the Lackawanna, the great wheat shippers, and these together with the coal-mining interests monopolize the shipping and have driven the private owners of vessels from the Lakes. These are the owners of the Lake vessels, and they have control of nearly all of the Lake traffic.

There is a bill now pending in the Senate for the protection of life at sea, the introduction of which was brought about by the recent great disaster to the *Titanic*, and an effort is being made to prevent hereafter a like disaster. The bill provides that upon all navigable bodies of water the vessels shall be supplied with wireless telegraph apparatus. Now, these same owners, the owners of these great boats, with few exceptions, come before Congress and petition Congress not to have the same requirements applied to the great freight boats navigating the Great Lakes, and we must remember that we have but few passenger boats in comparison with the freight carriers on the Lakes. The same objection to putting wireless apparatus on Lake boats was urged against putting two wireless operators on the great boats on the sea, and it was this which, in a measure, brought about the *Titanic* disaster. What is the use of legislating for seamen on the ocean and excepting the seamen on the Lakes? A comparison shows that the traffic on the Lakes and that entering many of the Lake ports is greater than that of any seaport in this country.

I have before me the report of the superintendent of canals at Sault Ste. Marie, which shows that—

Eighteen thousand six hundred and seventy-three ships of 41,653,488 net tons register passed through the canals during the season of 1911. Of this number 11,870 vessels of 22,321,519 net tons register passed through the United States canal, and 6,803 vessels of 19,331,969 net tons register passed through the Canadian canal. * * * The freight carried through the Canadian canal was 30,953,869 tons as against 22,523,347 tons for the American canal.

When we compare these figures with those of the Suez Canal traffic, we see how far greater they are and how much more voluminous the tonnage is here. The following is a table showing for the year 1909 the gross and net tonnage of vessels passing through the Suez Canal:

	1909.
Gross	21,500,847
Net	15,407,527

This is less than one-half the net tonnage of our canals.

In Chicago we are going to work now to expend four or five million dollars in the improvement of our harbor; money that will be raised by the people of the city to make these improvements. We are doing it in an effort to increase Lake traffic and make it possible for the larger boats to land in Chicago. As a result of conditions on the Lakes, traffic has been driven from them, and I suppose it is the same reason that has been driving it from all of the great rivers. We are expending millions of dollars to improve and increase water-borne traffic; let us bring about by legislation that which will make life bearable on the Great Lakes, and let us oppose this amendment.

I have here, Mr. Speaker, a number of communications from different organizations in the city of Chicago, as follows:

CHICAGO, ILL., *July 20, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.:

We kindly request you to give your undivided support and attention to House bill 23673 and use all your influence and prestige that it will not be mutilated and made useless by amendments.

Baker and Confectionery Workers' International Union of America, General Executive Board, and International Executive Officers, Chas. Iffland, A. A. Myrup, Chas. F. Hohmann; Otto E. Fischcher, International Secretary.

—

AUTO LIVERY CHAUFFEURS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: All labor organizations in the city of Chicago are desirous of having the seamen's bill (H. R. 23673) made a law. If there is anything that you can do to help it along, you will do myself and all union men in Chicago a great favor.

Trusting this is not asking too much of you, I remain,

Respectfully, yours,
T. F. NEARY, *Secretary-Treasurer Local 727.*

—

CHICAGO TYPOGRAPHICAL UNION, *July 20, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: The seamen's bill (H. R. 23673) will, we understand, come up for action on Monday, July 22.

In behalf of Chicago Typographical Union, No. 16, we respectfully urge that you do what you can to see that this bill is enacted into law at the present session of Congress.

Yours, very truly,
WALTER W. BARRETT, *President.*
JOHN C. HARDING, *Recording Secretary.*

1445 WEST LAKE STREET, CHICAGO, *July 19, 1912.*

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: As bill H. R. 23673 is now before Congress, I respectfully urge you to give it your support in its present form.

Yours, truly,
ALEX MCKECHNIE.

—

CHICAGO PRINTING PRESSMEN'S UNION,
Chicago, July 18, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: Understanding that the seamen's bill (H. R. 23673) will come up for action on Monday, and believing that the same is for the benefit of human life and liberty, we respectfully ask you to give the bill, as reported by the committee, your support and vote. We are not in favor of mutilating or destroying this bill by amendment.

Again urging upon you the importance, not only to the seamen but also to the traveling public, of the enactment of this bill, we remain,

Yours, very truly,
CHICAGO PRINTING PRESSMEN'S UNION NO. 3.
JOHN J. KAPP, *Secretary-Treasurer.*

—

CHICAGO PRINTED BOOKBINDERS AND PAPER CUTTERS' UNION, OFFICE OF THE SECRETARY,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: We, the members of the above local union, respectfully request your support in the passage of House bill No. 23673, and sincerely trust that the bill as reported by the committee is not mutilated or destroyed by amendments.

Thanking you in advance for your cooperation in this matter, we beg to remain,

Yours, respectfully,
CHICAGO PRINTED BOOKBINDERS AND PAPER CUTTERS' UNION, NO. 8, I. B. OF B.,
By OTTO F. WASEM, *Secretary-Treasurer.*

—

INTERNATIONAL ASSOCIATION OF MACHINISTS,
BRASS WORKERS' LODGE NO. 766,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: At a special meeting called Saturday, July 20, at 2 p. m., at our regular meeting hall, it was regularly moved that we write a few lines in behalf of Lake District International Seamen's Union and request your honor to do all in your power to urge its enactment in the form favorably reported by the committee—seamen's bill (H. R. 23673)—and kindly request that it be not torn to pieces and destroyed by amendments.

Hoping you will do all in your power to have this bill passed, and thanking you in advance, I am,

Yours, truly,
HERMAN KRAUS,
Recording Secretary, Machinists No. 766.

—

CHICAGO WAITRESSES' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: The Chicago Waitresses' Union, Local 484, request that you assist in the passage of House bill 23673, and see to it that the bill is not destroyed by amendment, but that it is passed as the committee reported it.

Hoping you will comply with our request, we remain,

Respectfully,
[SEAL.]
CHICAGO WAITRESSES' UNION.
ELIZABETH MALONEY, *Secretary.*

—

UPHOLSTERERS' DISTRICT COUNCIL OF CHICAGO,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER, *Congressman.*

DEAR SIR: We, members of Local No. 111 of the Upholsterers' International Union of North America, representing 170 voters in the city of Chicago, ask you in behalf of the safety of the traveling public on the Great Lakes and seas to favor the passage of the seamen's bill (H. R. 23673).

Thanking you in advance for the favor you may do those who travel and those who work on Great Lakes and seas, I beg to remain,

Yours, truly,
[SEAL.]
R. J. HULL,
Secretary Local No. 111,
234 North Clark Street, Chicago, Ill.

—

METAL POLISHERS, BUFFERS, AND PLATERS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to take this opportunity of thanking you for the reports and records sent to us by you, and to also ask you to support and vote for H. R. 23673.

Hoping you will use your influence in preventing the mutilation of this bill by amendments, etc., and that we will see your vote recorded in favor of this bill (H. R. 23673), we are,

Respectfully, yours,
[SEAL.]
METAL POLISHERS' UNION, LOCAL NO. 6,
38 South Peoria Street, Chicago, Ill.

—

WOODEN BLOCK AND BRICK PAVERS' UNION,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR AND FRIEND: I wish you would do all you can for the Lake Seamen's Union bill, which is coming up before the House Monday, and by so doing you will confer a favor to me and also to organized labor, and you can rest assured that it will not be forgotten.

Hoping this will meet with your approval, Tom, I will close.

Fraternally, yours,
TED SCULLY,
Secretary Wooden Block and Brick Pavers' Union,
1026 South May Street.

WOMEN'S TRADE UNION LEAGUE OF CHICAGO,
July 19, 1912.

Hon. THOMAS GALLAGHER,
House of Representatives, Washington, D. C.

DEAR SIR: The Women's Trade Union League of Chicago, having an affiliated membership of over 10,000 men and women, ask you to support the seamen's bill (H. R. 23673) as it was reported by the committee in the House of Representatives July 18, 1912.

Will you give your support to the seamen's bill (H. R. 23673) and assist in safeguarding both the public and the seamen?

Hoping that you will comply with this request, I am,

Very truly, yours,

EMMA STEGHAGEN, *Secretary.*

—

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, STABLEMEN, AND HELPERS,
Chicago, Ill., July 20, 1912.

Hon. THOMAS GALLAGHER,
Washington, D. C.

DEAR SIR: We, the Packing House Teamsters and Chauffeurs' Union, Local 710, 700 strong, again urge upon you and request of you to vote for and work for the seamen's House bill 23673. The public demand it.

We beg of you not to allow it to be torn to pieces and destroyed by amendments. We urge its enactment in the form favorably reported by the committee.

Feeling certain you will grant us this favor, and thanking you in advance, we remain,

Fraternally, yours,

LOCAL 710.
GEO. F. GOLDEN,
Secretary-Treasurer.

—

TUG FIREMEN AND LINEMEN PROTECTIVE ASSOCIATION OF THE GREAT LAKES,
Chicago, July 20, 1912.

Hon. THOMAS GALLAGHER.

DEAR SIR: We, the members of the Tug Firemen and Linemen Protective Association, Local No. 1, port of Chicago, are very much interested in the passage of the seamen's bill (H. R. 23673) which is now before United States House of Representatives, and ask you to please grant us the favor of supporting this bill and have the bill reported out at the next hearing, asking you as Representative of the eighth district to see that the bill is not mutilated or destroyed by amendments.

Hoping you will grant us this favor, I remain,

Fraternally, yours,

[SEAL.]

EDWARD MCCORMICK,
5615 Carpenter Street.

I offer these to show that the organized workingmen of Chicago know exactly what the provisions of this bill are, so far as traffic on the Great Lakes is concerned, and they do not want this bill amended or mutilated in any way.

The laboring people of this country are making every effort to improve the conditions of labor everywhere. They are earnest in their efforts for the welfare of all who toil, whether before the mast or on the shore; whether in the hold of a ship or in the bowels of the earth. They are striving for the betterment of humanity, and I am anxious to give them an opportunity for the betterment of conditions upon the sea as this bill provides, and I hope it will pass in its original form and that this amendment will be voted down. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, I want to reply briefly to some statements that the gentleman from Illinois [Mr. GALLAGHER] has made in regard to the Great Lakes, and I hope the gentleman will give me his attention. I never made a statement to the effect that men who are not upon these vessels had not made complaint about their condition. The statement I made, and I think it is absolutely true, was that, so far as the committee knows, there is no complaint from the men themselves who are employed on the Great Lakes. Mr. Olander, as I understand it, does not represent the firemen upon the Great Lakes—that is, those who are actually working. He represents the union. As I understand, some two or three years ago there was some difficulty between the Lake Carriers' Association and the union, and since that time the men on the Great Lakes are not represented by Mr. Olander.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. WILSON of Pennsylvania. As a matter of fact, prior to the strike Mr. Olander represented the great bulk of seamen and firemen on the Lakes. Since that time other men have been employed by the members of the Lake Carriers' Association, so that the members of the union are no longer employed by the members of the Lake Carriers' Association; but Mr. Olander represents yet a large number of men who are employed on independent vessels that are not a part of the Lake Carriers' Association.

Mr. HUMPHREY of Washington. If Mr. Olander represents any of the firemen on the Great Lakes, his statement is entitled to weight as such; but I do not understand that he does represent any of the firemen on the Great Lakes, and, so far as the two watches on the deck are concerned, we have no objection to that. That portion of the telegram which the gentleman read in regard to two watches on the deck nobody is objecting to. Most of the vessels, I think, have adopted two watches on deck already.

Mr. GALLAGHER. But the gentleman desires us to exclude the Lakes from the provisions of this bill.

Mr. HUMPHREY of Washington. And the reason I do it is this: As I said, there has been no complaint before our committee that any of the firemen make objection to present conditions. As I further understand the fact to be, in a great many cases it would increase the number of firemen by one-third on the vessel, and the firemen themselves prefer conditions as they now are.

I want to read now the only communication, so far as I know, that the committee has received upon that subject. This is a letter received from Mr. Harvey D. Goulder, who is attorney for the Lake Carriers' Association, and I will read one paragraph from it. He says:

> We on the Great Lakes have endeavored to be fair with our employees. We have no complaint from them in regard to this matter. We are willing to submit to any investigation on the subject which involves the possible humiliation that, having endeavored to be fair and even generous, we are called before your honorable committee by those who in no sense or degree represent the men in our employ—

And he was there referring to Mr. Olander, I presume—

> with whom we are honestly and conscientiously endeavoring to deal justly and honestly as man to man, recognizing the obligation and asking only due reciprocal obligation of fairness between employer and employee.

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

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. GALLAGHER. I understood and read from the record the gentleman said that the committee had no complaints, that there were no complaints so far as the committee was concerned.

Mr. HUMPHREY of Washington. Before the committee, representing the men on the Great Lakes. If Mr. Olander represents any of them, I withdraw the remarks to that extent.

Mr. GALLAGHER. The gentleman said there was no dissatisfaction so far as the committee knows. My object in bringing this information is to give it to the House, which is passing upon this bill, and to show the Members of the House the conditions that actually exist.

Mr. HUMPHREY of Washington. Well, the point I am making is that the man who appeared before our committee and objected did not represent the men on the vessels——

Mr. GALLAGHER. I think I am pretty well advised in regard to the attorney for the Lake Carriers' Association——

Mr. HUMPHREY of Washington (continuing). In other words, as I understand it, on the Great Lakes trouble exists—I am not assuming anything whatever as to who is right or wrong——

The SPEAKER. The time of the gentleman has expired.

Mr. HARDY. Mr. Speaker, I ask that the gentleman may have two minutes more, in order that he may answer a question.

Mr. SHERLEY. Mr. Speaker, I amend that by making it five minutes.

The SPEAKER. The gentleman from Kentucky amends by making it five minutes. Is there objection to the extension to five minutes? [After a pause.] The Chair hears none.

Mr. HARDY. The gentleman reads a communication from Mr. Harvey J. Goulder. Has he not for years and years been the regular representative of the shipowners in opposition to almost every reform measure in regard to seamen before the Committee on Merchant Marine and Fisheries?

Mr. HUMPHREY of Washington. Why does the gentleman take up the time of the House to ask that question, because when I mentioned the name I said that he was the representative of the Lake Carriers' Association?

Mr. HARDY. The gentleman can answer the question.

Mr. HUMPHREY of Washington. I refuse to yield further——

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington (continuing). Because it carried the implication that I undertook to read something without stating who the gentleman was that made it.

The SPEAKER. The gentleman declines to yield.

Mr. SHERLEY. What I wanted to ask the gentleman and what I think this House is interested in——

Mr. HARDY. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. HARDY. I asked permission that the time of the gentleman be extended for the purpose of asking him a question.

The SPEAKER. So soon as the time was extended the gentleman from Texas lost control of it.

Mr. HUMPHREY of Washington. I yielded to the gentleman. I will yield to the gentleman again if he wants to ask a question.

Mr. HARDY. I suggest to the gentleman whether he simply will answer the question whether for years Mr. Goulder has not

been filling the position and taking the position of opposition to every reform measure for the good of the seamen?

Mr. HUMPHREY of Washington. I will say to the contrary Mr. Goulder has not occupied any such position. He is the representative of the Lake Carriers' Association, but he has not opposed all measures in favor of seamen, but, on the contrary, has often favored such legislation. Here is a letter addressed to the committee that shows exactly what his position is.

Mr. HARDY. Has there ever been any bill before the Committee on Merchant Marine and Fisheries that he has not opposed which was for the benefit of seamen?

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman this question: I think it is immaterial whether a complaint has been made or not——

Mr. HUMPHREY of Washington. So do I.

Mr. SHERLEY (continuing). But what I would like to know is what reason exists, if any, by which a rule which seems to be proper to apply to the over-sea trade should not also apply to the Great Lakes trade?

Mr. HUMPHREY of Washington. And this applies also to river trade.

Mr. SHERLEY. All right. What reasons are so different on the rivers and on the Great Lakes as to warrant a change in a rule to apply to the sea?

Mr. HUMPHREY of Washington. Unfortunately the gentleman was not here yesterday when that was fully explained and I will explain it again.

Mr. SHERLEY. A portion of it I did hear, but not on that point.

Mr. HUMPHREY of Washington. One reason for it is this. For instance, a great many lake vessels make a complete voyage, say, in 18 hours and I gave an illustration where they would run during the day and tie up at night. What is the use of having three shifts of firemen of eight hours each on a vessel of that kind?

Mr. SHERLEY. Very true, but quite a number of lines do run for a longer period. If you are trying to reach the matter thoroughly is not the proper way to make your amendment apply simply to those cases where the voyage is of such a short duration as not to make necessary three shifts, and is it fair to offer an amendment that excludes all lake traffic, some of which extends over a period of days, as I personally know?

Mr. HUMPHREY of Washington. It is not upon the hypothesis which the gentleman assumes, but here is the further condition that most of the Lake traffic vessels are of modern construction, and the arrangements in regard to firemen are different from what they were in the old vessels. In other words, the firemen on the Great Lakes vessels now have communication with the outer air which makes it a far easier place to work.

Mr. SHERLEY. What does the gentleman mean by modern construction? I have spent a great many summers on the Great Lakes, and I personally have seen on the Lakes vessels in the carrying trade 10 and 15 and 20 years old.

The SPEAKER. The time of the gentleman has again expired.

Mr. SHERLEY. Mr. Speaker, I ask that the gentleman may have five minutes more.

The SPEAKER. The gentleman asks unanimous consent that the gentleman's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Now, answering the gentleman's question in regard to the length of voyage, I agree that he is right. I would accept an amendment of that kind. I tried to get an agreement that we might insert a provision such as he suggests. I do not think it ought to apply to the Great Lakes at all, but on the other hand it certainly ought not to vessels that only make short runs.

Mr. SHERLEY. Then do I understand the gentleman's position is that he indorses it as necessary on the high seas and not on the Great Lakes?

Mr. HUMPHREY of Washington. No; I do not think——

Mr. SHERLEY. If the gentleman thinks it is proper on the high seas, would he not be ready to concede that there are certain conditions on the Great Lakes where it is proper?

Mr. HUMPHREY of Washington. Conditions are not the same. You take it on the Pacific coast, between Seattle and San Francisco, and the vessel owners have adopted the three-watch system, as I understand, and there is no objection to it. Those voyages are longer and somewhat rougher. Now, it seems to me if it was for the advantage of those vessels on the Great Lakes, it would have been adopted. The local inspector——

Mr. SHERLEY. If the gentleman is going on the assumption that whatever is desirable from the standpoint of humanity will be adopted by the owners of the vessels, then all legislation is unnecessary, and we may leave to their enlightened judgment all reform.

Mr. HUMPHREY of Washington. About two years ago we passed a bill leaving these matters to the local inspector, and that law has worked well, and if this amendment was adopted it would still be that way. And I think we are making a mistake when we attempt to legislate in detail, because there is such a difference in vessels. Few of them run under exactly the same conditions, and when we attempt to legislate we are going to oppress one vessel and let another escape proper manning.

Mr. SHERLEY. Does the gentleman think there is any greater difference in the character of vessels engaged in the trade on the Great Lakes than in the character of the vessels engaged in the trade on the ocean?

Mr. HUMPHREY of Washington No; I do not think there is any greater difference.

Mr. SHERLEY. If you can apply uniform rules to vessels of widely different types on the sea, why can not you do it on the Lakes?

Mr. HUMPHREY of Washington. The difference is, that the vessels which run on the sea make long voyages, and they do not make these short stops as on the Lakes, and they are of different construction.

Mr. SHARP. If the gentleman will permit, I will say that I have lived nearly all my life on the Great Lakes, and I represent a constituency that lives at one of the greatest harbors on the Lakes. It has been my pleasure, and duty as well, in a business capacity to sail the Great Lakes for 20 years, at least, past. And I wish to say for the gentleman's information that if he will look up the statistics of the amount of tonnage that is carried on the Great Lakes, I believe I will be sustained when I say that at the present time, and for years past, fully 85 per cent, if not 90 per cent, of all the tonnage that is now carried on the Great Lakes involves a voyage of from two to three days, running from Lake Superior points and upper Lake Michigan points, where we have the great ore carrying trade, down to Lake Erie ports one way, and returning with coal cargoes from the Lake Erie ports, carrying the coal of West Virginia, Ohio, and Pennsylvania, to the upper Lakes, involving a return trip of two or three days. So, it seems to me, that so far as the number of watchmen are concerned, it should apply to the Great Lakes.

Mr. HUMPHREY of Washington. So far as distance is concerned, it should.

Mr. SHARP. But it takes it at least two or three days to make those voyages, involving 85 to 90 per cent of the total amount of tonnage.

Mr. BUCHANAN. Mr. Speaker——

The SPEAKER. The time of the gentleman from Washington [Mr. HUMPHREY] has expired, and all time on this amendment has expired.

Mr. MANN. Mr. Speaker, I move to strike out the last word of the amendment. May I ask, in reference to the language of the bill, what is the definition of "merchant vessel"?

Mr. WILSON of Pennsylvania. Merchant vessels, as I understand it, are vessels that carry cargoes or passengers for hire.

Mr. MANN. Would this provision, "merchant vessels while at sea," cover a little passenger tug operating upon an inland lake?

Mr. WILSON of Pennsylvania. It would not cover anything except those of 100 tons register or more, except fishing vessels, yachts, and whaling vessels. It covers all others going to sea and on the Great Lakes, because the Great Lakes have been held to be the sea, and I so interpret it.

Mr. MANN. Would it cover vessels on rivers and off the Great Lakes and on small inland lakes?

Mr. WILSON of Pennsylvania. It does not cover vessels on the rivers or on the harbors of small inland lakes.

Mr. SHERLEY. Does not the gentleman understand that a navigable river is considered the same as the sea in the sense of admiralty and maritime law? That is my impression, although I have not looked at it recently.

Mr. WILSON of Pennsylvania. It is not so, so far as the term "sea" in legislation is concerned. The term "sea" in legislation is held by the navigation authorities to consist of the oceans and the Great Lakes, and other distinctions are made, although they are under the general maritime regulations, in rivers and harbors.

Mr. MANN. I have no doubt the gentleman has looked the matter up, and I am satisfied with his statement. I know recently we have passed some laws for the purpose of applying certain conditions to the Great Lakes where before the law only applied to vessels on the ocean, and my impression was

that it said "while vessels were at sea." I may be mistaken. It may have said "upon the ocean."

Mr. SHERLEY. If the gentleman from Illinois will permit, I have not had occasion for some time to look at this matter, although I once served on the committee reporting this bill. The old English rule was that admiralty jurisdiction extended only to waters where the tide ebbed and flowed. Very early in the history of America the question came up as to whether that rule was any longer applicable, and it resulted in a different rule being adopted, because navigable waters of great size were then known where the tide did not ebb and flow. They abolished the old rule, and held that the rivers and lakes that were navigable came within the maritime jurisdiction of the Constitution.

Without wanting to question the gentleman's statement, my impression was rather pronounced that language such as this would embrace the navigable rivers.

Mr. MANN. If the gentleman will permit, the maritime jurisdiction under the Constitution——

Mr. SHERLEY. Admiralty——

Mr. MANN. Covers all except the control over interstate commerce. Admiralty jurisdiction is another proposition.

Mr. SHERLEY. "Admiralty jurisdiction" is what I meant to say, if the gentleman will permit, instead of "maritime jurisdiction."

Mr. MANN. I wondered how far the term "at sea" would cover. I can readily imagine that there are many cases where vessels may be navigating upon some small lake for the purpose of carrying passengers, so that the Government would have control over it where it would not be possible to have three watches, or even two watches.

Mr. SHERLEY. I agree with the gentleman; and, on the other hand, there are certain cases on the rivers where they ought to have three watches; and what I think we ought to do is to make the bill plainly indicate what it embraces.

Mr. MANN. It may not be possible to do that.

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

The SPEAKER. Does the gentleman yield?

Mr. MANN. I yield to the gentleman.

The SPEAKER. The gentleman from Illinois had the floor, and his time has expired.

Mr. BUCHANAN. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] moves to strike out the last two words. The gentleman has five minutes.

Mr. BUCHANAN. The Lake Carriers' Association that has been mentioned here, from the information I have, is dominated by the Steel Trust. According to recent reports made by the United States Bureau of Labor and other information that we have, we find that the United States Steel Corporation employees are to the extent of about 60 per cent un-Americanized foreigners.

It has been stated here by the gentleman from Washington [Mr. HUMPHREY] that Mr. Olander does not represent the great majority of the Americanized workingmen working now on the Great Lakes. By the way, I happen to know Mr. Olander, and I believe he is one of the ablest and most sincere and honest men that I have had the pleasure of knowing in the trades-union movement. Due to the fact that there has been a strike on for some years, there is no doubt that the Steel Trust, dominating this Lake Carriers' Association, will practice the same methods to defeat the movement that is being made in the endeavor to keep the workmanship on the lake vessels up to the standard that ought to be maintained in America.

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

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

Mr. BUCHANAN. Not yet. Therefore they will endeavor to defeat the effort that is being made by the men whom Mr. Olander represents, the men who have selected him to carry out what they desire, the men who voted by a large majority for a strike when they were working as a class on the lake steamers. Some might say that this was Mr. Olander's strike; that he ordered it. But let us be fair about the matter and know how these strikes occur.

The strike was ordered by the men who were working on the lakes themselves, because this monstrous Steel Trust had got control of the affairs of the Lake Carriers' Association, and therefore had created conditions that were unbearable to the men who were working there. And when anyone says that Mr. Olander does not know what conditions American workmen would want on the lake steamers in this country, he is certainly making a statement that can not be borne out by the facts.

Mr. HOWLAND. Will the gentleman yield now?

Mr. BUCHANAN. Yes.

Mr. HOWLAND. I would like to ask the gentleman what authority he has for the statement that the Steel Trust dominates the Lake Carriers' Association? My information is—and I think it is fairly accurate—that the Steel Corporation controls only 20 per cent of the tonnage represented by the Lake Carriers' Association.

Mr. BUCHANAN. Well, I do not know whether the evidence would be sufficient to state here as a matter of record, but I have information that is sufficient for me, and it leads me to believe that the Steel Trust, with its interlocking interests, has got control not only of the vessels on the sea, but is getting large control to-day of all the business in this country, even of the banks and other big corporations of the country; and while it may not apparently control this directly, yet the men who are directors of the steel company have interests sufficient in the vessels that are operating on the lakes to have control of and direct the course and action of that association, and they do it, in my judgment. There is not a shadow of a doubt in my mind but that that is true.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. That is the motion that is pending now.

Mr. MOORE of Pennsylvania. The last three words, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania moves to strike out the last three words.

Mr. MOORE of Pennsylvania. I would like to have the attention of the gentleman from Missouri [Mr. ALEXANDER], who is in charge of this bill. Yesterday I spoke of some imperfections in the bill, as I believed them to be, but the gentleman from Illinois [Mr. MANN] has raised a question which induces me now to ask as to the uncertainty of certain expressions in the bill. Yesterday, in one paragraph we had reference to "seamen" in one line and in another line to "sailors," evidently intended to mean the same thing, but leaving an opening for a legal quibble should one or other be interpreted in law to mean something that the other did not mean.

Mr. ALEXANDER. When this amendment shall have been disposed of, I am going to ask that the word "sailors," in line 10, be stricken out and the word "seamen" inserted in lieu thereof.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman now in regard to the interrogatory of the gentleman from Illinois [Mr. MANN], who asked about the meaning or interpretation of the term "merchant vessels."

Mr. WILSON of Pennsylvania. If the gentleman will permit me, it is right in connection with the very point that the gentleman is raising, with regard to the word "seamen" as confused with the word "sailors." In the first instance the word "seamen" is used because that includes all of the employees on the vessel. In the second instance the word "sailors" is used because that includes only the deck hands on the vessel.

Mr. MOORE of Pennsylvania. I question whether that would be borne out in nautical nomenclature.

Mr. WILSON of Pennsylvania. Those are the meanings of the terms.

Mr. MOORE of Pennsylvania. I doubt that, because later on in the bill you propose to define an able seaman, and you distinguish him from a sailor, and you distinguish him from a fireman.

But that is not the question I wanted to ask the gentleman from Missouri. The gentleman from Illinois asked as to merchant vessels. Now, on page 2, in the first section, in line 9, reference is made to "all merchant vessels of the United States." I draw attention to that particular characterization. On page 3, the very next page, in the second section, reference is made to the master or owner of "any vessel." That is in line 8. That is the second proposition. You change front in the two sections as to the nature of the vessel, or as to the characterization of it.

On page 4, in the next section, in line 7, you refer to "a vessel of the United States."

You have three distinct characterizations of vessels in those three separate sections. What is intended? Do you want to frame this bill so that when a question is raised in court, a horse and wagon can be driven through the bill? Why in one relation do you say "seaman" and in another "sailor"? Why in one section do you say a "merchant vessel," which is presumed to be as defined by the gentleman from Pennsylvania [Mr. WILSON], and in another section say "any vessel," which may include anything from a bateau up to a leviathan of the ocean, and in a third paragraph say "a vessel of the United States."

Later on I propose to raise the question as to what you mean by "a vessel of the United States."

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield.

Mr. WILSON of Pennsylvania. In the first place, each of these sections applies to different purposes. One section is only meant to apply to merchant vessels. The next section that the gentleman refers to——

Mr. MOORE of Pennsylvania. I am afraid the gentleman will have difficulty in harmonizing those three suggestions.

Mr. WILSON of Pennsylvania. The next section is meant to apply, so far as wages are concerned, to all vessels, whether they are of the United States or of foreign countries. Then the next section is meant to apply purely to vessels of the United States; so that each has a specific purpose.

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

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask for five minutes more.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. What do you mean, then, on page 4, line 7, when you say "every seaman on a vessel of the United States shall be entitled to receive," and so forth? You intend that that shall apply to every seaman; but, apparently, according to the language of the bill, you make it apply only to those seamen who are employed on "vessels of the United States," which I assume to be vessels owned by the United States. If you mean vessels of United States register, then you mean merchant vessels, but you do not say so.

Mr. ALEXANDER. If the gentleman wants light on that question, I will read him the definition given by the navigation laws.

Mr. MANN. What is the gentleman reading from?

Mr. ALEXANDER. From our navigation laws, page 15, section 2:

> Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States.

So that "a vessel of the United States" is a vessel that belongs to a citizen or a corporation of the United States.

Mr. MOORE of Pennsylvania. If the gentlemen in charge are satisfied to have this bill come before the House in such form that in three successive paragraphs a vessel is defined in three different ways, of course the responsibility is upon them. I assume they intend to do the seamen some service.

Mr. ALEXANDER. That is not the question now pending before the House. It will be well enough to take it up when we come to it. I will say to the gentleman that I did not frame the language of this bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER pro tempore (Mr. LITTLEPAGE). The gentleman from Illinois ask unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. MANN. I find in several places in the statute references like this:

> SEC. 4318. Every vessel of the United States navigating the waters on the northern, northeastern, and western frontiers otherwise than by sea shall be enrolled and licensed in such form as other vessels.

There are a number of places where that expression occurs. I call the attention of the gentleman to it, in connection with this expression "at sea," to ask him whether or not he is perfectly clear that this expression in the bill will cover the Great Lakes.

Mr. ALEXANDER. Mr. Speaker, I will state frankly to the gentleman I do not think it will.

Mr. WILSON of Pennsylvania. I recall looking the matter up as to time, and my impression is that we found a statute that provided that the Great Lakes should be considered the same as the sea. I am not able to place my hand on the statute at the present time.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

Mr. McMORRAN. Mr. Speaker, I ask unanimous consent that the amendment be again read.

Mr. SHERLEY. Mr. Speaker, I call for the regular order. We can not have it read at a time when the House is dividing.

Mr. MANN. But the House has not yet commenced to divide.

The SPEAKER pro tempore. Without objection, the Clerk will again read the amendment.

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

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

The question was taken.

Mr. McMORRAN. Mr. Speaker, on that I demand the yeas and nays.

Mr. ALEXANDER. Mr. Speaker, I want to say that if the gentleman from Michigan persists in making the point of no quorum I shall move the previous question on this bill to its final passage, and he will defeat the very purpose that he has in view.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] One Member has risen; not a sufficient number, and the yeas and nays are refused.

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

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present.

Mr. ALEXANDER. Mr. Speaker, will the gentleman withdraw his point of no quorum?

Mr. McMORRAN. Mr. Speaker, I will withhold it for the present.

Mr. MANN. What becomes of the amendment, Mr. Speaker?

The SPEAKER. The amendment is rejected.

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

The Clerk read as follows:

> Page 2, line 10, after the word "States," insert the words "navigating the ocean or any lake, bay, or sound of the United States," and strike out in the same line the words "while at sea."

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

Mr. WARBURTON. Mr. Speaker, I would like to ask the gentleman a question. We have on Puget Sound boats that will leave a city at 6 o'clock in the morning and return at 6 o'clock the same night and tie up for the night. Would that include a vessel of that kind?

Mr. ALEXANDER. I am inclined to think that the words "at sea" would include vessels on the Great Lakes, but it would not include vessels on rivers.

Mr. WARBURTON. This is on Puget Sound.

Mr. ALEXANDER. Mr. Speaker, I will withdraw the amendment.

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

The Clerk read as follows:

> Page 3, line 4, at the end of section 1, insert the following:
> "Or to vessels or steamers of 1,500 tons register and tonnage operated on the Great Lakes."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

Mr. McMORRAN. Mr. Speaker, in behalf of this amendment I desire to address the House for a few minutes. I wish to say that the condition on the Lakes is entirely different from that on the ocean. We have a large number of steamers on the Lakes that are owned by independents, some of them by men who have their life savings locked up in an investment of 1,000 tons to 1,500 tons, as against those vessels carrying ten or twelve or fourteen thousand tons of ore. Under the most rigid economy it is impossible to expect a man to operate a vessel of 1,500 to 2,500 tons cargo in competition with one carrying ten or twelve or fourteen thousand tons. The clause in the bill requiring an additional fireman on the smaller class of boats is simply imposing a further burden upon the owners of those boats, and in the end will result in confiscation. During the consideration of this bill we have had a discussion of the trusts by the gentleman from Illinois [Mr. BUCHANAN]. He refers to the great Steel Trust. I had supposed that the discussion of the trusts coming from that side of the House would have been left in the rear.

During my service in this House for a number of years I have heard that side of the House clamoring and charging the Republican Party with being the mother of trusts and corporations, and yet you bring in here in this bill under section 1 a clause which, if it shall become a law, will have the effect of building up one of the most arbitrary trusts that exists in the country to-day. You will simply dictate to the smaller class of

vessels the number of men that they shall carry on their ships, the number of hours that they shall work; and if they are not able to comply with the terms of the bill they are simply to take their boats to the dock and let them lie there to rot. I think the time has come when the Democratic Party can afford to be fair and just to all people. You are now before the country hoping to carry it this fall—and I hope you will be buried so deep that you will never know that you have run a ticket—and it is a poor time for you at this section of the game to commence defending the trusts or to legislate here in establishing and constructing a trust. I am opposed to this bill. I am in favor of the workingman, and I am in favor of the sailor. I have had to do with sailors on the Great Lakes for the past 40 years, and I never yet have had a strike or a complaint from any sailor that I have ever had as to his wages or treatment; and as to the statement that the Steel Trust controls the tonnage on the Great Lakes, that is a mistake, and the gentleman who made it was in error.

There are a large number of men who are known as independents that have their independent steamers on the Lakes, and so far as the Steel Trust is concerned they are the strongest competitors to-day with the small boats. They have been paying liberal wages, and more so than any class of vessels that operate on the Great Lakes.

Mr. FOWLER. Mr. Speaker——

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

Mr. McMORRAN. I decline to yield at this time. I have had men in my employ for a number of years, men who started on the deck as deck hands, who are to-day commanding some of the steel steamers on the Great Lakes, drawing salaries from $2,000 to $2,500 a year, and they are men who are well worthy of the positions they occupy, and I think that the steel company are entitled to the credit of the efforts they have made in behalf of the work of the sailors on the Lakes. They have provided every comfort that could be provided in good steamers, and I think it comes with ill grace from any Member on that side of the House to charge the Steel Trust with being unfair to labor. I have no interest in the Steel Trust; I only wish I owned some of their stock.

The SPEAKER. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, it occurs to me it is just as hot in the boiler room of a 1,500-ton vessel on the Lakes as it is on the ocean. It is just as hot when the vessel is owned by an individual or a small corporation as it is when it is owned by a trust.

Mr. McMORRAN. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. McMORRAN. Do I understand the gentleman to say it is just as hot in the fire hole of a vessel of 1,500 tons register on the Lakes as in a steamer on the ocean?

Mr. WILSON of Pennsylvania. Of the same size; yes.

Mr. McMORRAN. Of the same size. Well, I am referring to 1,500-ton vessels.

Mr. WILSON of Pennsylvania. I say it is just as hot in the boiler room of a 1,500-ton boat on the Lakes as in the boiler room of a 1,500-ton boat on the ocean.

Mr. McMORRAN. Is the gentleman aware of the fact that on the ocean a vessel carries a pressure of from 175 to 225 pounds, whereas on the Lakes they carry a pressure of from 80 to 125 pounds?

Mr. WILSON of Pennsylvania. I know that both on the Lakes and on the ocean they carry various pressures.

Mr. McMORRAN. Does the gentleman maintain that the fire hole of a vessel carrying 225 pounds of steam is just the same as one carrying from 75 to 125 pounds of steam?

Mr. WILSON of Pennsylvania. No; I am not making that contention. I am simply making the contention that, with the various pressures carried in various vessels on the Lakes as there is on the ocean, with the same pressure being carried on the same size vessel, it is just as hot in the boiler room of the one on the Lakes as it is in the one on the ocean.

Mr. McMORRAN. One other point in that connection. Is the gentleman aware of the fact that the rate of wages paid on the Great Lakes, say on a 1,500-ton vessel, is much larger than that paid on the same size vessel on the ocean?

Mr. WILSON of Pennsylvania. In the coastwise trade?

Mr. McMORRAN. No; in the foreign trade, or the coastwise.

Mr. WILSON of Pennsylvania. The great bulk of the traffic on the Lakes is coastwise trade.

Mr. McMORRAN. That is true.

Mr. WILSON of Pennsylvania. The rate paid in the coastwise trade on the Pacific coast is higher than the rate paid on the Lakes.

Mr. McMORRAN. On the Pacific coast it is; on foreign service it is not, as I understand it.

Mr. WILSON of Pennsylvania. That is true; but it is nearly all coastwise trade on the Lakes. There is not any reason why this amendment should be adopted, Mr. Speaker.

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

Mr. WEEKS. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. You wish to ask the Speaker?

Mr. WEEKS. The gentleman from Michigan, and I move to strike out the last word. I want to ask the gentleman from Michigan, who offered the amendment, if he does not intend to include vessels of less than 1,500 tons? As it reads, it reads 1,500 tons and that tonnage alone.

Mr. McMORRAN. I did intend to cover 1,500 tons or less.

Mr. WEEKS. I ask that the amendment be reported.

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

The amendment was again reported.

Mr. WEEKS. Mr. Speaker, I move to amend, after the word "tonnage," by inserting the words "or less."

The SPEAKER. Without objection, the pro forma amendment will be withdrawn, and the gentleman offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting, after the word "tonnage," the words "or less," so that the amendment will read "or to vessels or steamers of 1,500 tons of register tonnage, or less, operated on the Great Lakes."

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

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment. Does not the question now arise on the McMorran amendment?

The SPEAKER. Unless the gentleman has an amendment he wants to offer.

Mr. MOORE of Pennsylvania. I would like to know the parliamentary status. Has the McMorran amendment been voted upon?

The SPEAKER. It has not.

Mr. MOORE of Pennsylvania. Then I have no amendment at this time.

The SPEAKER. The question is on agreeing to the McMorran amendment as amended.

The question was taken, and the amendment as amended was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of line 18, insert "or for the saving of life and property aboard other vessels in jeopardy."

Mr. HUMPHREY of Washington. Mr. Speaker, I presume there will be no objection to the amendment. I think it was an oversight on the part of the committee. They certainly would not prohibit these sailors from working to protect life on other vessels as well as on their own. As I understand it, a master at sea is compelled to go to the rescue of any vessel that is in danger, and it seems to me no one should object to sailors under those circumstances assisting in giving help to the rescue of property or lives. I hope there will be no objection to the amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as I am concerned, I have no serious objection to the amendment, although experience has shown it is not necessary to have that in our legislation, because there has been little or no necessity for it.

Mr. HUMPHREY of Washington. Occasion did arise in the case of the *Titanic*. I ask for a vote on the amendment.

The SPEAKER pro tempore (Mr. HOUSTON). The question is on agreeing to the amendment of the gentleman from Washington [Mr. HUMPHREY].

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

Mr. HUMPHREY of Washington. Mr. Speaker, on page 2, line 20, I offer another amendment. After the word "do," insert "in the judgment of the master." As it reads now it says:

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays.

That is a provision to which I have no objection, but if it is unnecessary, in whose judgment? Somebody has to pass upon it; I recognize the master might exercise arbitrary power or make some mistakes, as every other man. On the other

hand, he is supposed, certainly, to have equal judgment and to be as fair as a seaman. As a matter of fact, the records show that the seamen follow the sea but a very short time. I think on the average, according to the statement of the chairman of the Seamen's Union on the Pacific coast, the average time is about three years. I do not think it would be safe to leave it to the judgment of any man on board as to what he shall do. I do not know where you should put this power of deciding as well as with the master, and I think that is where it ought to go. Anything that is necessary in the judgment of the master the seaman should be required to do. The way it is it invites trouble. If the master gives an order and the seaman refuses to obey it, he will be discharged. You simply invite complications and trouble for both the master and the crew.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, after the word "do," insert the words "in the judgment of the master," so that the lines will read: "No seaman shall be required to do, in the judgment of the master, any unnecessary work on Sundays," etc.

Mr. WILSON of Pennsylvania. Mr. Speaker, the amendment practically destroys the purpose of the bill. If you leave the matter of what constitutes necessary work solely to the judgment of the master of the vessel, then the same condition will continue as exists now, when men are required to go on doing all kinds of ordinary work on Sunday, and the seamen will be prevented from having the usual week's day of rest which is usually provided for in all other classes of work. The question should be left, first, to the master to determine as to whether he considers it necessary or not; second, to the sailor or seaman to determine whether he considers it necessary or not, and, failing to agree, then the power rests with the inspectors to determine which of the two is right under the circumstances.

Mr. WEEKS. Mr. Speaker, I would like to ask the gentleman from Pennsylvania what limitation he would put on the words "unnecessary work on Sundays"?

Mr. WILSON of Pennsylvania. I can scarcely place any limitation on the words "unnecessary work" unless the specific piece of labor proposed to be done is up for consideration. Then I would be in a position to pass judgment upon whether or not it was necessary or unnecessary.

Mr. WEEKS. Is it going to be necessary to take these matters into court in order to determine what is necessary labor in all specific cases?

Mr. WILSON of Pennsylvania. Oh, no.

Mr. WEEKS. How is it going to be determined then?

Mr. WILSON of Pennsylvania. There is a likelihood that the men would be able to reach an agreement. But as it is now if one of these men refuses to perform this work on Sunday, or as it would be if this amendment were adopted, he would come under the law and would be penalized for his refusal to perform that labor, and that, too, not when the vessel is endangered or at sea, but when the vessel is in a safe port.

Mr. WEEKS. Let us suppose, Mr. Speaker, that a vessel is at sea and the master finds it is necessary to wash decks and the men do not do so, what is going to determine it?

Mr. WILSON of Pennsylvania. This does not apply to vessels at sea. At sea the word of the master is supreme, because there is a community of interests in which the safety of all who are there is involved and, consequently, there must be some supreme authority. And the supreme authority when at sea is vested in the master of the vessel. This clause only applies at times when the vessel is in a safe port.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. Division, Mr. Speaker.

The House divided; and there were—ayes 3, noes 37.

So the amendment was rejected.

Mr. WEEKS. Mr. Speaker, I move to strike out the last word for the purpose of asking a question.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes.

Mr. WEEKS. May I have the attention of the gentleman in charge of the bill? In lines 10 and 11 the limitation as to the number of watches is stipulated, at least two watches for the deck force and three watches for the engine-room force. Why were the words "at least" left out so far as the engine-room force is concerned? There may be a division into six watches, for instance. That would be a natural division of watches at sea—men standing watch for four hours.

Mr. WILSON of Pennsylvania. I have no objection, if the gentleman desires to offer an amendment of that kind, to an amendment of that kind being offered.

Mr. WEEKS. It seems to me that would be a natural limitation to be placed in the law.

Mr. WILSON of Pennsylvania. The sole reason for its not being there was the presumption that three watches would be as many as the firemen would likely be divided into.

Mr. WEEKS. It is very frequent that men stand in watches for four hours, then go off watch, and then go on again.

Mr. WILSON of Pennsylvania. All over the world the watch is recognized to be four hours, so that when you speak of a "watch" you speak of four hours.

Mr. WEEKS. Yes; but the dog watch is two hours.

Mr. WILSON of Pennsylvania. Well, there are no dog qualifications in this bill.

Mr. WEEKS. There are dog watches on all oceans, as the gentleman knows if he has investigated.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer the following amendment.

Mr. WEEKS. Mr. Speaker, I move to insert, in line 11, page 2, after the word "into," the words "at least," so that it will read "and the firemen into at least three watches."

Mr. HARDY. We have no objection to that amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "into," insert the words "at least," so that the line will read "and the firemen into at least three watches."

Mr. MANN. Mr. Speaker, now that we have a real seaman on his feet, I would like to inquire what the term "watch" means. What is the legal definition of the term "watch" as used here?

Mr. WEEKS. Mr. Speaker, when seamen want legal definitions they go to a lawyer to get them. [Laughter.]

Mr. MANN. I thought sometimes they went to a sea lawyer. [Laughter.]

Mr. WEEKS. But if the gentleman wishes a practical definition of the term "watch," I would say that it is the term or period that a man stands duty at a stated time.

Mr. MANN. It is not a term of duty? This refers to the duty of the man.

Mr. WILSON of Pennsylvania. It is almost synonymous with the term "shift" on land, so that it will be two shifts and three shifts, respectively, but the length of that shift is recognized universally as four hours.

Mr. MANN. It is quite certain that you could not have four watches of 8 hours each in 24 hours. Are the men to be divided into three watches?

Mr. WILSON of Pennsylvania. The men are to be divided into three watches, or three shifts, so far as the firemen are concerned, and into two watches, or two shifts, so far as the sailors and deck hands are concerned.

Mr. MANN. Is there any way to alternate from day to night and vice versa under the divisions of this bill, having divided the men into three sets? I use a term that we understand. That is what you mean by this bill. Then you provide that they shall alternate. Is there any way by which a man who served this week at night shall serve next week in the daytime under the terms of this bill? I fear not.

Mr. WILSON of Pennsylvania. This is a matter of mutual arrangement.

Mr. MANN. It is not a matter of mutual arrangement when the law fixes it. This bill says "divided into three watches, which shall be kept on duty alternately." Now, I take it that it is a common practice to shift the time of service of men on board vessels at sea as well as elsewhere. I ask what it means, because I know the gentleman would not wish to destroy that.

Mr. WILSON of Pennsylvania. I think the gentleman will see, if he examines into it, that it will naturally shift for itself.

Mr. MANN. I was at sea the other day, and as well as I could figure it out I figured it out that it would not shift for itself.

Mr. WEEKS. I think the gentleman in charge of the bill will state that no complaint has ever come before his committee on account of a recent change in the hours of service on board ships. Every master arranges his hands so that some will perform some night service and some will perform day service, and at different times in the night and in the day.

Mr. WILSON of Pennsylvania. I do not think this will prevent that.

Mr. WEEKS. I do not think it will prevent it, and I do not think there is a complaint that it has not been done.

Mr. SHERLEY. In the earlier discussion of the bill did not the gentleman state that this provision would not apply to

vessels engaged in a voyage lasting less than 16 hours? Manifestly there ought not to be any need for three shifts of men in vessels that are so engaged—for instance, in a run of four or five hours' duration.

Mr. WILSON of Pennsylvania. No.

Mr. SHERLEY. I think if the bill does not exclude that class of vessels an amendment ought to be offered which does exclude them. I would like to have the gentleman's opinion.

Mr. WILSON of Pennsylvania. My opinion of the situation is this: That the watch or the shift being of four hours' duration, and the shifts alternating, naturally there would be less than three shifts where there were eight hours or less.

Mr. SHERLEY. No. There would be less than that many watches, but not less than that many shifts, using the term "watches" as designating time and the term "shifts" as designating classes.

Mr. WILSON of Pennsylvania. "Shift" and "watch" are almost synonymous terms.

Mr. SHERLEY. Let us not juggle with words. I do not care what the gentleman calls it. I care not whether you call it a "shift" or a "watch." In point of fact here is what happens: A certain class or group of men work four hours. They are spoken of as a "watch," and sometimes, as the gentleman said, as a "shift," though frequently you speak of a watch as referring to time and not to men. For instance, when you speak of the "dog watch" you may not refer to the character of men or to the number composing that shift, but you refer to the time during which that watch lasts. Now, if the time of the voyage is such as to consume four or five hours only, you may have, by this provision in the bill, required the maintenance of three groups of men, whereas in point of fact the time employed by the vessel is not sufficient to use those men.

Mr. WILSON of Pennsylvania. I would state to the gentleman that it is not clear that that would be the case, but I would have no objection whatever to an amendment which would make it clear that this would not apply to vessels running eight hours or less, if it applied to vessels running more than eight hours. It should apply only to vessels running more than eight hours.

Mr. SHERLEY. Let us see whether it should. If a vessel runs only 9 hours or 10 hours, why should there be three shifts when you can have two alternating, and in no instance can a man work more than 8 hours? That is what is in the gentleman's mind, and in no instance will a man work more than four hours consecutively. I do not want, on the spur of the moment, to offer an amendment that may not effect a remedy, but it is clear to my mind that unless the letter of this law is disregarded you have created a condition where you will be required to have three shifts of men on vessels that may not be engaged in a voyage long enough to need more than two shifts.

Mr. MADDEN. Will the gentleman from Pennsylvania yield to me for a question?

Mr. WILSON of Pennsylvania. Yes.

Mr. MADDEN. Suppose you have a crew of firemen numbering 90 men, and you divided them into three groups. One group of 30, we will assume, take one of the watches. Half the group will be employed for 4 hours, and then will go off duty, and the other half will go on. That would be an 8-hour watch. Then we will take the next group of 30, one half of whom would go on for 4 hours and the other half for 4 hours. The third group would do the same thing. According to the language of this bill, dividing the watches as they are proposed to be divided in the bill, no man would work more than 4 hours out of the 24, as I understand it. I do not suppose the gentleman from Pennsylvania wants to make the language of the bill such that a man would work less than 8 hours in 24.

Mr. WILSON of Pennsylvania. I think the gentleman is entirely in error. Under this bill each man is 4 hours on and 8 hours off in every consecutive 12 hours.

Mr. MADDEN. He would not be under the three-group system.

Mr. WILSON of Pennsylvania. Oh, yes; the three-group system is what I have reference to. Each group of men would work 4 hours and be off 8 hours, and then work 4 hours again and be off 8 hours, so that in each 24 hours every man would work two periods or watches of 4 hours each.

Mr. MADDEN. I can not figure it out that way. Perhaps the gentleman has figured it out.

Mr. SHERLEY. Perhaps the difficulty comes from the use of the word "alternate," when you speak of three groups. The words "alternate" and "alternately" are generally used as applying to two groups.

Mr. MANN. Mr. Speaker, is there any penalty provided for a violation of this section, except the right of the seaman to quit?

Mr. WILSON of Pennsylvania. There is no other penalty except the right of the seaman to quit, and to get his wages when he does quit.

The SPEAKER pro tempore. The amendment offered by the gentleman from Massachusetts [Mr. WEEKS] is pending.

The question being taken, on a division (demanded by Mr. ALEXANDER) there were—ayes 32, noes none.

Accordingly the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 10, after the words "States the," by striking out the word "sailors" and inserting the word "seamen."

Mr. MOORE of Pennsylvania. Mr. Speaker, that is offered simply to make the term conform to the other parts of the bill.

Mr. LONGWORTH. Does not the word "seamen" mean firemen also?

Mr. MOORE of Pennsylvania. Not necessarily, because seamen are especially defined later on in the bill as men who must have served three years.

Mr. MANN. Is not the expression in the bill later on "able seamen," and does "able seamen" mean the same as "seamen"?

Mr. HUMPHREY of Washington. No; it does not.

Mr. MOORE of Pennsylvania. I should suppose there was some purpose in the bill, when it provides that in order to be an able-bodied seaman——

Mr. MANN. I do not think it says "able-bodied seaman." I think it says "able seaman," which means one thing and "seaman" means another, and a sailor may be something else.

Mr. LONGWORTH. What are firemen?

Mr. MANN. Firemen are seamen.

Mr. LONGWORTH. I should think so.

Mr. KENDALL. Does the word "sailor" include all of them?

Mr. MANN. No; "sailor" does not include firemen, but "seaman" would.

Mr. MOORE of Pennsylvania. Firemen are specified, but the word "sailor" occurs several times where the word "seaman" is intended. I merely want to correct the phraseology of the bill. I supposed it was the intent of gentlemen to have this bill uniform. If you want to leave this question open, I am satisfied, but I want to correct the bill so that there may be no question as to the meaning of the word "seaman."

Mr. WILSON of Pennsylvania. Mr. Speaker, we are more interested in this bill being right and in having the correct meaning expressed than we are in the bill being uniform. We are more interested in its being easy of interpretation than we are in having the verbiage according to the ideas of any one man.

Mr. MOORE of Pennsylvania. Does not the gentleman simply confuse the question when he leaves it open? It may mean a sailor or a seaman who has seen three years' service.

Mr. WILSON of Pennsylvania. No; the confusion is in the gentleman's mind, in that he does not draw the distinction between what is a seaman and what is a sailor. The word "seaman" includes all of those who are employed on board, while "sailor" only includes the deck hands.

Mr. MOORE of Pennsylvania. Does the gentleman mean that a sailor distinguished from a seaman need not have three years' experience?

Mr. MANN. Why, certainly.

Mr. WILSON of Pennsylvania. It means that able seamen shall have three years' service.

Mr. MOORE of Pennsylvania. Does the gentleman mean that a "sailor" may go on board at any time, and do the work of an able seaman, without requiring three years' service?

Mr. WILSON of Pennsylvania. No; but there are sailors who can do that.

Mr. MANN. Is it not a fact that the provision of the bill regarding able seamen requires not to exceed 65 per cent of able seamen?

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The others may be seamen, and they would also be sailors, if they were doing deck work. I think there is no confusion in the term.

Mr. ALEXANDER. I should like to read the definition of "seaman" as given by the law for the benefit of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MANN. What is the section of the statute which the gentleman proposes to read?

Mr. ALEXANDER. It is on page 58 of the navigation laws, and is section 73:

Every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a seaman.

Mr. LONGWORTH. Under this provision here as to watches, where would the stewards and cooks come in?

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, I thought so. I desire to ask the gentleman from Missouri [Mr. ALEXANDER] whether upon that interpretation of the law he still means to put a sailor in the category of an able seaman who does not have to serve three years on shipboard in order to qualify under this act? You are proposing here to improve existing law, and if you are going to improve it you should improve the imperfections of the old law, and when you are copying bad grammar I think it had better be corrected while we have a chance.

Mr. WILSON of Pennsylvania. Mr. Speaker, if the amendment of the gentleman from Pennsylvania [Mr. MOORE] is agreed to, it means that the cooks and stewards would also be divided into two watches as well as the sailors.

Mr. LONGWORTH. And it is intended that cooks and stewards shall not be covered by this.

Mr. WILSON of Pennsylvania. This does not cover the cooks and stewards.

Mr. LONGWORTH. Exactly. It covers the firemen and the sailors.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, section 1, by striking out all after the word "earned," line 3, page 3.

Mr. MOORE of Pennsylvania. Mr. Speaker, this bill is entitled "A bill to abolish involuntary servitude imposed upon seamen," and so forth, and the gentleman from Pennsylvania [Mr. WILSON] has laid much stress upon the servitude which seamen are said to endure. There are long voyages and short voyages that seamen have to take, and when they go on a whaling cruise they take, perhaps, a longer voyage than on any other. On fishing voyages they also take long cruises, and I am at a loss to understand why the gentlemen on the other side should bring in a bill which proposes to relieve one class of seamen or sailors from involuntary servitude and still imposes it upon others whose work at sea may be more difficult. If this bill is intended to relieve seamen of any hardships they now endure, why do you except by the provisions of the bill and still leave in involuntary servitude men who are employed upon fishing vessels or men who go off in whalers and stay for a term of years? Is this bill intended to exclude the seamen who go off on those cruises? And why except yachts, especially in view of the charge made a moment ago by the gentleman from Illinois [Mr. BUCHANAN] that the crowding down of sailors was due to the Steel Trust? Why except the yachts which, perhaps, are more largely owned by those who are interested in the Steel Trust than any other class of men? Why should those who work down in the holds of yachts be excepted from this "involuntary servitude" that is imposed upon the sailors who go down in the ships? You may say that you except a yacht owned by a millionaire because he does not take long cruises or because he furnishes some special facilities in the way of comfort and convenience for the men who do the stoking and the firing and whatever other work is to be done, or before the mast. Do you intend especially to benefit the Steel Trust millionaires who own the yachts and sail away at their own free will and keep the men down in the hold in involuntary servitude while you pretend to perform an act for the liberation of those whom you say are enslaved upon the ships carrying commerce? I want the ships of commerce to have a chance. I want the men who employ sailors to have an opportunity. I do not propose to vote them out and vote in the men who own yachts, the men who are able to sail away as they please. It seems to me that the gentlemen on the other side have made a remarkable exception in this case, that they provide that the sailor who is in involuntary servitude on the yacht of the millionaire shall not be included in the provisions of this bill, which is supposed to wipe out the last vestige of serfdom in the United States. I would like to know what the gentleman has to say in opposition to an amendment of this kind, making fish of one and fowl of another, proposing that one class of seamen, or sailors, as you have distinguished them, shall be the beneficiaries of this act and leaving in distress and abject servitude under the iron heel of the millionaire the man who sails on the palatial yacht. [Applause.]

Mr. HARDY. Mr. Speaker, I can not help thinking that the gentleman from Pennsylvania [Mr. MOORE] is making a nice little calico play and nothing more. This section has nothing to do with the question of involuntary servitude, as the gentleman would seem to believe, laying so much stress upon the fact that it does not apply to the millionaire-owned yacht. This section has reference only to providing for two watches of the deck crew and three watches of the firemen. The yachts are exempted from this provision, as they are from nearly all of the existing provisions of a similar character in existing law, because the employees on the yachts are generally the best cared for and least oppressed of seamen and they have never complained as to the matters involved in this section, and there is absolutely no question whatever of involuntary servitude involved in this section. The fact is that I am more tickled and amused at the gentleman's performance as to yachts than anything I know of, except when it comes to his criticism of our exempting fishing and whaling vessels from this section.

Mr. MOORE of Pennsylvania. There is no question that these classes of seamen are being exempted from the benefits of this act.

Mr. HARDY. Oh, the gentleman can read. There is no question that the answer to his question is that the yachts are exempted.

Mr. MOORE of Pennsylvania. And so are those who go out in whaling and fishing vessels.

Mr. HARDY. So far as the fishing vessels are concerned, the gentleman ought to know there are thousands of poor men owning their little outfits, and to require them to have alternating watches, two watches on deck and three watches of the firemen, would be simply ridiculous.

The SPEAKER. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours after demand therefor, from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended; and all stipulations to the contrary shall be held as void. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *Provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment, to strike out from including "*Provided further*" to the end of the section, so that the section will not apply to foreign vessels.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, by striking out the proviso after the word "require," in line 22.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to call the attention of Members of the House to the fact that by this proviso we attempt to make void contracts which are made in foreign countries between foreign citizens. Now, I submit we can go this far, that when foreign vessels are in our ports we can make them comply with any rule and regulation that exists in regard to American citizens or that protects property or to contracts made in our own ports. We can also go so far as not to enforce contracts that are made in those foreign countries. For instance, we could refuse to recognize any agreement made abroad and not compel them to be enforced and carried out in this country, but we do not have the power to declare void contracts made in foreign countries. There is a clear distinction, and we go entirely beyond our authority. In other words, in this section, as we now have it, we provide that if a foreign sailor makes an agreement with a foreign shipowner that the contract becomes void as soon as they come into an American port. We also go further. If they make an agreement that wages shall not be paid until the round trip is complete we say that that contract will be void. Now, I think we are going beyond our power. If we had the power, I do not think there is any necessity for it. I can see no reason why we should tell foreign nations how they should pay their sailors. We are attempting to do something entirely

out of our power when we declare a contract made between two citizens of a foreign Government, legal in that Government, is void because they come into our ports. I think that section ought to be stricken out. Under the law as it now stands the words in line 13, "and all stipulations to the contrary shall be held as void," is not in it. The change that is made from the present law is the insertion of those words and the provisos.

Mr. BUTLER. Is that the only change between the old and the new law?

Mr. HUMPHREY of Washington. The only change between the old law and the new law are the words "and all stipulations to the contrary shall be held as void," and the provisos which make it apply to foreign ships, and it does seem to me that this House ought to have some consideration for its judgment; that we ought not here to vote for provisions in bills we know we have no authority to enforce. We should have some regard for the comity of nations. For one I do not want to go on record as voting for a law to make void a legal contract made between two citizens of another country as long as it does not affect our safety and the interest of our country.

Mr. BUTLER. Mr. Speaker, the gentleman insists this is the only part of the provision we could enforce:

Provided further, That this section shall apply to seamen on foreign vessels, etc.

That is what the gentleman refers to as what we could not enforce, and that is because of our relations with nations.

Mr. HUMPHREY of Washington. And the further stipulation:

Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours, after demand therefor, from the master of the vessel to which he belongs, one-half part of the wages which shall be due him, etc.

Suppose an English sailor had made a contract when he started in regard to his wages. That provision makes that contract void. And we go beyond that. We not only declare the contract void, but we declare we will enforce a violation of that contract when it comes into our port. If part of the money has been paid under such contract our courts will compel its repayment. The seaman should have the power of the courts of the United States to enforce payment that is in direct violation of the legal contract he had made in his own country with his countrymen.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. BUTLER. I would like to ask the gentleman a question. When a ship comes within the 3-mile limit of our shores or lands and takes advantage of our laws and docks at our shores, does that ship come within the jurisdiction of our courts?

Mr. HUMPHREY of Washington. Certainly. It comes within the jurisdiction of the courts, and I have never attempted to deny the fact. We have authority over that vessel and we can compel that vessel to obey our rules and regulations that affect the interests of American citizens, but I am making this distinction, that the United States has no authority to declare void a contract made between two citizens of another country that is legal in that country which in no way affects American interests. We go a step further. We not only declare that contract void, but we provide that the foreign sailor may go into court and invoke the power of that court to carry out something that he agreed not to do and about which we are not in anyway concerned.

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

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Supposing one of the Canadian railroads makes a contract with one of its employees that the employee shall not recover for damages in case of injury. Then they come into the United States with a train and the employee is injured. The employee sues under the liability act which we passed. Does the gentleman think the fact that the contract was made in Canada instead of the United States could be urged as a bar in that suit? Is there any distinction between that case and this? In other words, we do not declare the contract is void, but we declare it can not be plead in defense of the action.

Mr. BUTLER. This law applies where the case is brought.

Mr. HUMPHREY of Washington. That is true enough; that would be the law of the United States.

Mr. MANN. So is this when it is passed.

Mr. PICKETT. The case suggested by the gentleman from Illinois is where the cause of action occurs in this country.

Mr. HUMPHREY of Washington. The gentleman suggests a case where we would enforce the law of the United States, but this is a case where you will declare void a contract legal in a foreign country in which we have no interest between foreign subjects.

Mr. MANN. We are enforcing the law of the United States. We are permitting the man to sue for wages that are due him, but do not permit evidence that he is not to have the wages to be proof presumptive in the matter.

Mr. BUTLER. In the case the gentleman puts to the gentleman from Washington [Mr. HUMPHREY] we declare, notwithstanding the contract was made in Canada that there should be no recovery, there can be a recovery here.

Mr. HUMPHREY of Washington. Certainly; we make that stipulation in regard to our own people here. But that is a law where they recover under the laws of the United States. In this case you are declaring void a contract made abroad and carried out entirely abroad or on a foreign ship, between foreign citizens, which is an entirely different proposition.

Mr. ALEXANDER. Will the gentleman yield? If the gentleman will turn to page 78, section 95, of the navigation laws, 1911, he will find the law relating to advances and allotments of wages. In the first subdivision it says:

It shall be and is hereby made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same or to pay such advance wages to any other person.

In subdivision "b" it says further:

It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grandparents, parents, wife, sister, or children, etc.

Subdivision "c" provides what other rights he shall have. Then in subdivision "d" it says:

No allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law.

Then in subdivision "e" it says:

No allotment except as provided for in this section shall be lawful.

In subdivision "f," and this is the subdivision to which I wish particularly to call your attention, it says:

This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided,* That treaties in force between the United States and foreign nations do not conflict.

If we may regulate advancements and allotments of wages, why can not we regulate the payment of wages, too?

The SPEAKER. The time of the gentleman from Washington [Mr. HUMPHREY] has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 7, after the words "on a," by inserting the word "merchant."

Mr. MOORE of Pennsylvania. Mr. Speaker, this is intended to meet the criticism I made a little while ago. Here you provide for a vessel of the United States, the inference being, and perhaps the legal definition being, that the vessel is owned by the Government of the United States. The bill does not say a vessel of American register; it does not say "merchant vessel." I suggest the word "merchant" would fit the situation and make the bill uniform.

Mr. WILSON of Pennsylvania. I hope the amendment will not be agreed to. It is apparent that the gentleman from Pennsylvania [Mr. MOORE] does not understand the purpose of this section or the purpose of the other section that he has had reference to in his discussion here to-day. This section is meant to apply to all vessels of the United States, not vessels owned by the United States, but vessels of the United States, and the law as read a few minutes ago by the gentleman from Missouri [Mr. ALEXANDER] clearly defined it, and that is the language that should be used when applying to vessels owned by citizens of the United States. This is meant to apply not only to merchant vessels of the United States, but to all vessels of the United States, whether they are merchant vessels or others.

Mr. MOORE of Pennsylvania. I offer the amendment merely to perfect the bill. If the gentleman does not want it, all right.

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

Mr. MANN. Mr. Speaker, while I do not think the amendment is necessary, I wish before the debate on this bill is closed that the gentleman in charge of the bill, or some other gentleman, will put into the RECORD a clear definition of what a merchant vessel is.

Mr. MOORE of Pennsylvania. The law was read a little while ago.

Mr. MANN. Section 4311 of the Revised Statutes defines what a vessel of the United States is. I take it that there is no definition in the statute as to the meaning of the term "merchant vessel," and it seems to me it would be desirable to have the definition in the RECORD if not in the bill.

Mr. WILSON of Pennsylvania. My definition, at least, of the term is in the RECORD, in reply to the question of the gentleman from Illinois.

Mr. MANN. I understood the gentleman a while ago to state that the term "merchant vessel," in section 1, covered certain vessels not under 100 tons burden.

Mr. WILSON of Pennsylvania. What I said was that a merchant vessel was a vessel carrying passengers or freight for hire. That was my definition of a merchant vessel. Then one of the sections specifically exempts vessels of less than 100 tons, which would exclude merchant vessels as well as other vessels.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 13, after the word "ended," by inserting the words, "Provided the voyage between ports shall cover a period of 48 hours."

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Pennsylvania [Mr. WILSON] a moment ago suggested that I ought to study this bill a little more carefully that I might better understand it. The gentleman speaks from his point of view. I speak from mine. I am interested in the development and improvement of labor conditions. I believe those conditions will be improved as we improve the opportunity for men to do business in this country. I believe that a sailor ought to be paid everything that is due him for his services, but I believe there is another side to that question, namely, that some encouragement should be given to the man who invests his money in enterprises and employs the sailor. Now, I assume that the gentleman upon the other side wants to be as fair to the employer as to the employee and wants to see, as the gentleman from Illinois [Mr. BUCHANAN] indicated the other day, the employer and employee walking hand in hand.

Up to this time in this discussion it would appear that that labor which the gentleman seems to speak for wants to strike at the employer. I do not understand that to be the purpose of this bill, and I do not understand it to be the purpose of the gentleman. I believe that the man who employs labor ought to have equal consideration in a bill of this kind with the laborer himself. They ought to work together.

Now, this bill presents certain features that make it impossible for a man operating a small vessel to continue in business. There are conditions in this bill that, put into effect, may deprive the small shipowner of the right to exist, leaving all the shipping business to be done by the great capitalists and the trusts, on the one hand, and those who regulate the affairs of organized labor, on the other. I want to see the man who operates a small ship have the same chance to employ somebody as the man who operates the trust-owned ship.

In this particular instance I have offered an amendment which has in view the practicability of this section of the bill. It is proposed here that a seaman shall have his wages at every port on 48 hours' notice to the master of the vessel. Pray, how is that going to work along the Atlantic seaboard, where the vessel leaves the port of New York in the morning and arrives at the port of Philadelphia in the evening, or leaves the port of Philadelphia in the morning and arrives in the port of Baltimore next day? Forty-eight hours do not elapse. Is it the purpose of this bill to have the man employed to do certain work upon the vessel nagging the master on a 12-hour journey? I submit that where these vessels do not cover in their trips a period of 48 hours, this provision is entirely impracticable.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE of Pennsylvania. I yield.

Mr. WILSON of Pennsylvania. Does the gentleman know of any such circumstance, where the run is less than 48 hours between such points, where the trip is only 12 hours?

Mr. MOORE of Pennsylvania. Yes; I know of many such trips. A vessel leaves Baltimore at a certain hour and arrives at Philadelphia 12 hours later. Under this bill the seaman could keep demanding his wages every 48 hours all along the Atlantic coast from Boston to Fernandina, Fla., on a voyage, stopping at ports every 12 hours.

I submit there are imperfections in this bill that make it objectionable in many respects. I want to see my colleague from Pennsylvania do everything he can to benefit the seamen, because I join with him in the effort he is making to upbuild labor. The Lord knows the honest seaman works for his wage and ought to have it. I do not want to see the gentleman put the seaman in such a position that he shall be in constant war with the captain and shall have a chip on his shoulder all the time, when they ought to be pulling together.

Yet under the terms of this bill you would have this condition arise all along the coast, and on the Great Lakes from Buffalo to Duluth.

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

Mr. MANN. Mr. Speaker, a moment ago the gentleman from Pennsylvania [Mr. WILSON] stated in reference to section 1 that it did not apply to vessels of less than 100 tons burden.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The gentleman stated that that provision was in the section. I read the provision over when the gentleman made his statement, hoping to find it, and I have read it over again and have not found it, and if it is in there I would like to have the gentleman tell me where it is. If it is not there, I would like to have him say whether or not, as a matter of fact, there is any other provision which, in the gentleman's opinion, would limit section 1 to vessels of 100 tons burden or over?

Mr. WILSON of Pennsylvania. No. There are some sections where the limitation is 100 tons, but the only limitation in section 1 is that it does not apply to fishing or whaling vessels, or to yachts.

The SPEAKER. Debate on this amendment has expired.

Mr. BOWMAN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Pennsylvania [Mr. BOWMAN] moves to strike out the last word.

Mr. BOWMAN. Mr. Speaker, I would also like to ask the gentleman in charge of the bill a question in relation to the point just made by my colleague from Pennsylvania, Mr. MOORE. I think there is a good point made there. It is not even necessary that the wages should be paid at the port, within 48 hours, while the vessel is lying at that port. It occurs to me that if a man wanted to make trouble, or if a man had been drinking, he might ask for his money at each port, either on the coast or at every port on the Lakes, perhaps 48 hours apart. He might make a demand for his money, and every 48 hours his money would be coming to him. I think it would be easy to add to the provisions in the bill language to the effect that the voyage should cover so many days specifically.

Mr. WILSON of Pennsylvania. Mr. Speaker, the provision in the bill requires 48 hours' notice before the money can be paid—that is, before its payment can be enforced after it is demanded. In my judgment that protects the employer on short runs, and he has the further protection that there is nothing to compel him to retain that individual in his employment if that individual annoys him.

Mr. BOWMAN. If the gentleman is satisfied with the language, I am.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 25, after the word "enforcement," by inserting the following: "*And provided*, That nothing herein contained shall operate to admit any person in violation of the immigration laws of the United States."

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

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to speak on the amendment for a moment.

The SPEAKER. The gentleman has five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, there are bills pending in this House now affecting immigration, and a test is to be made, if we are to understand the gentleman from Alabama [Mr. BURNETT] aright, and if there is any real steam behind the gentleman from Georgia [Mr. RODDENBERY], as to whether immigrants shall be admitted to this country who can not read and write. I am in favor of properly restricting immigra-

tion. The criminal, the infirm, the helpless, the pauper, and the insane ought to be kept out of this country; but the man who can not read and write, who comes here for a worthy purpose and desires to take advantage of the opportunities offered by this country to his forefathers and to assume the same responsibilities, should not be barred solely for the reason indicated.

Here is a provision which proposes that alien seamen, whether they can read or write or not, may come into this country and have the advantages of all the courts of our land, without making any provision whatever for those citizenship obligations which the rest of us have to assume. I desire to say that if this provision is allowed to stand without the amendment which I have offered, a sluiceway will be opened for men to come into this country who do not conform to the immigration regulations of the United States—men who may be criminals, men who may not be fit for citizenship in the United States—and it seems to me this is the time to insert a precautionary provision, so that men who are neither sailors nor firemen, but who assume to come in as such, though at heart and in experience and of record they may be crooks, shall not come into the United States in violation of those laws which impose restrictions upon all others.

Mr. ALEXANDER. I understand the gentleman offers an amendment at the end of line 25, on page 2, and that section 4530 deals altogether with the wages of seamen. The amendment is not germane, but I will not make a point of order against it. It is absolutely foreign to the subject matter of the section.

The SPEAKER. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

Mr. UTTER. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the chairman of the committee a question for information. This bill applies to coastwise and lake steamers alike, does it not?

Mr. ALEXANDER. That is the intention.

Mr. UTTER. Then suppose a steamer leaves Buffalo, stops at Cleveland, goes along and stops at Detroit. At each place a seaman could demand half his wages, and they must be paid within 48 hours?

Mr. ALEXANDER. It does not say so. It says he must give 48 hours' notice.

Mr. UTTER. But the seaman has the right at each place to demand the proportion of his wages due him at that time, which must be paid in 48 hours?

Mr. ALEXANDER. No; if he wants part of his wages at that port he must give 48 hours' notice.

Mr. UTTER. He must give 48 hours' notice, after he comes to port, that he wants half his money within 48 hours.

Mr. ALEXANDER. The vessel, under the circumstances the gentleman states, would not remain at one port 48 hours.

Mr. UTTER. The section does not say anything about a vessel remaining in port 48 hours.

Mr. ALEXANDER. No; it says if he wants his wages in that port, he must give 48 hours' notice.

Mr. UTTER. No; it says he must ask for his wages at that port, and that they must be paid him within 48 hours.

Mr. ALEXANDER. I can not agree with the gentleman's construction of the language.

Mr. UTTER. It says simply that he is entitled to receive his wages within 48 hours after demanding them. It does not make any difference whether he is on the sea, or a river or lake. When the 48 hours are up he is entitled to his wages.

Mr. ALEXANDER. I regret that I can not agree with the gentleman's construction.

Mr. MANN. Mr. Speaker, I will oppose the pro forma amendment. I suggest to the gentleman that while it is true apparently that a seaman could demand and on a series of demands be entitled to one-half of his wages at Philadelphia and another one-half at the next port that he reached, although it might be reached within a few hours, the probable result would be that he would get all of his wages and get the boot.

Mr. UTTER. I am not looking for trouble for anybody. I am simply calling attention to the possibilities that may arise under the law.

The SPEAKER. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases, the consular or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

Mr. WEEKS. I move to strike out the last word, for the purpose of asking a question. Why, in line 5 of that section, is the limitation made to the first and second officers? Why not any officer of the ship?

Mr. ALEXANDER. If the gentleman will turn to page 102 of the navigation laws, 1911——

Mr. WEEKS. I have not the volume at hand.

Mr. ALEXANDER. I will read it; the law is in these words:

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea—

And so forth. The change made in the bill is this: It provides that—

Upon a complaint in writing, signed by the first or second officer or a majority of the crew while in a foreign port.

We retain the language of the section, except we change "and" to "or" and provide that the first or second officer or a majority of the crew may demand an inspection of the vessel; it will not require the concurrence of the first or second officer for a majority of the crew to secure an inspection of the vessel.

Mr. WEEKS. I think the language in the law is unfortunate. The vessel may be a large one, with four or five officers. There is no reason it should be limited to the first or second officer. It should cover all vessels and all officers. I want to suggest to the gentleman in charge of the bill (I am not going to offer any amendment) that I think he is going too far in limiting this to the first and second officer or the crew.

I think if he had provided that the crew, indorsed by an officer, could do this, and made a limitation of that character, the provision would then be suitable, but in its present form it does not strike me as wise, because a vessel may be held up for a long time on what may prove to be a trivial objection.

Mr. ALEXANDER. Mr. Speaker, of course the first and second officers of the vessel are the most responsible officers, and hence they are clothed with greater authority. The only change we make is this, that the first or second officer or a majority of the crew on the vessel, if they regard the vessel to be in an unsuitable condition to go to sea, may require an inspection.

Mr. MADDEN. You use the word "or" instead of the word "and."

Mr. ALEXANDER. Yes. Under the existing law, although the crew act as a unit in demanding the inspection of the vessel, claiming it is unseaworthy, they can not get that inspection unless their demand is also concurred in by the first or the second officer, and it was to relieve them of that embarrassment and place it in the power of the crew or a majority of the crew to demand an inspection, whether the first or second officer demanded it or not, that we amended the law in this respect.

Mr. WEEKS. Mr. Speaker, I would not limit the restrictions, if I had it to do, which would prevent the sending of a ship to sea which was in any way unseaworthy. I am entirely in accord with the gentleman's desire in that respect, but let me call his attention to the fact that he is leaving in the hands of a majority of the crew a possibility of holding up the sailing of a ship for what may be a considerable time, and if that is done every time a ship fails to sail it means material loss not only directly but indirectly, because the ship may have on board stores which may be spoiled in the delay. It seems to me there ought to be some limitation added to a majority of the crew in order to bring about the purpose which the gentleman desires and which will mean safety to shipowners as well.

Mr. ALEXANDER. Mr. Speaker, under the statute as it exists that limitation is in the form I have stated—that the majority of the crew, with the concurrence of the first or second officer, may demand an inspection—but the bill provides that a majority of the crew may demand this inspection although the officers may not concur in the demand. The sailors claim this right, as their lives may be imperiled by the unseaworthiness of the ship.

Mr. WEEKS. I would be quite content if it were left to a majority of the crew, indorsed by one officer.

Mr. ALEXANDER. That is the existing law, and we have amended it for the reasons stated.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. HUMPHREY of Washington. In the gentleman's experience at sea, does he think it would be a wise provision for us to place it by this law in the power of the crew alone to demand these inspections in the foreign ports? The gentleman will notice that this applies only to a foreign port.

Mr. WEEKS. Mr. Speaker, my judgment is that this is an ill-advised step, and the gentlemen who are fathering it will live to see that it is so.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, I want to say in reply to the gentleman from Massachusetts [Mr. WEEKS] that the existing law provides that a survey may be made upon the demand of the first or second officers and a majority of the crew, but it may not be made upon the demand of a majority of the crew alone. The owner of the vessel has his special representatives in the officers of the vessel. The crew has no protection whatsoever, except from the representatives of the owners of the vessel. All that a member of the crew has in this world as a rule is his life. That life is placed in jeopardy when he goes to sea in a vessel which is unsafe, and when a majority of the crew are of the same opinion that the vessel is unsafe, whether the officers, the representatives of the owners, concur in that opinion or not, justice to those seamen requires that the survey should be made, and hence we propose the change.

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

Mr. WILSON of Pennsylvania. Certainly.

Mr. WEEKS. Mr. Speaker, I would like to ask if any case has ever been brought to the attention of the gentleman from Pennsylvania where a crew has represented a ship to be unsafe and the ship has gone to sea and any accident has come to it?

Mr. WILSON of Pennsylvania. There has not; and, so far as I am concerned, I am not anxious that it should be demonstrated to me by an accident that it is necessary that we should have this kind of a law.

Mr. WEEKS. But it does seem to me that when we place it in the hands of men who are simply temporarily serving on a ship to hold it up under conditions which may be very destructive to property, we ought to have some substantial reason for it.

Mr. WILSON of Pennsylvania. We have had some claims made here on the floor of this House during this debate that the *Titanic* was not soundly constructed; and if she was not soundly constructed, then she was not seaworthy. If that be true, then a majority of the members of her crew ought to have had the right to have asked for a survey of that vessel.

Mr. WEEKS. But that vessel should have been surveyed and those matters determined in her home port before she sailed. It is true, undoubtedly, that the *Titanic* was not as well built as was the *Great Eastern*, which was constructed more than 60 years ago. She is said not to have had longitudinal bulkheads up to the water line, which was faulty construction, but she should have been inspected by English inspectors before she was allowed to sail. That is a very different proposition from inspection in foreign ports where the ship may be tied up.

Mr. WILSON of Pennsylvania. It is not at all foreign to the right of the seamen to have a survey of the vessel. Their lives, the only thing they have, are at stake, and when a majority of them concur in the opinion that the vessel is unsafe they ought to have the privilege of having a survey of that vessel.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word. I want to call the attention of the House to the fact that this provision goes much further than the gentleman from Pennsylvania [Mr. WILSON] has stated. It does seem to me the gentleman proceeds on a wrong theory. All of his arguments are that there is an antagonism and a war between the officers and the crew. While he talks about the fact that the sailors have only their lives, if the ship is unsafe, it is also true that the officers have at stake their lives just as much as do the sailors, and they are just as much interested in safety as are the sailors.

The men who own the vessels certainly have some interest, and they are represented only by the officers; so you place it entirely within the hands of the seamen, and the owner has no right whatever. If it was only a question of safety, I would not object to it; but let me call the gentleman's attention to another thing. He talks about the safety of the vessel. No one thinks a vessel ought to go to sea when there is any question about its safety, but this provision places it within the power of the seamen for various other reasons to tie up this vessel, as the gentleman from Massachusetts [Mr. WEEKS] has pointed out. It says "that such vessel is in an unsuitable condition to go to sea, because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment"—there is no objection to that—"or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome; thereupon," and so forth.

Now, you go so far as to place an American vessel in a foreign port entirely in the hands of the seamen who have no interest in that vessel. You take away from the officers any command over the matter and the owner of the vessel is not represented, and you tie up and delay that vessel not because she is unsafe, not because of insufficient manning, but because the provisions or stores have not been satisfactory not only upon the outgoing voyage, but also on the voyage on which she came in. I think that is not fair legislation.

Mr. WILSON of Pennsylvania. If the vessel is unsafe or if it is insufficiently manned or if it has insufficient stores, there is no power in existing law or no power in this proposition to compel the master to send that vessel to sea; but if it is in that kind of a condition and the master wants it to go to sea, there is no power at the present time that can protect the sailor from going to sea with that vessel unless one of the minor officers agrees with the majority of the crew that it is in that condition.

Mr. HUMPHREY of Washington. If the gentleman pleases. In this very bill we provide that these seamen can immediately leave the vessel—not only leave the vessel, but can demand their wages and can not be compelled to go back upon that vessel. Now we give the seamen the power to leave, to secure their wages which may be due to them, to make it impossible to place them back on the vessel, and this is in a foreign port. I do not think you are doing any good by making this kind of a provision. Now, remember, this is in a foreign port. If it were in an American port it is a different proposition, but in a foreign port it rests entirely upon the crew. I think that the law as it stands is a proper law and that provides that a majority of the crew and one officer, either the first or second, must make the complaint.

The SPEAKER. The gentleman withdraws his pro forma amendment, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 12, by striking out, after the word "cases," down to and including the word "consul," in line 14, and inserting the following: "The consul of the United States at such foreign ports."

Mr. MOORE of Pennsylvania. Mr. Speaker, this section as it stands proposes that complaint shall be made to the consular agent or the commercial agent, and if left in that form it leaves the consul of the United States out of consideration. Commercial agents are not very numerous in foreign countries and are growing less, but evidently the purpose was that those who had complaints to make should make them to an officer of the United States, who in this instance would be the consul of the United States.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. ALEXANDER. The only change in section 4556, as amended, is the change of "and" for "or" in the instance the gentleman has stated. That is the only change in that section. That has been the law for many years. It is in the act of December 21, 1898.

Mr. MOORE of Pennsylvania. That is the existing law?

Mr. ALEXANDER. Exactly.

Mr. MOORE of Pennsylvania. Then I raise the question for the benefit of the gentlemen who are advocating the bill—and in all its good features I would like to support the bill—whether we had not better amend existing law while we have the opportunity to do it.

Mr. ALEXANDER. I do not see any necessity for doing so, and I can not appreciate the merit of the gentleman's argument.

Mr. MOORE of Pennsylvania. Where does the complainant go when he has to go to the consular agent or to a commercial agent? Why not say he shall go to a consul of the United States? As it reads now he may go to a commercial agent of any country. We have very few commercial agents abroad, and if you want the men to get redress for their grievances, or if you want to give them a fair hearing, let them go to the consul of the United States. If the law has been ambiguous heretofore, let us say so.

Mr. ALEXANDER. I call the gentleman's attention to the section. [Reading:]

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky

or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section 4557, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section 4557.

Now, if you will turn to section 4557, you will note that it provides as follows:

The judge or justice in a domestic port shall upon such application of the master or commander issue his precept—

And so forth.

This has been the law for many years, and there has been no complaint about the procedure. The law is very clear.

Mr. MOORE of Pennsylvania. Is the entire section existing law?

Mr. ALEXANDER. Except in the particular I have mentioned.

Mr. MOORE of Pennsylvania. I call attention to line 16, about in the middle of the page, where it says, "who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section." Now, with all those "proceeds" and "proceedings" that is existing law?

Mr. ALEXANDER. I have read from section 4557, page 102, navigation laws of the United States, 1911.

Mr. MOORE of Pennsylvania. You propose to amend existing law, and I have thought that this would be the time to do it.

Mr. HUMPHREY of Washington. I will say for the gentleman's information that the only change there is in this section from the existing law is the word "and," in line 5, which is changed to "or," and the word "or," in the eleventh line, which is changed to "and."

The SPEAKER pro tempore (Mr. FOSTER). The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE.]

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. I offer another amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 5, line 17, after the word "complaint," by striking out all up to and including the word "proceeding," on line 18, and inserting the words "and be governed."

Mr. MOORE of Pennsylvania. Mr. Speaker, if, having an opportunity to correct the law, the gentleman does not care to do so I will not press the matter. I submit that this is a change that can be very well made. It affects the phraseology of the bill and makes it effective. As the law now stands, if it is the law, and as this paragraph stands, it is tautological and unnecessary.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 100 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States the construction of which shall be begun after the passage of this act having more than 20 men on deck must have at least one light, clean, washing place. There shall be provided at least one washing outfit for every 2 men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washtubs, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners to a penalty of $500."

Mr. LONGWORTH. Mr. Speaker, I move to amend by striking out, on page 5, line 25, the words "yachts, pilot boats, or."

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 5, line 25, by striking out the words "except yachts, pilot boats, or."

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

Mr. LONGWORTH. It is simply to define the words "merchant vessel," because, under the definition of the gentleman from Missouri [Mr. ALEXANDER], merchant vessels are those which carry passengers or cargo for hire, so that a yacht or a pilot boat could under no circumstances be construed to be a merchant vessel. The words I moved to have stricken out were the words "yachts, pilot boats, or" and not the word "except."

Mr. HUMPHREY of Washington. Mr. Speaker, as I understand it, the gentleman intends to compel that there shall be 120 feet space for each seaman on yachts and pilot boats?

Mr. LONGWORTH. Not at all. I simply mean that under the definition of merchant vessels yachts or pilot boats can not come in, and therefore there is no use of having them in this section.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken about that. If he can find any definition of a merchant vessel, he can do more than I can.

Mr. LONGWORTH. I am taking the definition of the gentleman from Missouri [Mr. ALEXANDER].

Mr. HUMPHREY of Washington. I think the difference between a merchant vessel or any other vessel is the difference between a merchant vessel and a war vessel.

Mr. LONGWORTH. That is precisely the reason I am offering this amendment. The chairman of this committee has defined what the committee understands by the words "merchant vessel." He has defined a merchant vessel to be any vessel which carries cargo or passengers for hire. Now, a yacht or pilot boat can not be considered as a merchant vessel under that definition.

Mr. HUMPHREY of Washington. Was it the gentleman who had the bill in charge or the gentleman from Pennsylvania [Mr. WILSON] who gave the definition?

Mr. LONGWORTH. I thought it was the gentleman who had the bill in charge. The amendment that I offer is to strike out the words "yachts, pilot boats, or," so that it will read:

That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except vessels of less than 100 tons' register.

If the gentleman's definition is right, then there is no way of excepting yachts and pilot boats.

Mr. ALEXANDER. I will say to the gentleman from Ohio that I never gave a definition of the words "merchant vessel." That definition was given by the gentleman from Pennsylvania [Mr. WILSON].

Mr. LONGWORTH. I beg the gentleman's pardon. I understood that it was given by the gentleman from Missouri.

Mr. ALEXANDER. I will say to the gentleman from Ohio that he will not accomplish his purpose by the amendment. It says:

Except yachts, pilot boats, or vessels of less than 100 tons register.

Now, if a yacht should be engaged in the business of carrying passengers, accepting the definition of the gentleman would except it from the provisions of this section.

Mr. LONGWORTH. Does the gentleman mean that the 100 tons register applies to yachts?

Mr. ALEXANDER. It applies to yachts without reference to their tonnage.

Mr. LONGWORTH. I did not understand that.

Mr. ALEXANDER. And it applies to pilot boats as well.

Mr. LONGWORTH. Then, Mr. Chairman, I withdraw the amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 6, line 13, by striking out the entire sentence beginning with the word "every," on line 13, and concluding with the word "heated," on line 23.

Mr. MOORE of Pennsylvania. Mr. Speaker, I think this sentence is worth reading, as showing how carefully the bill has been drawn. It begins:

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew.

That is a fine thing for a steamboat on the Mississippi to do. The "steamboat" is charged "to furnish an appropriate place

for the crew," and it has to conform to the requirements of this section. Now, the steamboat gets its instructions. Its duty is, so far as applicable, to provide sleeping room in the engine room of the steamboat. Think of it! Down on the Mississippi River the boats coming out of New Orleans, with the negroes on bales of cotton, their tongues hanging out for want of breath, assigned by the steamboat to the engine room—an engine room which is "to be properly protected from the cold, wind, and rain." And this is in the interest of the deep-sea sailor. Sleeping room in the engine room of such steamer on the Mississippi is to be "properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward."

What this means somebody who has written the bill will have to interpret. The section proceeds further:

Reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

Think of these poor seamen, these dark-hued fellows, toiling away down near New Orleans on the bales of cotton, hanging onto the screens and sleeping in the engine room because it is so cold in that section of the country. [Laughter.] And the steamboat is to do all this "under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated."

Mr. Speaker, I have moved to strike out this paragraph. It seems to me it would take even more than a Philadelphia lawyer to properly interpret this paragraph into a benefit for the poor sailor down on the Mississippi River, lolling along there on his bales of cotton. I believe it ought to be straightened out before we go much further. It may be that this paragraph is borrowed from existing law, and should not be changed. If so, I will submit, as I have in other instances, to the will of the majority of the House. But I respectfully submit that the gentleman ought not by law to impose on any steamboat any such obligation as is imposed upon it in this paragraph. We ought to put that responsibility on some one, perhaps on the master of the vessel or on the Supervising Inspector General of Steam Vessels, or perhaps we might strike out the word "master" altogether, since it is a term which is offensive to organized labor, and insert instead of it the term "captain," which would be a little more American and a little less suggestive of that serfdom which this bill is supposed to remove.

I submit, Mr. Speaker, that this paragraph ought to go out, or else the committee ought to submit an intelligible amendment to it.

Mr. WILSON of Pennsylvania. The gentleman from Pennsylvania [Mr. MOORE] reminds me very much of the story they tell of Henry Labouchere, the editor of the London Truth, who conducted a query column in his paper. One of his correspondents asked him to reply in the query column relative to the grammatical construction of a certain sentence, and Labouchere replied, saying that language was created for the purpose of conveying thought, and if the language conveyed the thought it was sufficiently grammatical for all practical purposes. "For instance," he said, "if I said 'There are a great many damned fools in the world,' or 'There is a great many damned fools in the world,' my meaning would be clear just the same." [Laughter.] The language that the gentleman objects to is taken from existing law, and this bill simply continues that without change.

Mr. MOORE of Pennsylvania. Then the gentleman still insists that the steamboat shall provide these quarters, does he? The gentleman still insists, when he goes into court in behalf of these sailors, that the steamboat shall be responsible?

Mr. WILSON of Pennsylvania. I insist, Mr. Speaker, that the language is the language of existing law and that the courts have interpreted that law; and no layman can ever determine in advance what the interpretation of a court will be upon the language in any bill. [Applause.]

Mr. MOORE of Pennsylvania. I have pointed out the difficulty that may confront the gentleman when he gets to court.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Speaker, I do so for the purpose of calling the attention of the House to that portion of the paragraph that provides that there shall be a space of "not less than 100 cubic feet and not less than 16 square feet, measured on the floor of the deck of that place, for each seaman or apprentice lodged therein."

I have no objection to that provision. I have been in favor of that portion of the bill for a good many years. But in the report filed by the committee there are statements made with reference to the space furnished by American vessels that I think in justice to the American vessel owners ought to be corrected. In the first place, foreign vessels are not measured in the same way that we measure ours. In measuring space in a foreign vessel the wash rooms and some other spaces are taken into consideration. That is not true with us.

I further want to say, for the benefit of the House, that most of the American vessels comply with the provisions of this bill already. There is no objection to the provision going into the bill, so far as I know, but I do not think that a statement of the kind that is made in the report, that would indicate that American vessel owners have less regard for their sailors than have the vessel owners of other countries, ought to go undisputed when it is not correct.

Mr. WEEKS. I move to strike out the last two words, for the purpose of asking a question for information. Why is the Mississippi River and its tributaries included in this bill and not other rivers?

Mr. ALEXANDER. We did not amend that feature of the law. The essential amendment to the section relates to the crews placed on vessels. There are many features of the section which we do not undertake to amend at all, which are existing law.

Mr. WEEKS. I did not know but there might be some reason that I did not know why this should apply to the Mississippi River and its tributaries and not apply to other rivers.

Mr. ALEXANDER. We did not consider that feature at all.

Answering the gentleman from Washington [Mr. HUMPHREY], I do not know why he should be so sensitive of the feelings of the shipowner. All through the consideration of this bill his plea has been for the shipowner. It seems to me that the time might come when he could have a word to say for the sailor.

It is only in recent years that the laws of foreign countries have increased the crew space of vessels to 120 cubic feet per man. There was no shipowner before our committee who objected to this increase of crew space, if it applied to vessels hereafter to be constructed. They all said that if we should make it applicable to vessels now in the service it would involve serious expense and injury.

Mr. HUMPHREY of Washington. Did I understand the gentleman to make the statement that I was opposed to this provision?

Mr. ALEXANDER. No; but I say the gentleman's explanation was entirely unnecessary.

Mr. HUMPHREY of Washington. I called attention to the statement in the report, which is not correct.

Mr. ALEXANDER. I beg the gentleman's pardon. The statement in the report is correct.

Mr. HUMPHREY of Washington. It is correct as far as it goes, but it does not show all the facts. It does not show that there is a different method of measurement between this country and other countries, and it did not state that the shipowners had no objection to the amendment, which fact the gentleman has just admitted.

Mr. ALEXANDER. There is no evidence before the committee to show that there is a different rule by which the space in foreign vessels is measured.

The SPEAKER pro tempore. If there be no objection, the pro forma amendment will be withdrawn.

Mr. BURLESON. I ask unanimous consent to extend my remarks in the RECORD, for the purpose of placing therein the speech made before the Democratic national convention at Baltimore by Hon. John W. Westcott, of Camden, N. J., nominating Gov. Woodrow Wilson for President, and the seconding speeches of Hon. A. MITCHELL PALMER, of Pennsylvania, and Hon. THOMAS P. GORE, of Oklahoma. These speeches are all short. I spoke to the gentleman from Illinois [Mr. MANN] about submitting this request, and he said that he would make no objection.

Mr. HUMPHREY of Washington. Reserving the right to object, I have no objection if I understood the gentleman correctly. The gentleman from Illinois [Mr. MANN] asked me to see that nothing went in by unanimous consent.

Mr. BURLESON. I will state to the gentleman from Washington that the gentleman from Illinois [Mr. MANN] said it was his purpose at the same time, if my request was granted, to ask unanimous consent himself to place something in the RECORD, and I told him that, as far as I was concerned, I would make no objection.

Mr. HUMPHREY of Washington. With the understanding that that was the agreement——

Mr. BURLESON. I now ask that the same privilege be extended to the gentleman from Illinois [Mr. MANN] that I ask for myself.

The SPEAKER pro tempore. The gentleman from Texas also asks that the same privilege be extended to the gentleman from Illinois [Mr. MANN].

Mr. MOORE of Pennsylvania. I have no objection in the world to the insertion of speeches of this kind, but I call the attention of the gentleman to the fact that on a recent occasion when a request was made on this side an interrogation came from the other side of the House as to whether the speeches were of a political nature. If the line is to be drawn, of course that alters the situation. I do not object that speeches of this kind shall be inserted, but I do draw the attention of the House to the fact that I had this experience myself when I asked permission to extend, and was asked by gentlemen on the other side if the remarks were of a political nature, and had to give assurances that they were not.

Mr. BURLESON. Of course these speeches are of a political nature.

Mr. WEEKS. Do I understand the gentleman to say that if a request is made from this side to print the speeches that were made at the Chicago convention no objection will be made?

Mr. BURLESON. Absolutely none, so far as I am concerned.

Mr. HAWLEY. Will the gentleman include a request for permission for me to extend some remarks on the battleship *Oregon?*

Mr. BURLESON. As far as I am concerned I will make no objection.

The SPEAKER pro tempore. The gentleman includes in his request a further request that the gentleman from Oregon have permission to print some remarks concerning the battleship *Oregon*.

Mr. BURLESON. Mr. Speaker, I do not desire to consume so much of the time of the House. I withdraw the request.

The SPEAKER pro tempore. The request is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 6. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel, without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment of not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment of not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

Mr. BURLESON. Mr. Speaker, I move to strike out the last word. I now renew the request that I made a moment ago to extend my remarks in the RECORD, for the purpose indicated, and ask that the gentleman from Illinois [Mr. MANN] may have the same privilege extended to him.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that he be permitted to insert certain speeches in the RECORD, and that the gentleman from Illinois [Mr. MANN] have a similar privilege.

Mr. RODDENBERY. May I inquire of the gentleman what is the purpose of publishing these political speeches?

Mr. BURLESON. A number of Members have requested that these speeches be placed in the RECORD, and I thought they might be of interest to many other Members of the House. This nominating speech and the seconding speeches were carefully prepared speeches, and were highly creditable to the gentlemen who delivered them.

Mr. RODDENBERY. They were published in the newspapers at the time.

Mr. BURLESON. No; they have never been published in full.

Mr. RODDENBERY. I object.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I desire the attention of the chairman of the committee to the fifth paragraph, which provides for the punishment of seamen at the option of the master, who may place them in irons. A little later on in the bill it is proposed to remove all forms of corporal punishment. How does the gentleman harmonize section 8, which provides that "flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel," with the fifth paragraph of the section just read, which especially provides that the captain shall have the power to place a man in irons? How can you abolish corporal punishment on the one hand and institute it on the other?

Mr. ALEXANDER. Mr. Speaker, we mitigate in part, but not altogether. We recognize the duty of a seaman while the vessel is at sea and that he shall be subject to punishment, but we differentiate between his condition then and in the event that he deserts while in port. When the vessel is at sea, if he does not obey orders he jeopardizes not only the vessel and the officers and crew but the passengers, if it be a passenger vessel, and puts them in great peril. I will call the attention of the gentleman from Pennsylvania to the fact that the fifth subdivision of section 4596 is in the exact language of the existing law. It provides:

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Mr. MOORE of Pennsylvania. The man may still be taken into custody by the master of the vessel during the voyage and placed in irons?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Then the existing law, so far as that punishment is concerned, is not affected by the passage of this bill?

Mr. ALEXANDER. It will not be.

Mr. MOORE of Pennsylvania. I would like to know whether or not the gentleman distinguishes the placing of a man in irons on shipboard from the involuntary servitude which it is proposed to abolish.

Mr. ALEXANDER. I have undertaken to explain to the gentleman why it was necessary to enforce absolute obedience to lawful orders at sea. The vessel does not have any jail or calaboose. If a man violates an order at sea, and is subject to punishment, he must be restrained of his liberty, and that has been the view of the lawmaking power for all time past, and the necessity for that punishment has not ceased. At least, the committee in revising this section did not believe it wise to repeal this provision of the law.

Mr. MOORE of Pennsylvania. Then the authority of the captain on shipboard during the voyage is as absolute as it ever was?

Mr. ALEXANDER. It is; and properly so, except this, that he can not flog a sailor.

Mr. MOORE of Pennsylvania. That is abolished by this act?

Mr. ALEXANDER. That is abolished by this act.

Mr. MOORE of Pennsylvania. Vessels used to have what was called a brig, in which an unruly seaman, or one who had committed a crime on board, or who had become insane or was otherwise irresponsible, could be imprisoned.

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

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I was wondering whether the committee had given consideration to the advisability of having

that brig established or reestablished, so that a man might be imprisoned rather than put in irons, since the placing of a man in irons is certainly corporal punishment.

Mr. RAKER. Mr. Speaker, I move to strike out the following, which is found in lines 19 and 20, on page 8:

On bread and water, with full rations every fifth day.

I want to call the attention of the House to this fact: That if you place a man in irons, you have got him pretty tight. It was the policy for years in putting a man in jail for all kinds of offenses to place him on bread and water. That barbarous custom has been abandoned, and justly so. You can not starve a man, you can not break down his vitality, and put him into condition to reform.

He will reform on a full stomach and under healthy conditions better than he will reform under starvation. Civilization has recognized that fact, and when we place a man in prison to-day we place him in irons and cells so that he can not hurt himself or others, but we still do not go to the limit that we used to of starving him to death. If a man is placed in irons, give him enough to eat. Is he not going to reform more quickly than under conditions of starvation? Will there be any question on earth about that? Is there any place in the United States where the old barbarous custom is still in force?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. HUMPHREY of Washington. Suppose a situation should arise where you were at sea and the vessel was in a dangerous condition and the lives of the passengers were at stake, and in order that the vessel might be saved the seamen had to perform their duties, and they refused. Would you put the seamen in irons under those conditions and keep them well fed? I think the gentleman is entirely mistaken about the purpose of this statute. I agree with him exactly that the purpose of imprisonment usually is to reform, but here the purpose is to make the seaman perform his duty.

Mr. RAKER. And will he not be better able to perform that duty if he is well fed?

Mr. HUMPHREY of Washington. How long might it take a sailor if he was well fed to change his mind and decide to perform his duty?

Mr. RAKER. That has been the old argument from the barbarous days until we relieved ourselves of that condition by proper legislation.

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

Mr. HOBSON. Mr. Speaker, I rise simply for the purpose of trying to throw a little light on this question of punishment. In the Navy the putting of a man in irons is not considered corporal punishment. Flogging in the Navy has been abolished for a great many decades, and yet in certain cases men are put in irons, single and double, and they are put in irons on bread and water.

Mr. HARDY. Mr. Speaker, I rise to say that the gentleman from Pennsylvania [Mr. WILSON] was a little mistaken in saying that corporal punishment had not been abolished in the merchant marine. It has been.

Mr. HOBSON. That was my impression.

Mr. HARDY. The only difference this law makes is that under the existing law the master is liable in damages to a person injured by violation of the law, and not the vessel, while this law makes the vessel also liable, so as to give some real remedy.

Mr. HOBSON. I am in favor of a revision of the law——

Mr. BUTLER. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BUTLER. I desire to have my recollection set right, for I know the gentleman is informed——

Mr. HOBSON. The gentleman does me great honor.

Mr. BUTLER. I thought we had abolished punishment by the putting of seamen in irons. I thought we had abolished that form of punishment by an act of Congress which was passed. I was under the impression I had voted for—I know I advocated it—the abolishing of the placing of sailor men in irons.

Mr. HOBSON. If it was, it was when I was neither in the House nor in the Navy. I do not think that is the case, Mr. Speaker. I think the gentleman will find that the application of irons, single or double, is still practiced in the Navy in certain cases, and if my memory is correct, they may be confined on bread and water for a period not to exceed seven days. Now, I will say to the gentleman from California [Mr. RAKER] that I am not in favor of harsh punishment, and I do not want him to misunderstand me when I tell him that the evident purpose of this kind of punishment in the Navy, and doubtless in the merchant marine, has been to deter men from committing the same kind of infraction or the same kind of lawlessness rather than the reform of the particular person.

Mr. RAKER. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. RAKER. Can the gentleman imagine any tighter place that might be had than putting a man in single or double irons? Can you do any more damage to the man by starving him while you have got him in that condition? Why not feed him and keep his body and soul alive, so when he does leave or his time expires he may be a well man and go out fit for his duty?

Mr. HOBSON. That is precisely the purpose of the limitation upon the length of time in which you can keep him on bread and water. I think it is seven days. Now, a full ration every fifth day and bread and water in the meantime will prevent starving. I would add that it is conceivable that a man might object but little to confinement on full rations who would be deeply influenced by the thought of being put on bread and water. This punishment might exert a wholesome effect to deter others from committing the same offense. However, I want to say to the gentleman I am entirely in accord with him in the general movement toward the amelioration of punishment.

Mr. RAKER. Will the gentleman yield?

Mr. HOBSON. I will.

Mr. RAKER. Is not that the same argument made when the laws were sought to be repealed, and eventually repealed, in regard to keeping men in prison on bread and water? Is it not because of the humane treatment of our prisoners, because of separating the old, hardened criminal from the young man and separating the boy from the hardened criminal, that they have reformed and are reforming them every day and getting better citizens instead of keeping them together, and does not the same reason apply to this same argument?

Mr. HOBSON. I think the gentleman has much force in what he says, and that these punishments to which the gentleman refers now were instituted chiefly when we had a harder class of citizens to deal with.

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

Mr. HOBSON. I will ask for two minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama for two minutes? [After a pause.] The Chair hears none.

Mr. HOBSON. I want to say to the gentleman that the steady reform in the world has been along the line he points out, and I am heartily in favor of it, but that care should be exercised in the adjustment to meet changed conditions. I dare say that humane treatment is the best treatment in the end, but you can not make punishment the most agreeable thing that a man can have. It is very easy to conceive a man as being put in irons and double irons and nicely fed and well fed day after day, for the very purpose of getting into these encouraging and pleasing conditions.

Mr. RAKER. Will the gentleman yield right there, because of his extended reading both in regard to the Navy and the Army. Did the gentleman ever know of a case where a man enjoyed being in single or double irons or confined to a cell, and who went there just for the pleasure of being there and getting some nice things to eat?

Mr. HOBSON. I hardly think so myself; but I can conceive how good feeding and no work might possibly have some inducement—but nevertheless I am in favor of the gentleman's general proposition. I simply wanted to throw some light on the practice in the Navy. The practice in the Navy for nearly half a century, perhaps a little more, has been to abolish corporal punishment, and yet it has been found advisable to retain confinement in the brig, and in certain cases putting in irons, single and double, and putting on bread and water. To-day, at Annapolis, our midshipmen are put in solitary confinement on bread and water.

Mr. BUTLER. Mr. Speaker, if the gentleman will permit, I discover by the act of February 16, 1909, we abolished this form of punishment. Congress abolished the use of irons as a form of punishment except where that punishment is imposed by court-martial.

Mr. HOBSON. I agree with the gentleman in that.

Mr. BUTLER. That is as an ordinary punishment.

Mr. HOBSON. For ordinary punishment it is not done, but it is still retained. It is among the punishments in the Navy.

Mr. BUTLER. It may be part of the punishment inflicted by a court-martial.

Mr. HOBSON. For a summary or a general court?

Mr. ROBERTS of Massachusetts. It is only done by a court-martial.

Mr. HOBSON. A court-martial by a summary court.

Mr. ROBERTS of Massachusetts. A commanding officer of a ship can put a man in irons to restrain him.

Mr. HOBSON. Until his trial if necessary.

Mr. FOWLER. Mr. Speaker, I offer an amendment to the amendment by striking out the comma in line 20 after the word "day," so if the original amendment is carried two commas will not be thrown together.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, page 8, line 20, by striking out the comma after the word "day."

Mr. FOWLER. Mr. Speaker, the amendment to the amendment is only technical in character, dealing with punctuation, which might have been corrected by the enrolling or engrossing clerk, for if the original amendment is passed it will leave two commas together, which obviously is superfluous. But, Mr. Speaker, I offered my amendment to the amendment in order that I might be in parliamentary attitude for the purpose of giving my views upon the original amendment.

I have intended to offer the original amendment myself, but the gentleman from California [Mr. RAKER], sitting by my side, wanted to get the floor first, and I yielded to him.

Mr. Speaker, I know of nothing which would be a greater punishment to a man than starvation, unless it were death itself. In fact, starvation is a species of death, which, if kept up long enough, will result in death. Now, it is proposed by this bill to punish a recalcitrant sailor by throwing him into irons, one of the severest punishments which could be inflicted upon him, and having him in this helpless condition, where he is unable to move hand or foot, confined at the mercy of his master, it is proposed, Mr. Speaker, to inflict an additional punishment upon him by placing him upon bread and water, so that he may be punished extremely at the will of him who stands as his superior in order to force him to submission to the rules and orders of his master, however harsh and drastic such rules and orders may be.

Such punishment is cruel; it is inhuman; it is un-American; it is a relic of barbarism; and no civilized country, no intelligent people can afford to keep upon the statute books a law with such a severe penalty. Massachusetts, in her early history passed laws of torture. Witchcraft was the subject of legislation in that State, and he who was guilty thereof was tortured in the most inhuman and barbarous manner, among which was the cutting off the ears and tongue, boring holes through the tongue with a red-hot poker, and finally death was dealt out by burning at the stake, and in various other inhuman and cruel manners. I hope, Mr. Speaker, that every Member of this House will promptly vote for this amendment and wipe from the statute books this inhuman and cruel punishment of laboring men and place American shipping upon a plane of humanity and intelligence. The punishment which this amendment seeks to eliminate and repeal is akin to witchcraft torture. What reason is there for it? What man would dare inflict such punishment to-day? If none, then why keep the law on the statute books?

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

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Speaker, I was just saying that I hope that every Member of this House will see his way clear to support this amendment and place the American Congress on a plane of opposition to barbarism and those cruel practices of its time. Let us rise to the high sense of our duty by wiping from the statute books this relic of barbarism and show to the American people, who sent us here to legislate for them, that we have in our hearts the milk of human kindness even to the servant who is in irons for the purpose of reducing him to submission to the will of his master. [Applause.]

Mr. FOCHT. Mr. Speaker, I move to strike out the last word.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. ALEXANDER] will state it.

Mr. ALEXANDER. Mr. Speaker, there have been two or three speeches made in favor of this amendment. Is it permissible for speeches to be made against it by a member of the committee?

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] made a speech favoring it, and the Chair thinks the gentleman from Alabama [Mr. HOBSON] made a speech against the amendment. The gentleman from Illinois [Mr. FOWLER] offered an amendment striking out the comma, and he was recognized on that amendment.

Mr. RAKER. Mr. Speaker, I accept the amendment of the gentleman from Illinois [Mr. FOWLER]. [Laughter.]

The SPEAKER pro tempore. The gentleman from California can not accept it. Is the gentleman from Pennsylvania [Mr. FOCHT] opposed to the amendment?

Mr. FOCHT. Yes, sir.

The SPEAKER pro tempore. Is he opposed to striking out the comma?

Mr. FOCHT. I move, Mr. Speaker, to insert a semicolon.

Mr. HOBSON. Mr. Speaker, would it be in order to correct the Speaker?

The SPEAKER pro tempore. The Chair will be glad to be corrected, if in error.

Mr. HOBSON. I believed I produced the impression on the Speaker that I was opposed to the amendment. Then I offered another amendment. I am not opposed to the amendment, Mr. Speaker. I am sorry if I produced any such impression.

Mr. FOCHT. Mr. Speaker, I stated that I was opposed to the amendment offered by the gentleman from Illinois [Mr. FOWLER]. In support of my position in opposition to the amendment I wish to say to the gentleman that since the House voted down the amendment offered by the gentleman from Pennsylvania [Mr. MOORE], with reference to the illiteracy test, I would say that my view with regard to this section at least has been considerably change or modified. I would be willing, if these seamen were all Americans, that instead of bread and water it should be required they be fed on sponge cake and Borden's milk. But since the House has seen fit to vote down the proposition of requiring that these people shall be able to read and write, I am not so much concerned. The gentleman from Pennsylvania has called attention in another section to the bewildering and befogging phraseology, and I would like to ask the gentlemen who constructed this bill what is meant in section 5 "for continued, willful disobedience"? What length of time is "continued"? An hour, a day, a week, or a month?

Mr. ALEXANDER. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. ALEXANDER. Is the gentleman aware that that has been the law for many years?

Mr. FOCHT. When you impose a sentence, however, you must be definite and specific. A court having discretion, for the first offense, may remit the sentence or suspend it; the second, by giving a prisoner 30 days; and, for the third, sending him to the penitentiary. Here you say, "for continued, willful disobedience." How long is "continued"?

Mr. ALEXANDER. That will be in the discretion of the master. The language of the laws is, "For continued, willful disobedience to lawful command, or continued, willful neglect of duty at sea, by being, at the option of the master," and so forth. The provision does not relate to procedure in court; it states when the master may discipline the seaman.

Mr. FOCHT. Then you make a Tamerlane or a Ramesis of him.

Mr. ALEXANDER. Unlike the gentleman, we do not assume that the master is a tyrant any more than we assume that the sailor is a criminal.

Mr. FOCHT. You give him the power of a tyrant, and he may often exercise it, as has frequently been the case in the past. I would like to say to the chairman of this committee while I have an opportunity, that instead of spending so much time on this bill, may I ask him to say to this House and the country, with the Democratic Party in power here, why you Democrats do not bring on the floor of this House the immigration bill, that we may pass it and restrict immigration?

Mr. ALEXANDER. I am not surprised that the gentleman from Pennsylvania treats with contempt any legislation the purpose of which is to ameliorate the condition of labor. He seems to have no sympathy with labor, judging by his impatience at the time consumed in the consideration of this bill.

Mr. FOCHT. Oh, yes. I live in a labor district, and will offer my public record and submit to my colleague from Pennsylvania [Mr. WILSON] where I stand and have stood on all labor questions.

Mr. ALEXANDER. Yes. The gentleman may have to explain his declaration on the labor question on this floor here to-day.

Mr. FOCHT. Yes. I am willing to explain it here and hereafter, but the gentleman has not answered that question. The country calls for the restriction of immigration, and the gentleman and the Democratic Party refuse to bring on this floor a bill providing for it. Why does not the gentleman and his party do it?

Mr. ALEXANDER. I have no jurisdiction of that subject. I am chairman of the Committee on the Merchant Marine and Fisheries, and am presenting a bill reported by that committee.

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

Mr. FOCHT. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. FOCHT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOCHT. In this connection and as the question, in part at least, bears on the interest of labor I wish to say that in these active, progressive times in the evolution of American social and economic life it is only fair that men in public office should indicate, at least, their tendency with respect to public action on the great issues now commanding the Nation's attention, and, if possible, reenforce these declarations by some measure of evidence of work done and capacity to represent a great people in a great office. I stand for an adequate measure of protection on all competitive articles, the amount of protection to be governed by the difference of cost of production at home and abroad, and this difference to be scientifically ascertained by a continuing nonpartisan tariff board. Free trade or a tariff for revenue only is impossible for this country. Our industries must be protected against the products of poorly paid European and Asiatic labor, and unless this is done panic and commercial ruin must inevitably, as in the past, sweep the country.

But in order that the law of supply and demand may operate unhindered the gigantic price-fixing monopolies must be brought within control or destroyed.

Amply protect our industries, but let competition within this zone of protection make the selling price to the consumer.

Restrict immigration, not only as a measure of protection to American labor but for moral and hygienic reasons.

A protective tariff must be maintained if we are to hold our commercial status and be prosperous as a Nation, for free trade means a business and labor parity with the cheap-producing and cheap-living countries of Europe and Asia. The commerce between the States of the Republic, which is greater than the commerce between all the nations of Europe, must not be sacrificed, but, on the other hand, the power and will of the people must assert itself and strangle the price-fixing monopolies. And until immigration is restricted the labor of the country can not receive that full measure of reward and benefit which protection offers the manufacturer.

Let there be maintained a tariff that will protect all competitive articles, smash the price-fixing trusts and monopolies, restrict immigration, and require the untaxed billionaires to bear their share of the Nation's burdens in equal proportion with the manufacturer and workingman; then we believe many of the ills of the country will disappear and something more akin to an ideal condition prevail for all classes.

This is my platform, and while briefly stated, I believe goes straight to the vitals of the paramount issues of this era. I enunciated these doctrines long ago. I reiterated them at the farmers' picnic in Union County last August and again as late as February 22, 1912, at Lewistown, when I was the guest and speaker at a banquet given by the Patriotic Order Sons of America. During this Congress I introduced a bill providing for the restriction of immigration; within a month I voted to tax the big billionaires; ever and always my voice and the weight of my influence have been against monopolies and illegal trusts.

For the soldier and his widow and children, for the great farming industry in contingencies like the discussion on reciprocity, in which I stood the defender of the interests of Pennsylvania farmers, for the arm of labor I have always been; for the home and fireside and the boys and girls at public school I have given, and will give, a maximum of effort and energy.

Mr. HARDY. Mr. Speaker, I think after this miniature maelstrom and petty storm in the House a little calm consideration will be of use. The present law provides that for continued willful disobedience to lawful commands, or continued willful neglect of duty at sea, the offender shall, at the option of the master, be placed in irons or fed on bread and water. "Continued willful disobedience" is continued as long as it continues and until it discontinues. We need not split hairs about that.

So far as placing a man in irons is concerned, that is the old law, the present law. So far as putting seamen on bread and water is concerned, it is also present law. It is, as I believe was stated by Capt. HOBSON, one of the methods of bringing to reason the unreasonable and unruly. It is deemed to be essential because while the seaman is on board a vessel at sea, the life and safety of every passenger on board and that of the whole crew depends upon his subordination to lawful authority and the preservation of order. It is absolutely necessary that the master or commander of the vessel should have some means of keeping order, and to put a third or a half of his crew, maybe, in irons and then feed them on bread and honey or on milk and honey might not be a quick way of bringing them to order.

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

The SPEAKER. Does the gentleman from Texas yield to the gentleman from California?

Mr. HARDY. I do.

Mr. RAKER. If the statement made by the gentleman is correct—that is, that a third of the crew may be kept in irons and fed on bread and water for a week, and a storm comes on and the lives of the passengers and everybody on board are in danger—of course, these fellows who have been in irons for a week and fed on bread and water would not be in splendid shape to help save the passengers, would they?

Mr. HARDY. They are kept there as long as they do not obey. The seamen themselves, recognizing the importance of order for themselves and for the safety of life and property at sea, have never asked for the abolition of the bread-and-water provision.

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

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

Mr. HARDY. I do.

Mr. LONGWORTH. The adoption of this amendment would not prevent the penalty of bread and water—the mere striking out of the words. The adoption of this amendment would have no effect on that.

Mr. HARDY. No. The provision authorizes and limits what punishment may be inflicted. The gentleman is correct; the proposed amendment would not accomplish the purpose intended, but the leaders of labor and the heads of the Seamen's Union have never asked that the bread-and-water provision should be abolished.

This is a bill in regard to which this side of the House is very much in earnest. The committee, in reporting this bill for improving the conditions and promoting the interests of seamen, do not want to jeopardize the safety of the passengers on the vessel or destroy the power of the master to preserve order while at sea.

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

The SPEAKER. Does the gentleman yield?

Mr. HARDY. I do.

Mr. PADGETT. A moment ago the question was asked about the use of irons in the Navy.

Mr. HARDY. Yes.

Mr. PADGETT. On February 16, 1909, Congress passed an act containing this phrase:

Provided, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

Mr. HARDY. That is in effect the purpose of this bill. If, while the vessel is at sea, a member of the crew becomes thoroughly disorderly and refuses to carry out the orders of the captain and becomes turbulent, he can be put in irons and kept there as long as he continues in that spirit. That is all there is in it, and it is very essential.

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

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

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

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

Mr. McMORRAN. Mr. Speaker, I move to strike out the last word, for the purpose of asking a question of the chairman of the committee.

The SPEAKER. The gentleman from Michigan [Mr. McMORRAN] moves to strike out the last word.

Mr. McMORRAN. We have been here for a long time to-day. This bill involves great interests. We have been unable to keep a quorum. Is not the gentleman willing at this time that we should adjourn until to-morrow morning?

Mr. ALEXANDER. Why not dispose of this section first?

Mr. HUMPHREY of Washington. May I make a suggestion to the gentleman from Michigan [Mr. McMORRAN]? Would the gentleman be willing that the bill might first be read down to section 10? There is nothing in particular in dispute to that point—to section 10, on page 11.

Mr. ALEXANDER. Why not skip section 10?

Mr. HUMPHREY of Washington. All the rest of the bill is contested.

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

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Georgia?

Mr. McMORRAN. Yes.

Mr. TRIBBLE. The gentleman proposes an adjournment. Does he think that, beginning at 12 o'clock and quitting at 4 o'clock, when this House wants to go home and the people want this House to adjourn, is sufficient time to work?

Mr. McMORRAN. Why are not the gentleman's people here?

The SPEAKER. The question is not debatable. Did the gentleman refuse to comply with the suggestion to adjourn?

Mr. McMORRAN. I proposed to the gentleman to adjourn.

Mr. HUMPHREY of Washington. I was trying to ascertain if we could not reach an agreement, so that the gentleman would not need to make the point of no quorum until we reached section 10.

Mr. ALEXANDER. And I ask why should we not dispose of this section first and then proceed as far as section 10?

Mr. HUMPHREY of Washington. That is what I was trying to suggest.

The SPEAKER. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure on the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render the master or the vessel liable in damages for such punishment to the person illegally punished by such officer."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on Public Lands.

ENROLLED BILL SIGNED.

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

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

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

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

LAWS RELATING TO SEAMEN.

The House resumed consideration of the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The following committee amendment to section 8 was read:

Page 11, line 1, strike out "of" and insert "or."

Mr. WILSON of Pennsylvania. Mr. Speaker, that is the only change that there is from existing law in this section. By an error in the printing of the bill the existing law was printed without the amendment proposed.

Mr. MOORE of Pennsylvania. Is this the existing law with the single exception of the amendment changing the word "of" to the word "or"?

Mr. WILSON of Pennsylvania. That is the only change.

Mr. MOORE of Pennsylvania. Will the gentleman tell us, then, how lines 23 and 24 of page 10 have been interpreted heretofore? The master is to surrender such officer "to the proper authorities" as soon as practicable. That may be in a foreign port or it may be in a port of the United States. I should like to know who the proper authorities are.

Mr. WILSON of Pennsylvania. That expression has received the interpretation of the courts, and I think there is no doubt that it is the correct way of stating it. The only change that is made in this section is to make not only the master liable but the vessel also liable for failure to make delivery.

Mr. MOORE of Pennsylvania. The committee is satisfied with the law as it stands, and with the expression "proper authorities" in the indefinite form that it is?

Mr. WILSON of Pennsylvania. Yes; the committee are satisfied.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 9. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

Mr. McMORRAN. Mr. Speaker, I move that the House do now adjourn.

Mr. ALEXANDER. Has the gentleman any objection to this next section, as to allotments?

Mr. McMORRAN. That is a very important section.

Mr. ALEXANDER. It only relates to allotments. There is a subsequent section relating to able seamen. I am perfectly willing that we should stop when we get to that section, but I do not think there can be any objection to this or the next one. Neither the seamen nor the shipowners object to this. It will save a few minutes' time. I will agree to stop when we reach section 12.

Mr. HUMPHREY of Washington. There will be considerable debate on section 10.

The SPEAKER. The Clerk will read.

Mr. McMORRAN. I make the point of no quorum present.

Mr. TRIBBLE. I move a call of the House.

The SPEAKER. The gentleman from Michigan [Mr. McMORRAN] makes the point of no quorum. The gentleman from Georgia [Mr. TRIBBLE] moves a call of the House.

Mr. HUMPHREY of Washington. I move that the House do now adjourn.

Mr. RODDENBERY. I suggest that the motion to adjourn is not in order.

The SPEAKER. The motion to adjourn is always in order.

The question being taken, on a division (demanded by Mr. HUMPHREY of Washington), there were—ayes 9, noes 26.

The SPEAKER. The House refuses to adjourn. The question recurs on the motion of the gentleman from Georgia [Mr. TRIBBLE] for a call of the House.

The motion was rejected.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 24, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, reported the same without amendment, accompanied by a report (No. 1041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes, reported the same without amendment, accompanied by a report (No. 1042), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BULKLEY, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 337) requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress, reported the same with amendment, accompanied by a report (No. 1051), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities, without a draw, reported the same without amendment, accompanied by a report (No. 1046), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25592) authorizing the construction, maintenance, and operation of a dam or dams across the Current River in Ripley, Carter, and Shannon Counties, for the purposes of improving navigation and the development of water power, reported the same without amendment, accompanied by a report (No. 1047), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified, reported the same without amendment, accompanied by a report (No. 1050), which said bill and report were referred to the House Calendar.

Mr. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C., reported the same with an amendment, accompanied by a report (No. 1048), which said bill and report were referred to the House Calendar.

Mr. AYRES, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 18228) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards, reported the same with amendment, accompanied by a report (No. 1043), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25292) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 1049), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25238) authorizing and permitting M. C. McCandless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Grant, their successors and assigns, to build and maintain dams and water-power development in and across Clinch River, in Grainger, Claiborne, and Hancock Counties, State of Tennessee, reported the same with amendment, accompanied by a report (No. 1045), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25881) to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interests of navigation about 7½ miles above the city of Wetumpka, reported the same without amendment, accompanied by a report (No. 1044), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 25906) to provide for the erection of a public building at the city of Greenville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25907) to provide for the erection of a public building at the city of Brewton, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25908) to provide for the erection of a public building at the city of Andalusia, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL (by request): A bill (H. R. 25909) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on the Judiciary.

By Mr. NEELEY: A bill (H. R. 25910) appropriating $15,000, or so much thereof as may be necessary, for the purpose of making an investigation into the feasibility and practicability of constructing an irrigation reservoir on the Cimarron River, at or near the intersection of Grant, Haskell, Stevens, and Seward Counties, State of Kansas; to the Committee on Irrigation of Arid Lands.

By Mr. PETERS: A bill (H. R. 25911) authorizing the Treasury Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: A bill (H. R. 25912) providing for the erection of a monument to Francis Scott Key and to the defenders of Fort McHenry at the time of the British attack on that fortification; to the Committee on the Library.

By Mr. AIKEN of South Carolina: Joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25913) granting an increase of pension to Melissa Graves; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25914) granting an increase of pension to Isaac Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25915) granting an increase of pension to Michael Hartman; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 25916) granting an increase of pension to Harvey D. C. Skinner; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 25917) to correct the military record of Timothy A. Maher; to the Committee on Military Affairs.

Also, a bill (H. R. 25918) to correct the military record of Samuel Jackaway; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 25919) granting a pension to Francis I. Helm, alias Francis Boyd; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 25920) granting a pension to Andrew Crowl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25921) granting a pension to Margaret A. Ramage; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 25922) granting a pension to William W. Laughlin; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 25923) granting a pension to Edward Hinman; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 25924) to remove the charge of desertion from the record of Frank H. Cogan; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25925) granting an increase of pension to Cyrus Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25926) granting a pension to William Clinton; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25927) granting an increase of pension to Casper Laager; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 25928) granting a pension to John W. Merriman; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 25929) for the relief of the estate of Leopold Harth, deceased; to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 25930) for the relief of William Helsper; to the Committee on War Claims.

Also, a bill (H. R. 25931) granting a pension to Lucretia B. Crockett; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25932) granting an increase of pension to Lydia L. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25933) granting an increase of pension to Michael O'Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25934) granting an honorable discharge to William H. Thiell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER: Petition of the Southern Baptist Convention at Oklahoma, Okla., protesting against the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. GRIEST: Petition of C. A. Burrows, Lancaster, Pa., favoring legislation relative to the high cost of living; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Petition of the Aero Club of Pennsylvania, favoring passage of a national statute for the regulation and control of the navigation of the air; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of C. E. James, Bayonne, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post measures; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the Chamber of Commerce, Los Angeles, Cal., favoring passage of bill giving American vessels free use of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Baptist Convention at Oklahoma, Okla., favoring passage of bill prohibiting the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. SCULLY: Petition of citizens of Perth Amboy, N. J., against passage of bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of the Maritime Exchange of New York City and the American Institute of Marine Underwriters, favoring appropriation of $5,000 to cover cost of the participation of the United States at the International Conference on Maritime Law; to the Committee on Appropriations.

Also, petition of the American Embassy Association of New York, favoring passage of House bill 22589, for improving embassy, legation, and consular buildings; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of the Shorthand Club of New York (Inc.), protesting against passage of House bill 4036, providing for appointment of official shorthand reporters for the United States district courts; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Typographical Union, No. 6, against passage of parts of Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Photo-Engravers' Union of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *July 24, 1912.*

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

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. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the International Longshoremen's Association, favoring appropriations for deepening and widening the channels of the Great Lakes, etc., which were referred to the Committee on Commerce.

He also presented a resolution adopted by members of the Inventors' Guild, favoring the appointment of a commission to investigate and accomplish reforms in the Patent Office and in the courts hearing patent cases, which was referred to the Committee on Patents.

Mr. CRAWFORD presented a petition of Local Division No. 213, Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was ordered to lie on the table.

Mr. PERKINS. I present a telegram from the president of the Chamber of Commerce of San Francisco, Cal., which I ask may lie on the table and be printed in the RECORD.

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

SAN FRANCISCO, CAL., *July 23, 1912.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

Answering yours 21st, telegrams referred to are personal from certain members of chamber, presumably sent following their signatures to petition circulated by transportation companies interested authorizing telegrams to be sent in members' names. They do not represent official action of this chamber, as names and signatures are unknown to us. Can not acknowledge as requested. Attitude of chamber of commerce is expressed in its resolution of March 11, copy of which you have. This resolution was unanimously adopted by the board of directors of chamber and represents opinion of a large majority of its members in obtaining signatures to the petition. All influence was exercised on those from whom Pacific Mail purchases supplies and with whom it has business relations. Please file this communication with the Senate committee and reaffirm chamber's attitude as expressed in the resolution referred to.

SAN FRANCISCO CHAMBER OF COMMERCE,
M. H. ROBBINS, Jr., *President.*

Mr. SMITH of Michigan presented petitions of sundry citizens of Middleville, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

He also presented a petition of Central Lodge, No. 475, International Association of Machinists, of Grand Rapids, Mich., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented the memorial of George W. Stone, commander Department of Michigan, Grand Army of the Republic, of Lansing, Mich., remonstrating against the proposed discontinuance of the pension agency at Detroit, Mich., which was referred to the Committee on Pensions.

He also presented resolutions adopted by the State Association of Farmers' Clubs of Michigan, favoring the enactment of legislation designating September 30 of each year as "memory day," which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 1, International Steel and Copper Plate Printers' Union of North America, of Philadelphia, Pa., praying for the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation providing for the regulation and control of aerial navigation, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of sundry members of the New England Society of Friends, residents of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.