SENATE.

THURSDAY, *July 25, 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4948. An act relating to inherited estates in the Five Civilized Tribes in Oklahoma;

S. 7027. An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes; and

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

PETITIONS AND MEMORIALS.

Mr. O'GORMAN presented resolutions adopted by members of the New York Commandery, Loyal Legion, of the United States, remonstrating against the enactment of legislation providing an appropriation of $50,000 toward the construction of a Navy memorial in the Vicksburg National Military Park, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented resolutions adopted by the board of directors of the American Forestry Association, favoring the enactment of legislation providing for the segregation and settlement of agricultural lands in national forest reserves, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the New Hampshire Letter Carriers' Association, praying for the enactment of legislation providing better pay and shorter hours for letter carriers, which was ordered to lie on the table.

He also presented the petition of Paca Oberlin, of Washington, D. C., praying for the enactment of legislation relative to the penalty for murder in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 16993) for the relief of Mathew T. Fuller, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 21524) for the relief of Frederick H. Ferris, reported it with an amendment and submitted a report (No. 969) thereon.

PUBLIC BUILDING AT WEST POINT, VA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 7337) to provide for the purchase of a site and the erection of a public building thereon at the city of West Point, State of Virginia (S. Rept. 970), and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices at the city of West Point, in the State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $50,000.

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

THE BANKRUPTCY LAW.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 364, submitted by Mr. SANDERS on the 22d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,000 copies of Senate Document No. 10, Sixty-second Congress, being the United States bankruptcy law of July 1, 1898, and amendments thereto to June 25, 1910, be printed for the use of the Senate document room.

REPORT OF NATIONAL MONETARY COMMISSION.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 359, submitted by Mr. BURTON on the 15th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 1,000 copies of Senate Document No. 243, being the final report of the National Monetary Commission.

HEIRS OF AARON WILBUR.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 366), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 4776) entitled "A bill for the relief of the heirs of Aaron Wilbur," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

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

By Mr. CLAPP (for Mr. GAMBLE):

A bill (S. 7362) to reserve rights of way for development of power in patents granted for allotted or surplus Indian lands, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 7363) granting a pension to Sarah McLaury (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7364) granting an increase of pension to David L. Denee (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7365) providing for the allotment and sale of certain lands in the Colorado River Indian Reservation in Arizona; to the Committee on Indian Affairs.

A bill (S. 7366) granting a pension to Louisa Cross; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 7367) for the relief of William A. Puccini; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $6,250 for the purchase of 25,000 copies of the history of official elections, entitled "Official Summary of the Electoral Votes Cast for each President of the United States of America," etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Education and Labor and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to appropriate $30,201.60 for drainage and filling swamps within Government reservation on Constitution Island, etc., intended to be proposed by him to the Army appropriation bill (H. R. 25531), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

THE EXCISE BILL.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, which was ordered to lie on the table and be printed.

PRINTING OF PENAL CODE.

Mr. TILLMAN submitted the following resolution (S. Res. 367), which was considered by unanimous consent and agreed to:

Resolved, That 500 copies of an act to codify, revise, and amend the penal laws of the United States, commonly called the Penal Code, with appendix, of March 4, 1909, be printed for the use of the Senate document room.

DATA RELATING TO ALASKA (S. DOC. NO. 882).

Mr. SMITH of Michigan. I ask unanimous consent to print certain data which I hold in my hand, with illustrations, relating to the commercial and productive importance of the Territory of Alaska. The matter has been accumulated by considerable effort and bears directly upon the resources and progress of that Territory from the time of its purchase from Russia in 1867. It is not voluminous, but it is illuminating and important, and should be preserved for future reference.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent that certain data, with illustrations, relating to Alaska be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RAVAGES OF ARMY WORM.

Mr. SMITH of South Carolina. Mr. President, before the close of the morning business I should like to ask the chairman of the Committee on Agriculture and Forestry what are the prospects of a report on the disagreeing votes of the two Houses upon the agricultural appropriation bill (H. R. 18960), which is now in conference? I have a statement to make in reference to the bill, and that is the reason why I make the inquiry.

Mr. BURNHAM. Mr. President, in reply to the Senator from South Carolina, I wish to state that there have been frequent meetings of the committee of conference and there will be another meeting to-morrow. Whether the conferees will then agree is uncertain.

Mr. SMITH of South Carolina. The reason why I make the inquiry is that the gravest condition which has ever confronted the Southern States now confronts them. What is called the army worm has made its appearance and is devastating the grain and the cotton crops of that section. I am just back from the office of the Secretary of Agriculture. He says there is ample provision made in the agricultural appropriation bill for him to send experts into all those States to enable the farmers to combat this pest, but until it is passed he is practically helpless.

Only those who know the ravages of this insect can appreciate the gravity of the situation. The insect does not come very often, but this year has made its appearance, certainly a month sooner than usual, threatening perhaps the entire cotton crop, threatening the entire hay crop, and the corn crop of all the Southern States. The Secretary informs me this morning that it has made its appearance practically in every State, and that he is very anxious to have sufficient means to send experts into those several States in order to combat it right now in its incipiency.

It does seem to me, Mr. President, in view of that fact, that any differences which may occur in the conference committee might be expedited or held in abeyance for a year in order to meet the menace which now confronts the great commercial crops which come from that section of the country.

Mr. BURNHAM. I ask the Senator if provision has not already been made by a bill pending in the House which will come to the Senate soon?

Mr. SMITH of South Carolina. I am informed by the Secretary of Agriculture that that is a mere bagatelle; that it might do for one State, but that he can not meet the emergency unless there is a special appropriation made, which would take time to pass both Houses, but there is ample provision in the agricultural appropriation bill.

Mr. BURNHAM. As I stated to the Senator, there will be a meeting of the conferees to-morrow at half past 10.

Mr. SMITH of South Carolina. Then, if the remarks I have made will help to expedite the report of the conferees, it will be all right. Otherwise, I shall bring up this matter again, and see if there can not be some means by which we can meet the emergency which confronts the section I have reference to. I shall make no further remarks pending the meeting of the conferees to-morrow and the report they may see fit to make.

CLAIMS OF INJURED GOVERNMENT EMPLOYEES.

Mr. REED. Mr. President, on yesterday, during my temporary and unavoidable absence, the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, was passed by the Senate without a roll call. I had an amendment I desired to offer to that bill relating to a small matter, and I wish now to enter a motion that the votes by which the bill referred to was ordered to a third reading, read the third time, and passed be reconsidered, so that the bill will not be sent to the House. I do not ask that the motion be acted upon now, but I merely desire to enter the motion.

The PRESIDENT pro tempore. The motion of the Senator from Missouri to reconsider will be entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On July 22, 1912:

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes.

On July 23, 1912:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

On July 24, 1912:

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908.

On July 25, 1912:

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore. The unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

The PRESIDENT pro tempore. Without objection, the bill will be read in full.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels, composed wholly or in part of wool, the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

8. On clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this act, composed wholly or in part of wool, the duty shall be 45 per cent ad valorem.

9. On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, the duty shall be 35 per cent ad valorem.

10. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

11. On Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

12. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem.

13. On velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

14. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, the duty shall be 30 per cent ad valorem.

15. On treble ingrain, three-ply, and all-chain Venetian carpets, the duty shall be 30 per cent ad valorem.

16. On wool Dutch and two-ply ingrain carpets, the duty shall be 25 per cent ad valorem.

17. On carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

18. On druggets and bockings, printed, colored, or otherwise, the duty shall be 25 per cent ad valorem.

19. On carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this act, and on mats, matting, and rugs of cotton, the duty shall be 25 per cent ad valorem.

20. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this act, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

21. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

Mr. SIMMONS. Mr. President, I shall confine myself in the observations I shall make this morning to what is known as the House bill for a revision of the duties on wool and woolens. I shall not attempt to discuss the amendment in the nature of a substitute which was introduced yesterday by the Senator from Iowa [Mr. CUMMINS], because I did not have an opportunity to see that amendment until this morning at about 10 o'clock, and I am not sufficiently familiar with its terms to take it into consideration in my discussion of this subject.

In the presidential campaign of 1908 the platforms of both political parties promised a revision of the tariff. That promise was made in response to a Nation-wide demand on the part of the people for relief against the unjust and oppressive tariff taxation imposed by the Dingley tariff law. Under the shelter of tariff protection many of the necessaries of life had been monopolized and the cost of living advanced beyond the income of the average man, and, in many instances, beyond the income of the well-to-do and moderately prosperous. In the election of that year the Republican Party was successful. It elected its candidate for the Presidency; it elected a majority in the House of Representatives, and it retained its majority in the Senate. It had control of the three branches of the Government.

Shortly after his inauguration, President Taft, mindful of the promise of his party to revise the tariff, called Congress together in special session for the purpose, as declared in his message, of carrying out that promise. In view of the fact that this platform promise was given in response to a demand of the people for relief from tariff burdens, the people had a right to expect that the revision would be one which would substantially reduce and lighten the burdens which had been laid upon them by the tariff act of 1897.

In this expectation the people were grievously disappointed. There was indeed a revision, if a slight reduction of duties here and a slight increase yonder, resulting in practically no change in the average, can be called a revision, but admittedly it was a revision which gave to those who had asked it no relief.

The act of 1909, slight as were the changes in duties taken as a whole, made no change at all in the woolen schedule, although the duties imposed in that schedule of the Dingley law were exceptionally excessive, unjust, discriminatory, and onerous.

The leaders of the Republican Party in this Chamber and the sponsors of the Payne-Aldrich bill had ample warning while that bill was under consideration that it would not be satisfactory to the people. Those of us, Mr. President, who were here during the long and fierce conflict over the Payne-Aldrich bill, those of us who heard that great debate, will never forget the great speech of the lamented Senator from Iowa, Mr. Dolliver, one of the greatest orators and leaders of the Republican Party, in denunciation of the iniquities of that measure and its betrayal of the promises upon which the Republican Party had secured continuance in power; will never forget the terrible arraignment and the merciless exposure of that act of treachery to the Republican Party and the people, and the arraignment against its injustice, its discrimination, and its wrongs to the people, made by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. CUMMINS], both lifelong Republicans and protectionists, who believe that protection should not be made a pretext for exploitation and robbery of the people.

I say those of us who heard these terrible Republican philippics against the authors of the Payne-Aldrich bill, against the iniquities of that bill, to say nothing about the powerful excoriations from this side of the Chamber laying bare the hollowness, sham, and pretext of the miserable business, will never forget the impression created in this Chamber and throughout the country. But notwithstanding the platform promises of the Republican Party, notwithstanding the message of the Republican President urging Congress to proceed to carry out that platform promise as the people had understood it, notwithstanding the appeals of those great Senators, representing the other side of the Chamber, speaking in behalf of the people of the great States of the Middle West—notwithstanding all of those things and those appeals—the Republican Party as constituted in this Chamber turned a deaf ear to the appeals of the people coming to them through those channels and heard only the appeals of the beneficiaries of protection.

The Republican Party was so obligated to the privileged classes, and its copartnership with the protected industries was so close that it dared not offend them, even to relieve the distress of the people, and the appeals and warnings of their champions on this side and on that side of this Chamber were unheeded.

As soon as the President had signed the bill the dissatisfaction which had been growing during its entire consideration in this Chamber and in the House broke forth from one end of the country to the other in a veritable storm of disapproval and condemnation.

It was not confined to section or to party. It was as broad as the country and as universal as the love of justice and fair dealing. And it was the prolific matrix from which sprang those dissensions in the Republican Party which culminated at Chicago a few weeks ago in rending that party in twain after a half century of almost unbroken ascendancy and solidarity and paved the way for the advent in our political life of a new party.

At the election of 1910 the Payne-Aldrich bill became the paramount issue. In that contest the Republican Party was overwhelmingly defeated and the Democratic Party was elevated to power in the popular branch of the Congress. The result of that election was a clear mandate and commission to the Democratic House of Representatives to proceed as speedily as it might to a revision of the tariff along the lines of Democratic thought and policy and principle as indicated in the practices and in the platforms of that party.

In April, 1911, President Taft called a special session of Congress for the specific purpose of considering the agreement which he had made with Canada with reference to reciprocity, an agreement, by the way, which I see the President is anxious to unload. In his message to the special session of Congress the President suggested that the Congress should confine itself to the passage of this particular measure.

The Ways and Means Committee of the House, aware of the oppression of the people through the tariff of 1909, recognizing the fact that the people demanded and had a right to expect as speedy relief from those onerous conditions as possible, recognizing the fact that the people of both political parties were tired of the delays and disgusted with the trifling of the Republican Party upon this question of tariff revision, as soon as it had concluded its consideration of the reciprocity pact, for which the session was specially called, ignoring altogether the dilatory recommendations of the President with reference to general tariff legislation, proceeded upon the lines indicated in the Democratic platform to select such schedules in the tariff as had been the subject of severest criticism and greatest complaint, such schedules as carried the most excessive duties and which were the least defensible from any standpoint, and following the Democratic promise of gradual reductions, presented to the House of Representatives certain schedule bills, including the one now before the Senate.

In the campaign of 1910 Schedule K was the most generally and the most vigorously attacked of any schedule in the Payne-Aldrich bill. And, Mr. President, I might say in passing that it was the most feebly defended of any schedule in that bill. President Taft himself had declared it indefensible. It only required an examination of the report of the executive departments of the Government dealing with the subject of foreign importations to show that a large part of the duties which this schedule carried were over 100 per cent, and therefore necessarily not only in excess of the difference in the labor cost here and abroad, but equal to the entire cost of production, including labor, material, and transportation from Europe to this country.

So the case of the people against the Republican Party and its tariff promises was made out by the records of actual tariff transactions, kept by the President's appointees and confidential advisers. Whatever might be claimed as to any other schedule of the Payne-Aldrich bill, there could be no doubt about Schedule K. It was manifestly not only too high, but, even from the standpoint of the Republican platform definition of protection, twice too high.

In view of these conditions, the Ways and Means Committee of the House, as soon as they could get rid of the reciprocity treaty, entered upon the consideration of this schedule, and after as thorough an investigation as was needed in fixing the rates, reported to the House, and the House passed, what is known as House bill 11019. That bill, Mr. President, while complying with Democratic promises with reference to tariff

revision, was a moderate and a conservative revision. The duties fixed in it were such as would yield a reasonable revenue to the Government without imposing unnecessary burdens upon the people. It fairly met the demands of the people with respect to the duties on wool and woolens, and was satisfactory, therefore, to those who had asked for revision and in whose interest revision had been promised, and was unsatisfactory to nobody except those who for 40 years under and through Republican tariffs and resultant monopolies had exploited and robbed the people out of something like $50,000,000 annually, which ought, in all justice and fairness, to have remained in the pockets of the people.

In August, 1911, this bill, slightly modified in the Senate and agreed to in conference, passed both branches of Congress and was vetoed by the President. The President based his veto not upon the merits of the legislation, but upon the ground that the Tariff Board had made no report upon this wool schedule, and he did not know how much these "indefensible" duties should be reduced. For these reasons the President maintained that legislation upon this schedule must be held in abeyance, while the people suffered these indefensible exactions, until this board was ready to report. This suggestion of the President of the United States, conveyed in his veto message upon the wool bill passed at the special session of 1911, is the first suggestion in our history from the Chief Executive to Congress that Congress ought not to legislate, and would not be permitted to legislate, upon the most vital question affecting the material interests of the people—the question of how much tax they were to pay for the support of the Government and how much bounty they were to pay to the industries of the country, unless there had first been an investigation by an executive board, composed of members appointed by him, who bore no responsibility under the law and the Constitution with respect to legislation upon these questions.

Mr. President, that suggestion was not made in the campaign of 1910 either by the President, who, along with his party, was being attacked for his part in the sham and treacherous revision of 1909, or by the candidates of the Republican Party on the stump in any part of the country. In the campaign of 1910, when the tariff was the paramount question before the American people, no one authorized to speak for the Republican Party asserted that Congress must not and would not be permitted to legislate on the tariff until there had been a report of the Tariff Board.

I undertake to say here to-day that if the Republican Party had taken the position in that campaign which the President has since taken—which he and the leaders of that element of the party he represents now take—and had said to the people of the country, as they now in effect say, "However pressing your demands for relief from unjust tariff exactions may be, however much you may be entitled to what you ask, there can not be—and the Republican Party pledges itself that there shall not be—any revision of any schedule of the tariff until there has first been a report of the Tariff Board on the particular schedule complained of and attacked"; if the Republican Party had taken that position in 1910, as it does now—the majority polled against that party in that election, great as it was, would have been twofold greater.

Mr. President, Mr. Taft did not need—Congress does not need—the report of this board to determine whether the moderate revision made in the bill on wool and woolens was justified. The records and reports of the Department of Commerce and Labor of imports of wool and woolens for the years 1910 and 1911 showed that a large part of these duties were absolutely prohibitory, and as a result that there had been practically no importations of those articles.

The records of this department disclosed the fact that there were 27 items, covered by the bill, carrying duties in excess of 100 per cent—some of them 150 per cent, some 180 per cent, and some more—with a general average of over 90 per cent. Surely with these facts established by the official records it did not require a scientific investigation to ascertain whether the conservative reductions made in that bill could be safely made.

Mr. HEYBURN. Mr. President——

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

Mr. HEYBURN. I will first inquire whether the Senator would prefer to proceed without interruption?

Mr. SIMMONS. I would, if the Senator will permit me, and then later I would be glad to be interrupted.

Mr. HEYBURN. I desire at some time convenient to the Senator to ask him a question.

Mr. SIMMONS. I do not decline to yield, but, under the agreement, we must vote to-day, and there are quite a number of others who wish to present their views.

Mr. HEYBURN. I will not be persistent at all about it. It was because we have only the day that I thought, in the interest of getting a general discussion, perhaps an interrupted discussion would be best. We will not have time for many set speeches to-day.

Mr. SIMMONS. For that reason I am not making a set speech. I am trying to hurry through to make way for others who wish to present their views.

To get back to the thread of my statement, I repeat the President vetoed the wool bill we passed in 1911 because the Tariff Board had not made its report. At the beginning of the present session of Congress President Taft submitted the long-delayed tariff report on wool and woolens, and recommended that on the basis of the findings of the board Congress should proceed to a consideration of this schedule, with a view to its revision and a general reduction of rates.

The majority of the Ways and Means Committee of the House, after a careful analysis of the Tariff Board report, came to the conclusion that there was nothing in it which called for any change in any item of the wool bill passed during the special session of Congress. As a result, the House passed the bill which is now pending before the Senate, known as House bill 22195, and which is practically identical with the bill passed by it during the special session upon the same subject.

The subject embraced in Schedule K in the Payne-Aldrich bill, known as the wool schedule, has received such thorough and such detailed discussion, not only in both branches of Congress during the last four years, but throughout the country and in the press, that I do not conceive it necessary for me in presenting this bill on the part of the minority members of the Finance Committee to enter into any elaborate discussion of it. I shall content myself with a brief reference to its purposes and the manner in which it seeks to accomplish those purposes.

But it might be well before doing that to discuss briefly the history of wool legislation in this country and the Payne-Aldrich duties upon wool and woolen goods. The people who pay taxes on these products have had mighty little to do, during the last 40 years under the Republican Party, with the legislation imposing these taxes. In a very real and almost literal sense it has been dictated and framed by the beneficiaries of these taxes. After the war, when the Republican Party had committed itself thoroughly to the principle of protection, after a long controversy between the woolgrowers and the wool manufacturers as to what each should have in the way of Government bounty through the grace of the Republican Party, they finally composed their differences, because they had ascertained that party stood ready to give to each all they wanted, and they concluded that they could better exploit and rob the people through the tariff by working together than they could by working separately. When they had reached this conclusion, composed the controversies that had waged between them, and agreed between themselves what each should have, the Republican Party permitted them to have their agreement written into the law. There was no real legislation; the agreement of the woolgrowers and woolen manufacturers was simply affirmed and ratified.

That was nearly 40 years ago, when by consent and agreement between the woolgrowers and the wool manufacturers, with the assent and concurrence and cooperation of the Republican Party, this great industry actually wrote in the tariff laws of the country their private agreement as to what each one wanted in the way of tariff bounties, and there it has stood ever since with practically no change except while the Wilson Act was in force. For 40 years this great industry, protected upon an average on raw wool at 44 per cent and upon an average on manufactures of wool at 90 per cent, has been allowed to exploit and rob the American people at its will.

That law was brought forward by Congress in 1909 from the Dingley Act and rewritten in the Payne-Aldrich Act.

Mr. President, I think right at this point it would be well for me to state briefly the average duties, stated in ad valorem terms, carried in the present law and in the pending bill upon the subjects embraced in the 19 or 20 paragraphs covered in this short bill. I can do it in a few minutes. It will show better in a general way than any argument could the real merits of the complaint of the people against the present law and the extent of relief that will be secured to the people through the pending bill if it becomes a law.

The average ad valorem equivalent carried in the Payne-Aldrich bill upon raw wool embraced in paragraph 1 is 44.31 per cent. The average carried in this bill is 20 per cent.

On all noils, top waste, card waste, slubbing waste, and so on, embraced in paragraph 2, the average of the Payne-Aldrich

bill is 38.96 per cent, in round numbers 39 per cent, and in the pending bill 20 per cent.

On combed wool, on tops and roving or roping, embraced in paragraph 3, the ad valorem of the Payne-Aldrich bill is 105.19 per cent and in the pending bill 25 per cent.

On yarns made wholly or in part of wool, embraced in paragraph 4, the Payne-Aldrich rate is 82.38 per cent; the rate in the pending bill is 30 per cent.

On cloths, knit fabrics, felts not woven, and all manufactures of every description made of wool, embraced in paragraph 5, the Payne-Aldrich duties are 97.11 per cent and in the pending bill the rate is 40 per cent.

On blankets and flannels, embraced in paragraph 6, the Payne-Aldrich duties average 95.57; the duties under the pending bill are 30 to 45 per cent, according to the value.

On women's and children's dress goods, and so on, covered in paragraph 7, the Payne-Aldrich duties are 102.85; the rate in the pending bill is 45 per cent.

On clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and so on, embraced in paragraph 8, the Payne-Aldrich rate is 81.31; the rate in the pending bill is 45 per cent.

On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, and so on, embraced in paragraph 9, the Payne-Aldrich rate is 87.06; the rate in the pending bill is 35 per cent.

On carpets, embraced in paragraph 10, the Payne-Aldrich rate is 62.09; the rate in the pending bill is 40 per cent. There are various kinds of carpets: I will not run through them all—but I have the average of the rates carried by the Payne-Aldrich bill on all of them, and the average carried by the pending bill, and I will give the general average. I think it is about 62 per cent in the Payne-Aldrich bill, and it is either 25 or 35—I do not now recall—under the pending bill. Mats and rugs are included.

Let us summarize. On raw wool the duties carried in the Payne-Aldrich bill, stated in ad valorem terms, average 44.31 per cent. The duties in the pending bill average 20 per cent. I am basing this upon the imports of 1910. On manufactures of wool the Payne-Aldrich rate is 90.1 per cent, while the average rate carried in the pending bill is 42.55 per cent.

Now, Mr. President, I want to call attention, because I can better illustrate in this way the character of the present law—its excessive and discriminatory duties, the unjust burden that it imposes upon the people, especially the poorer classes of people—to the duties on a few specific items in the present law. I give only a few of these simply for the purpose of illustration.

On wool and hair of the goat, and so on, advanced in any manner or by any process of manufacture beyond washed or scoured condition, not specifically provided for, valued at not more than 40 cents per pound, the specific duty in the Payne-Aldrich bill is 33 cents per pound plus 50 per cent ad valorem. In 1911 there was imported of these articles $19 worth. The duty collected was $33.90.

Think about that, Mr. President! During a whole year under this law of the items embraced in this paragraph there was imported only $19 worth, and the taxes collected at the customhouse and finally paid by the consumer amounted to nearly twice the foreign selling price of those articles with the transportation added from the point of shipment to the point of delivery in this country. The ad valorem equivalent duty carried on this item is 178 per cent. Of these articles, valued above 70 cents a pound, there was imported in 1911 only $111 worth. The duty collected was $83; the ad valorem equivalent was 74 per cent.

These figures show, Mr. President, that the duty on both grades was practically prohibitive, but their chief value consists in the fact that they emphasize the discrimination made against the coarser grades of these articles used for making the clothes of the poor people in favor of the higher grades used in making the clothes of the rich. The ad valorem duty is 104 per cent higher on the lower grades used by the poor than on the higher grades used by the rich.

Let us take one other item under the Payne-Aldrich bill—cloths, woolens, and worsteds—valued at more than 40 cents per pound and taxed 33 cents a pound, plus 50 per cent ad valorem. The importation of those articles in 1911 amounted to only $2,564, but the duties collected on them amounted to $3,835. Those, I repeat, are the cheap clothes worn by the poor people of the country. The ad valorem duty upon those cloths in the Dingley law is 149 per cent.

Let us take the finer grades of these same cloths, valued at above 70 cents per pound, out of which clothes worn by the richer people are made. The average ad valorem duty imposed on those by the Payne-Aldrich law is 91.94 per cent; that is to say, the duties imposed on the lower grades, the cheaper grades, of clothes, such as are used by the plain people, are 55 per cent higher than the duties which are imposed upon the finer grades of clothes which are worn by the rich.

Take blankets valued at not above 50 cents per pound. Upon those the average ad valorem duties under the Payne-Aldrich Act is 105 per cent. There was imported into this country last year only $800 worth of those goods, but the taxes on them amounted to $809.

Take the blankets of the higher grade, valued at more than 50 cents per pound; those are taxed at only 67.64 per cent, showing a discrimination against the blankets which the poor people buy in favor of the blankets which the richer people buy of 38 per cent.

Blankets more than 3 yards in length, valued at not more than 40 cents per pound, are taxed at 33 cents per pound and 50 per cent ad valorem. The importations for 1911 were $185; the revenue collected was $311; the ad valorem equivalence is 168 per cent. The same goods valued at over 70 cents per pound are taxed at 44 cents per pound and 55 per cent. On basis of importations in 1911, the ad valorem equivalence is 102 per cent. The lower class of goods is taxed 66 per cent more than those used by the richer people.

Flannels for underwear, valued at more than 40 cents and not more than 50 cents per pound, are taxed at 33 cents per pound plus 35 per cent. Importations for 1911 amounted to $1; revenue collected was $1.08; the ad valorem equivalence is 108 per cent. The same goods valued above 70 cents per pound are taxed at 11 cents per square yard plus 55 per cent. Importations, 1911, amounted to $8,434; revenues derived, $7,096; the ad valorem equivalence is 91 per cent; the higher grade of goods being taxed 17 per cent less than the cheaper grade.

Flannels weighing only 4 ounces a square yard, valued not above 70 cents per pound, carry a duty of 44 cents per pound plus 50 per cent. Importations, 1911, amounted to $2,030; revenues collected amounted to $2,475; the ad valorem equivalence is 121.93 per cent. Valued at over 70 cents per pound the duty is 44 cents per pound plus 55 per cent. Importations amounted to, 1911, $75,501; revenue derived was $80,843; the ad valorem equivalence is 107 per cent. The cheaper class of goods are taxed about 15 per cent more than the more costly. All these duties are substantially prohibitive.

Wool dress goods for women and children, with cotton warp valued at not more than 70 cents per pound, are taxed at 7 cents per square yard plus 50 per cent; ad valorem equivalence, 103.39 per cent. Wool dress goods valued at more than 15 cents a yard and above 70 cents a pound; ad valorem equivalence is 94.28 per cent. These goods, weighing over 4 ounces per square yard, valued at not more than 40 cents per pound, bear a duty of 33 cents per pound plus 50 per cent less 5 per cent; importations, 1911, $346; duty collected, $452; ad valorem equivalence, 130.68 per cent. Same goods valued at over 70 cents per pound bear a duty of 44 cents per pound plus 55 per cent less 5 per cent; importations, $228,932; revenue collected, $224,971; ad valorem equivalence, 98.27 per cent. The better class goods are taxed 32 per cent less than the coarser goods.

Dress goods composed wholly or in part of wool, weighing over 4 ounces per square yard, valued at not more than 40 cents per pound, bear a duty of 33 cents per pound plus 50 per cent; imports, 1911, amounted to $57; duties collected, $89.88; ad valorem equivalence, 157 per cent. Same goods valued at over 70 cents per pound have a duty of 44 cents per pound plus 55 per cent. The ad valorem equivalence of duties collected, 102 per cent, being 55 per cent less than on the coarser goods.

There are 11 grades of carpets enumerated in this schedule. The lowest equivalent ad valorem duty on importations in 1911 was 50 per cent and the highest 72 per cent.

All of the above-enumerated woolens, which constitute the clothing of the people, are taxed at an ad valorem equivalence of over 100 per cent; and those articles of the cheaper sorts are taxed largely more than those more costly goods used by the richer people.

The duties on the coarser goods are prohibitive, and there are no importations.

On knit fabrics—not wearing apparel—valued at not more than 40 cents per pound, the ad valorem duty is 153 per cent; valued above 70 cents a pound the duty is 95 per cent, a difference of 58 per cent. All other manufactures of wool, valued at more than 40 cents a pound, 157 per cent; valued at more than 70 cents a pound, 84.66 per cent, a difference of 72 per cent.

In the woolen schedule there are 27 separate articles upon which the duties imposed exceed 100 per cent.

Mr. President, as I have said, an examination of this schedule will show that the duties on 27 items in it are over 100 per cent.

I said awhile ago, and I repeat it, the woolen industry, protected for 40 years by duties averaging something like 90 per cent, one of the most prosperous industries, if not the most prosperous industry in this country, operating as a trust in violation of the law, arbitrarily fixing the price of its product by reason of high protective duties, under the shelter of protection and monopoly, is paying the lowest wages to its employees of any industry in this country except only one. That would seem a startling statement, and yet I will show that the wages paid in this industry, certainly in one section of the country, where imported foreign pauper labor has displaced American labor, are not upon the average as high as is paid in the cornfields and the wheat fields of the Middle West, and when we consider the fact that his house is furnished to him free, that his garden and potato patch are furnished to him free, not much higher, if any higher, than the negro's wages in the cotton fields of the South.

The average weekly wage in the woolen and worsted goods industry is only $9.96.

This industry, paying the lowest wages of any industry except one in this country, employing to the displacement of American labor the pauper labor of the backward countries of Europe, whenever a suggestion of the reduction of tariff rates is made, comes to Congress and demands, in the name of protection for American labor, a continuance of these excessive and monopolistic rates, and threatens, if they are not continued, to close down their factories or reduce the wages of their aggregation of Huns and Magyars, Poles and Italians.

I have here some extracts from the report of the United States Commissioner of Labor of his investigation of the recent strike at Lawrence, Mass., a center of textile manufacturing in New England, and the conditions in Lawrence are typical of this industry in the North and East.

As to wages, the report says—this is a quotation from a Government report—

> The average amount received by the 21,922 employees—

That is, in the Lawrence mills—

> during a week late in 1909, in which the mills were running full time, was $8.76. Almost one-third of the total number received less than $7 during the week, and approximately one-half as many received $12 and over during the week.

Mr. SMOOT. Mr. President——

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

Mr. SIMMONS. I do.

Mr. SMOOT. Has the Senator the figures showing how many children work in those mills?

Mr. SIMMONS. No; I have not.

Mr. SMOOT. I want to say to the Senator that a large percentage of the 21,922 employees referred to by the Senator are boys and girls, and that the average per week is ascertained by including the wages paid to children.

Mr. STONE. I should like to ask in what factories these children are employed?

Mr. SMOOT. In all the woolen factories of the country.

Mr. STONE. Of what age are these children?

Mr. SMOOT. The various States have different laws on the subject. In some States the lowest age at which children can be employed, I think, is 10; in others it runs up to 12, and in some even as high as 14. They work, Mr. President, in the spinning room, in the carding room; they carry bobbins, and do all the work that a child can do just as well as a man can do.

Mr. STONE. Being from Missouri, I would like to be shown something more about that.

Mr. SMOOT. If the Senator had ever been in a woolen mill he would not have to be shown. He would have seen for himself. I will say further that of the employees referred to in the article I suppose nearly one-third are women.

Mr. SIMMONS. Some of them are women.

Mr. SMOOT. A woman makes just as good a weaver as a man does.

Mr. SIMMONS. Some are women, but the average wage paid males, those over 18 years, is very small. I said a little while ago, and I repeat it, that this industry pays the lowest wages to both men and women of any industry in the country except one. I have a table here giving the average amount of weekly earnings, not of females and children, but of men over 18 years of age, in the different industries of the country. It is found on page 147 of the book recently published by Jeremiah W. Jenks and W. Jett Lauck, members of the Immigration Commission, on The Immigration Problem.

Average amount of weekly earnings of male employees, by general nativity and industry, 18 years of age or over.

Industry.	Native born.			Total native born.	Foreign born.	Average.
	Native father.		Foreign father.			
	White.	Negro.				
Agricultural implements and vehicles	$13.23	$11.38	$13.62	$13.38	$12.89	$13.09
Boots and shoes	12.57	10.03	12.84	12.64	11.19	12.11
Clothing	14.59	.....	15.66	15.39	12.91	13.30
Collars, cuffs, etc	12.58	.....	11.89	12.36	14.09	12.56
Copper mining, etc	12.49	.....	13.78	12.98	13.87	13.57
Cotton goods	11.60	.....	10.45	10.89	9.28	9.68
Furniture	11.43	10.50	12.31	11.81	11.58	11.67
Glass:						
Bottles	16.87	9.98	19.54	17.05	12.63	15.73
Plate glass	12.86	12.90	13.67	13.00	11.48	12.07
Tableware	14.29	.....	15.07	14.56	13.59	14.20
Window glass	15.58	12.63	17.22	15.89	14.11	15.11
Gloves	11.49	.....	12.31	11.67	12.80	12.23
Iron and steel	16.54	10.64	16.62	15.86	13.29	14.35
Iron-ore mining	11.60	10.61	14.24	11.22	13.96	12.72
Leather	11.02	9.75	12.15	11.50	10.27	10.64
Oil refining	14.83	12.07	13.67	14.01	13.71	13.81
Silk dyeing	12.46	.....	12.75	12.58	11.99	12.13
Silk goods	12.89	.....	13.15	13.05	12.18	12.50
Sugar refining	13.42	8.25	13.12	12.98	11.64	11.82
Woolen and worsted goods	11.62	.....	11.74	11.69	9.96	10.49
Average	14.37	10.66	13.91	13.89	11.92	12.64

Mr. President, the House has sent us a bill reducing the duties on wool and woolens about 35 per cent. That bill was referred to the Finance Committee, and a Republican majority of that committee has reported it adversely. Representing the Democratic members of that committee, I ask that the action of that committee be overruled and the bill be passed. I want to say to the administration Republicans on the other side of the Chamber, in view of the promises of the Republican Party with reference to tariff revision, in view of the declaration of the President with reference to the indefensible duties of Schedule K, in view of the fact that the Tariff Board has made a report on wool and woolens, if they will not agree to this bill, it is incumbent on them to offer a substitute for it. All the conditions upon which their platform and their President promised relief have been performed, and I submit they can not escape the obligation to support what we offer or present a measure of their own.

Mr. President, I wish I had time, and that the patience of the Senate would permit, to analyze the Tariff Board report on wool and woolens, in order to show how utterly unreliable it is as a basis of legislation with reference to the tariff, but I have not. It is not necessary in support of this bill that I should go into this matter because this bill is not framed with any reference to the Republican theory of protection or with any reference to the Republican platform declaration of the measure of protection that the industries of the country are entitled to. It is framed upon the Democratic theory of a tariff for revenue. But if it were necessary to show that the Tariff Board's report on these products is utterly unreliable as a basis of tariff legislation, even if we were legislating upon the theory of the difference in the cost of production here and abroad, now advocated by the Republican Party, it would be an easy thing to do.

Mr. NEWLANDS. Mr. President——

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

Mr. SIMMONS. I do.

Mr. NEWLANDS. May I ask the Senator from North Carolina whether the facts found by the Tariff Board lead to a reduction in the tariff or point out any specific reduction that can be made?

Mr. SIMMONS. My own judgment, from an examination, and rather a careful examination, of it is that the recommendations of that board, if followed, would result in a reduction of the tariff nearly as great as is provided in the bill I am discussing.

Mr. NEWLANDS. So if the Republican Party should frame a measure based upon the report of the Tariff Board it would mean a reduction.

Mr. SIMMONS. Yes; and a very large reduction.

Mr. NEWLANDS. Of from approximately 30 to 35 per cent?

Mr. SIMMONS. Yes; something near that.

Mr. NEWLANDS. And I presume if the Democrats are unable to pass the bill which has come from the House they would cooperate——

Mr. SIMMONS. Who would cooperate?

Mr. NEWLANDS. The Democrats would cooperate with the Republicans of this body in passing such a bill.

Mr. SIMMONS. I have just said—the Senator may not have been here when I said it—that if the Republicans are not willing, in view of the present situation with reference to Schedule K, in view of the demand of the people for relief from its exactions, to accept the bill we have offered them, they at least owe it to the people, in view of their pledges, in view of the declarations and recommendations of their President, in view of the findings of the Tariff Board, to offer us a bill reducing duties according to their idea and their interpretation of the recommendations of the Tariff Board; and if they are not willing to present to this Congress and give it an opportunity to pass a bill that carries out the report of that commission as they see it, then the Republican Party ought to cease to hold that report up as an obstacle and impediment to tariff legislation.

Mr. NEWLANDS. I am glad the Senator from North Carolina has accentuated that view so emphatically.

Mr. SIMMONS. I have not said that we would vote for what they offered. but I say they owe it to themselves, to the President, and to the people to whom they made these promises, if they will not accept our bill, to offer some bill here which they claim carries out the Tariff Board report, or they should cease to hold up that report as an obstacle and impediment to tariff legislation.

Mr. NEWLANDS. I will ask the Senator whether it can not be safely stated that the Democrats, if they are unable to pass a bill of their own framing, will join in passing any bill that insures a substantial reduction in these excessive duties?

Mr. SIMMONS. If we can not get as much as we want we will take less, but it must be a reduction that will afford substantial relief to the people from the burdens that now weigh so heavily upon them.

Mr. CULBERSON. Mr. President——

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

Mr. SIMMONS. I do.

Mr. CULBERSON. I want the Senator to state in this connection what percentage of reduction in the wool schedule would be authorized if you followed the report of the so-called Tariff Board?

Mr. SIMMONS. I am not able to state specifically what it would be, but I think, as I said a while ago, it would be over 30 per cent. I am sure it would be on raw wool, and I think it would be somewhat over that rate on manufactured wool.

Mr. NEWLANDS. If the Senator will permit me, it has always struck me as one of the contradictions of our legislative life that where the three parties who have to share in legislation—the House of Representatives, the Senate, and the President of the United States—all agree that a reduction should be made in the tariff we can not by some method before we adjourn make that reduction. It seems to me it is a confession of legislative and executive incapacity if we fail to meet in some degree the demands of the people when all agree that a reduction should be made. I hope that an earnest effort will be made in this direction before we adjourn.

Mr. SMITH of Michigan. Mr. President——

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

Mr. SIMMONS. I am very anxious to get through and give opportunity to some other gentlemen who want to speak on the subject to do so. That is the only reason I prefer not to yield.

Mr. SMITH of Michigan. I did not quite catch the reply of the Senator from North Carolina to the Senator from Nevada. Did I understand the Senator from North Carolina to say that there was an arrangement with Senators on this side of the Chamber for a reduction of the duties on wool?

Mr. SIMMONS. The Senator from Michigan understood the Senator from North Carolina to say nothing of the kind. The Senator from Nevada asked me if we could not pass our bill and had an opportunity to pass a bill which would give some substantial relief to the people, whether we would accept it or not, and I said, following our policy with reference to that in recent Congresses, we would probably do that.

Mr. SMITH of Michigan. The Senator from North Carolina and the leader of his party in this tariff discussion adheres to the bill which he originally presented from his committee?

Mr. SIMMONS. Well, the bill from the House, although the committee made an unfavorable report upon it.

Mr. SMITH of Michigan. The Senator adheres to the House bill?

Mr. SIMMONS. I do; and so does this side of the Chamber.

Mr. SMITH of Michigan. And there is no arrangement, as I understand it, with any Senators on this side of the Chamber for any other course than a direct vote on that question?

Mr. SIMMONS. No. I will say to the Senator from Michigan, as I stated to the Senator from Nevada, if we can not get our bill and if we can get a bill that will afford substantial, practical relief to the people from these exactions—I care not whence it comes—following our past policy and record upon that matter, we would take it in preference to nothing. But it would have to be something carrying substantial relief and not a mere pretense of relief.

Mr. SMITH of Michigan. Does the Senator maintain that the duty should be taken off of raw wool altogether?

Mr. SIMMONS. The bill I am advocating does not provide that.

Mr. SMITH of Michigan. Does the Senator believe it ought to be taken off? Is this the first attempt, and are we soon to have the second attempt, which will take the duty off altogether and leave the wool industry in this country with no protection against Australia and other wool-producing sections?

Mr. SIMMONS. If the Senator wants my opinion upon that subject, I will give it to him. I think the House acted wisely——

Mr. SMITH of Michigan. Does the Senator——

Mr. SIMMONS. In retaining a 20 per cent duty upon wool, because I believe that will prove a good revenue-producing rate.

Mr. SMITH of Michigan. Is that as a matter of expediency, or did the House and does the Senator from North Carolina favor free wool?

Mr. SIMMONS. No; I do not favor free wool.

Mr. SMITH of Michigan. If the Senator favors free wool and the restoration of the times we had when the last Wilson bill was in effect, I should like to have the country know it. If we are again to be guided by another Prof. Wilson into such a situation as that, I think the country ought to know it.

Mr. SIMMONS. The Republican Party has repeated that old story about the Wilson bill now for 15 years, and under that pretense they have enacted laws that have enabled its beneficiaries yearly to filch from the people of this country millions of their earnings for the benefit of the stockholders of these special industries.

Mr. SMITH of Michigan. Does the Senator from North Carolina in all seriousness defend the Wilson bill?

Mr. SIMMONS. As a whole, yes; I did not favor everything in it.

Mr. SMITH of Michigan. Did the Senator from North Carolina vote for the Wilson law?

Mr. SIMMONS. No; I was not in Congress at the time of the passage of the Wilson bill.

Mr. SMITH of Michigan. Did he approve it on the stump among his people?

Mr. SIMMONS. I did, as a whole. But the approval of a general law, especially one containing several thousand items, does not require the approval of every item in the law.

Mr. SMITH of Michigan. Does the Senator from North Carolina approve it to-day?

Mr. SIMMONS. As a whole, I approve it, although there are features in it I do not approve, and on account of changes in controlling conditions there were provisions in it which might have been wise then, which would not be proper under the new conditions.

Mr. SMITH of Michigan. Will the Democratic Party, under the leadership of the Senator from North Carolina, undertake to put such a law upon the statute books again?

Mr. SIMMONS. The Democratic Party, if restored to power, will revise the tariff laws according to present conditions, doing justice to the people—consumer as well as producer.

Mr. SMITH of Michigan. Will it be for free trade in wool?

Mr. SIMMONS. The Senator from Michigan knows that the Democratic Party, speaking through the House of Representatives in this very bill, does not now favor free wool—the House bill we are now discussing imposes a revenue duty of 20 per cent on raw wool.

Mr. SMITH of Michigan. I am informed 80 Members of the House of Representatives, in Democratic caucus, favored free wool; and the Senator from North Carolina knows it.

This is only one step in the direction of the Wilson law of years ago, which destroyed the flocks of the American farmer and ruined the woolen industry of our country, and finally drove the Democratic Party into a merited retirement, from which they have had no disposition until to-day to come again on such a principle.

Mr. SIMMONS. Mr. President, the Senator is repeating the same old story the Republican Party has been trying to palm

off on the credulous for 15 or 16 years. There was never anything in it, as the intelligent and informed have known. The Wilson bill did not bring the panic. The panic started under the McKinley bill; it was world-wide, and it began to recede under the Wilson Act, and had almost disappeared before it was repealed and superseded by the Dingley law, which every hour and every day during the 12 years of its existence filched the pockets of the toiling millions of their hard earnings, to the enrichment of the legion of monopolies and trusts which its bounties created and nurtured.

Under the conditions created by this Republican tariff measure and the Payne-Aldrich bill, which is but a reaffirmation of it, the necessaries of life were monopolized, the struggle for living made harder, the poor poorer, the rich richer, eventuating in a crystallization of public sentiment among the victims of these tariff exactions that there will be no relief from these evils until the Republican Party is driven from power.

Mr. SMITH of Michigan. Mr. President——

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

Mr. SMITH of Michigan. I do not want to trespass too much upon the time of the Senator from North Carolina, but I have a pride in the Dingley bill. I was a Member of the House of Representatives when it was passed, and, as I recollect it, the party to which the Senator from North Carolina belongs did not for more than a decade even dare voice any public protest against its enactment.

Mr. SIMMONS. The Dingley bill?

Mr. SMITH of Michigan. The Dingley bill, replacing a bill that had brought this country to ruin.

Mr. SIMMONS. Does the Senator seriously mean to tell the Senate and the country that the Democratic Party did not oppose the adoption of the Dingley bill and has not denounced it every day of its existence?

Mr. SMITH of Michigan. I say their protest was so feeble that it was scarcely understood in this country, because we thought the Dingley bill would replace a tariff bill which was odious and which had driven men from their employment throughout the country, until the soup public house was one of the most common sights in the cities. The Senator from North Carolina knows that the Wilson law wrought havoc and ruin to the industries of our country and scattered our labor where it could not find employment. I was one of the men who helped to replace it with the Dingley law, that brought prosperity to the country and reemployment to labor and gave the necessary increase in revenues to meet the expenses of the Government.

Mr. President, I am amazed at the Senator from North Carolina, coming from a State where industries thrive and teem with prosperity, due almost entirely to the principle of protection, which he is to-day opposing—I am amazed at the Senator from North Carolina that he is willing to again draw out from its retirement a bill that brought such ruin to the country.

Mr. SIMMONS. I yielded to the Senator for a question and he is injecting a speech into my speech.

Mr. SMITH of Michigan. No; I beg the Senator's pardon for it. The Senator invited it.

Mr. SIMMONS. No; I think not.

Mr. SMITH of Michigan. I think he did in the latter part.

Mr. SIMMONS. The Senator is always forceful and entertaining, but my time, as I explained when interrupted by the Senator from Idaho, and as the Senator knows, is limited. I did not mean to cut the Senator off, but only to remind him of the time limitations under which we have to speak to-day so as to allow all who are scheduled to speak some time before the hour to vote arrives.

Mr. SIMMONS. I do not desire and I will not now be diverted into a general discussion of the relative merits of the Wilson, the Dingley, and the Payne-Aldrich bills. It would not be pertinent to the matter in hand and I have not the time without doing injustice to others who wish to speak, but I will say in further reply to the Senator from Michigan that, while I do not approve of all that was written in the Wilson Act, as I presume he does not approve of everything written in the Dingley and Payne-Aldrich Acts, in the main and as a whole I did approve that law, though changed conditions would now require changes in rates of duties that were proper from the Democratic standpoint in the conditions existing at the time of its enactment. Of course those from whom its provisions in the interest of the people took the opportunity they had enjoyed under the McKinley Act to exploit the people through unreasonable and unfair profits disapproved it, but it was satisfactory to the people. Instead of bringing ruin on the country it was gradually lifting the country out of the conditions into which it was well advanced long before it was enacted, and if it had not been repealed our return to normal condition would have probably been faster than it was.

But while the protected interests whose bounties it curtailed were the chief and almost only complainants against it, the dissatisfaction with the Dingley law, culminating in the promise of the Republican Party in 1908 to immediately revise it in response to a compelling demand from the people, came not from the few it had licensed to prey upon the many, but from the millions whom it had placed at their mercy and who could not live and have their being without paying them daily tribute. The complaint against it was from the people, not the interests.

I fain would refrain from any comments upon the Payne-Aldrich bill which supplanted it. Nobody defends it. There never has been in this or any country a tariff enactment so generally reprobated and denounced and which so richly deserves the censure heaped upon it.

So general, Mr. President, is this condemnation, so well satisfied are the people that this measure is responsible for the trusts and the monopolies that are plundering them, so well satisfied are the people that it is the source and inspiration of the unreasonable advance in the cost of the necessaries of life that is oppressing them, that their condemnation against it is not confined to the bill itself, but their displeasure has assumed the form of political excommunication against almost every man whose name was prominently identified with its passage through the House or Senate.

If the opportunities for exploitation, if the excessive profits of a few were curtailed by the Wilson Act, there was compensation in the fact that the people were to that extent in many cases relieved of unjust exactions. On the other hand, the Payne-Aldrich law circumscribed the opportunities of the many and denied a fair return to toil and energy and enterprise by unreasonably increasing the fixed charges which every man and every industry must meet. The burden which the Dingley and the Payne-Aldrich laws have imposed upon the productive energies of the people during the 15 years of their operation is incalculable and can not be measured in dollars and cents.

Mr. President, I regret I have not the time to enter into an analysis of the Tariff Board report as I had intended, but it would be unjust for me to consume the time necessary to do so when other Senators desire to speak, especially the Senator from Iowa [Mr. CUMMINS], who has introduced a substitute for the pending bill and is entitled to an opportunity to explain and discuss its provisions.

I will not undertake that analysis, but I ask that I may have printed as an appendix to my remarks certain tables which I hold in my hand, prepared for me by the expert assigned to assist the minority members of the Finance Committee, analyzing the Tariff Board's report and showing the utter unreliability of the findings of the report as to the cost of producing wool in this country.

This analysis will show that in some sections of the country wool is produced for practically no cost at all; that in other sections it is produced not only without cost but with a bonus, the income from mutton and lamb more than paying the total cost, while in other sections the cost of producing a pound of wool ranges from 12 to 19 cents.

It will further show that in the flocks selected in each table the cost of producing wool in the same section from one flock was wholly at variance with the cost of producing wool from another flock of the same kind and breed of sheep, and that the attempt of the board to ascertain with any reasonable degree of accuracy the cost of producing wool in this or foreign countries by the method of calculation adopted by it was vain and futile if not impossible. I ask permission to print this document, which I have marked "Appendix A," as an appendix to my remarks.

The PRESIDING OFFICER (Mr. SANDERS in the chair). Without objection, it will be so ordered.

Mr. SIMMONS. I wish also to present to the Senate a most illuminating study published in the Textile World-Record, of Boston, by Mr. Samuel S. Dale, a great authority upon this subject, and who, I understand, assisted the Tariff Board in their work, giving a thorough analysis of that report and showing most conclusively its utter unreliability as a basis of legislation upon the tariff. I would like and had intended to discuss some of the suggestions of Mr. Dale, but I can not do so without trenching too greatly upon the time of others who have a right to be heard, and I shall therefore have to content myself with asking permission to print parts of it as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Reprinted from the Textile World-Record, Boston, June, 1912.]

ANALYSIS OF THE TARIFF BOARD REPORT ON SCHEDULE K.

(By Samuel S. Dale.)

The report of the Tariff Board on the wool and wool goods schedule should be judged first by the extent to which the board has succeeded in

attaining the professed object of its investigation, namely, the determination of the difference between the foreign and domestic cost of producing the raw materials and the partly and wholly manufactured products of wool manufacturing.

THE DIFFERENCE IN COST FORMULA.

This object has been definitely and repeatedly stated during the last four years, and recently by the President in these words:

"First, by fixing the rates at figures * * * based on the difference between the cost of production here and the cost of production abroad, ascertained by means which preclude all doubt of the substantial accuracy of the calculation."

In order to show to what extent this object has been attained by the Tariff Board I have made the following list of the principal products affected by Schedule K, and annexed a brief statement of the information disclosed by the Tariff Board regarding the difference in the domestic and foreign cost of each: Raw wool, wool by-products, shoddy, worsted tops, roving, yarn, cloths and dress goods, carpets and rugs, underwear, hosiery, felts, and narrow fabrics.

RAW WOOL.

The method adopted by the board for calculating the cost of wool is stated on page 313 as follows:

"We have considered wool as the chief product, and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is called the 'net charge against wool.' When, on the other hand, the receipts from mutton are greater than the expense, the difference is the 'net credit to wool.' And this net charge against or net credit to wool, divided by the number of pounds of wool, is the 'net charge against or net credit to a pound of wool.'"

On the preceding page—312—the board condemns this method in these words:

"Another method is to consider wool the chief product and mutton the by-product and to charge the total operating costs to the mutton and credit the net income of the business to the wool. * * * When, however, the receipts from mutton equal the operating costs, the cost of producing a pound of wool, as found by this method, is nothing; and when the receipts from mutton exceed the operating costs it is less than nothing. * * * It is evident that this method also is inadmissible because the cost of producing a pound of wool, thus determined, varies with the relative importance of the receipts from wool and mutton. When wool is the chief source of income and the receipts from mutton are merely incidental and relatively small, this method is approximately correct; but as the receipts from mutton become relatively more important, the degree of error increases, and when mutton is the chief source of income and the receipts from wool are merely incidental, the futility of the method is clearly apparent."

This condemnation of its own method was superfluous. The absurdity of a calculation by which the cost of wool is a positive quantity under some conditions, zero under others, and under others the wool is obtained without cost, bringing a bonus with it, is self-evident. The report contains extensive tables of cost of American wool based on this misleading method of inquiry.

For the foreign branch of the wool inquiry this method of calculation, of course, could not be carried out in such great detail, but the results are given for Australian wool on page 11 as follows:

"In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that, taking Australasia as a whole, it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate."

The report itself supplies the proof that the board has failed completely to determine the difference between the foreign and domestic cost of wool. The board admits this in these words, on page 10:

"It is not possible to state in exact terms the actual cost of producing a pound of wool, considered by itself."

WOOL BY-PRODUCTS.

These products include noils and the various wastes that are unavoidably made in converting wool and by-products into finished goods. They are inferior grades of raw material. In calculating the cost of wool goods the value of the by-products is deducted from the cost of the raw material used in order to determine the net cost of the latter. No part of the cost of manufacturing is charged to the production of by-products. For this reason the Tariff Board is right in the following conclusion, page 12:

"No comparison as to the cost of production of such products can be made."

SHODDY.

Wool rags may be properly classed as a wool by-product, and the omission of any reference to their cost is explained on that ground, but shoddy is a manufactured product for which rags are the raw material. The report contains no statement on the cost of manufacturing shoddy.

WORSTED TOPS.

In taking up the various wool products in their order of manufacture, worsted tops are the first for which the Tariff Board offers a detailed comparison of cost. A number of important features of the board's investigations of comparative costs will therefore be considered under this head, but it should be borne in mind that the remarks apply not only to tops, but to wool manufactures generally.

The report gives a comparative statement of the domestic and foreign cost of converting wool into tops, but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important item of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material. The variations in the cost of raw material, not only for tops, but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words:

"The question of raw material was eliminated altogether, since this is such a fluctuating element."

That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

"In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies, due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound, while for another six months' period in the same mill, running upon practically the same quality of tops, the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same."

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry, or continuously in any combing plant.

If so much emphasis had not been placed on the difference in cost theory we might profitably stop here and accept the evidence disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined and can not determine the difference between the domestic and foreign cost of tops.

ROVING.

No attempt is made to give the costs of roving separately. This cost is made up of raw material and the various processes up to and including worsted drawing. Raw material, as we have seen, is eliminated entirely from the board's calculations. The final process, drawing, is considered on pages 1031 to 1034, but, as in the case of woolen yarn, the figures relate to the labor cost only, all the other items of expense being omitted. We have noted the defects in the calculations for tops, the cost of which is included in the cost of roving, so that it is now necessary only to record the unavoidable conclusion that the difference in cost has not been determined for roving.

YARN.

The noteworthy feature of the board's report on yarn costs is the omission of essential details relating to the cost of carded woolen yarn. On pages 1025 and 1026 there are the reports of the labor cost of woolen carding in 26 mills. On pages 1040 and 1041 are reports of the labor cost of woolen spinning in a like number of establishments. Nowhere is there a statement of the cost of the other items, such as raw material and manufacturing expense, which make up much the greater part of the cost of woolen yarn. The report deals in greater detail with the cost of worsted yarn. On page 645 there begins a general survey of the question. On page 646 are statements of cost for four separate weeks in one mill. It is rather puzzling to find the output given as "yarn shipped," but accepting the figures as indicating the yarn spun, we find the conversion cost varying from 9½ cents on August 26 to 26½ cents a pound on August 5, with the yarn size practically the same. No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus on page 646:

"In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops."

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actually reached if the mill had been doing something that it was not doing?

On page 650 the report says:

"Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of these various calculations."

From this it is evident that the board obtained from "various manufacturers" in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 610 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or rather lack of result, attained by the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufacturing offered the least difficulty in such an inquiry.

CLOTHS AND DRESS GOODS.

The cost of cloths and dress goods includes the cost of the yarn and the conversion cost of the yarn into the finished product. To include in the cost calculation for cloth the operations which the board adopted for the preceding processes would concentrate in this calculation all the uncertainties and errors which have been referred to under the head of raw wool, wool by-products, shoddy, worsted tops, roving, and yarn. Moreover, such a method was impossible because of the omission of essential items, as in the case of by-products and shoddy. The Tariff Board evidently recognized this dilemma, for a new start was made, with yarn treated as a raw material and the cost calculations for the preceding processes eliminated entirely. The report thus explains how this result was accomplished (p. 628):

"An arbitrary price was assumed for different qualities of wool and yarn, this arbitrary price being the actual price so far as it could be accurately determined for a given date."

This method has the merit of boldness and simplicity, although it can not be claimed that it "precludes all doubts of the substantial accuracy of the calculation." The figures thus adopted by the fiat of the board as a substitute for the cost of raw material and its conversion into yarn are termed "prices for a given date." This does not change the fact that they are not costs as contemplated in the formula. It makes the matter worse, for it shows that the board's ideas were so unstable as to shift from production cost to price without hesitation. This confusion of ideas regarding cost and price is so complete that one of the estimates, No. 32, page 672, contains this:

"This gives a total cost of 86 cents per yard for those making their own yarn and 95.5 cents per yard where yarn is purchased."

The adoption of the fiat figures of cost for wool and yarn would alone make the results of this part of the inquiry worthless, regardless of the accuracy of the subsequent calculations, and for that reason it is perhaps unnecessary to say more on this particular point. Attention

is called, however, to the fact that the list of the figures thus adopted by fiat for wool and yarn is omitted from the report. It is to be found on Tariff Board schedules 1128 and 1129. The following grades and prices are given in the list to cover carded woolen yarn made of wool and mixtures of wool, cotton, shoddy, and by-products:

12 to 16 cut, one-fourth blood worsted waste and shoddy	$0.55
12 to 20 cut, one-fourth blood and shoddy (colors)	.65
12 to 20 cut, one-fourth blood and noils (white)	.70
12 to 20 cut, one-fourth blood and noils (colors)	.75
12 to 20 cut, straight one-fourth blood (white)	.80
20 to 28 cut, straight three-eighths blood (white)	.85
From 20 to 28 cut add 1 cent per cut.	
32 cut, fine white carbonized	.95
40 cut, fine white carbonized	1.10
2-12 to 2-18 cut, one-fourth blood worsted waste and shoddy	.50
2-18 to 2-20 cut, in grease	.62½
2-18 to 2-20 cut, in colors	.70
2-22 to 2-24 cut, skein dyed in colors	.77½

There are no established standards for such yarns. They are spun from new wool of every grade; also from mixtures containing wool, cotton, shoddy, and by-products in every imaginable proportion, some with the wool, cotton, shoddy, or by-products omitted and the mixture made up of the whole or a part of the remaining materials. Not only the proportion, but also the cost per pound of each of these materials varies widely from grade to grade and from time to time. As a result the average cost of the mixtures is subject to even greater fluctuations.

Fixed prices or cost figures are equally absurd in the case of worsted yarn and wool. No feature of the Tariff Board's investigation excites greater astonishment than does this substitution of arbitrary prices for actual cost. This extraordinary method has evidently been adopted not only for American costs, but for foreign costs as well. Take, for example, sample No. 26, page 667. This cloth is made of two grades of cotton yarn and one of worsted. The report says, page 667:

"The average cost of the yarn used was $0.692 per pound; the resulting cost of the stock material in a yard of cloth is $0.55."

The English cost of the yarn is thus stated, page 668:

"The yarn material for a yard of cloth is taken at a cost of $0.4085."

These figures do not represent cost in any mill either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarn. Such calculations do not come up to the level of ordinary guesswork.

As was the case when studying the board's cost figures for worsted tops, the temptation again becomes strong to leave this feature of the report with the conclusion that the case against the difference in cost formula has been proved, but so much emphasis has been placed on this formula that we will go on to the end of the list.

CONVERSION COST.

Turning to the inquiry into the cost of converting yarn into cloth, the fact claiming attention first is that the board's figures do not relate to the actual cost of the cloths, but to estimates of their cost. This is admitted on page 628 where the report, after stating the impossibility of determining the actual cost, says:

"The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality."

The inherent difference between actual cost, as contemplated in the formula and an estimate of cost is evident. A manufacturer may estimate the cost of a fabric regardless of whether the goods were made in his mill or not. He determines the character of the raw material by the exercise of judgment, and the construction of the fabric by analysis, and with these particulars makes an estimate of cost based on assumed conditions of market price of materials and expense in the mill. This, however, is not the actual cost, which is determined only by the actual manufacturer of the goods, and it is the actual cost which is meant in the difference in cost formula. Not only has the board substituted estimated cost for real cost, but these estimates have been obtained under conditions that make irregularities and errors inevitable.

The report states, page 629, that the agents of the board "visited the mills with samples and worked out with the proper officials the cost under each separate process." The published results of their labors are found on pages 651 to 690, in the form of estimates of cost of 55 samples of American wool goods, and on pages 694 to 704 in the form of estimates of the cost of 14 samples of foreign fabrics.

Fortunately it is not necessary to rely solely on one's own judgment or on the opinion of others as to the merits of this system of cost estimates. Three years ago, in 1909, the American Association of Woolen and Worsted Manufacturers adopted the same plan and submitted to a large number of manufacturers the specifications for three worsted and two carded woolen fabrics with a request that estimates of the cost of these goods be returned to the association. As was done by the Tariff Board, uniform prices were assumed by the association for the wool and yarn. Following is a statement of the lowest, highest, and average estimates:

	Lowest.	Highest.	Average.
Fabric A	$1.50	$2.02	$1.75⅔
Fabric B	1.47½	1.98	1.78
Fabric C	1.06	1.53	1.29
Fabric D	1.10	1.65	1.37
Fabric E	.85	1.02½	.93½

Such figures are worthless, and it is certain that the estimates of the Tariff Board are no better.

The sole difference between the estimates of the association and those of the Tariff Board is that the agents of the board worked out the figures with the mill officials in accordance with a definite system prescribed by the board. But a cost system can not be applied successfully in a mill on short notice. It is necessary, first, to apply a system for a long period, a year or more, in order to determine the cost per unit of production in the various departments of a mill. Not before this is done does it become possible to make a fairly close estimate of the cost of a given fabric when made in that mill under like conditions. An attempt, such as was made by the Tariff Board, to apply suddenly to a large number of unprepared mills a new system of cost estimating is calculated to give results as misleading and erroneous as were those obtained three years ago by the American Association of Woolen and Worsted Manufacturers. This is evident from the details of the board's estimates. For example, the conversion cost of sample No. 1 is given as 8 cents per yard, and this note of explanation is annexed, page 652:

"Taking all of the cost secured by the board from mills of all sizes the average conversion cost is 11.1 cents per yard."

This means that some of the estimates must have varied from 8 cents to considerably over 11 cents a yard. No two mills would agree as to the estimated cost, yet the board adopts one set of figures for each sample. Why was 8 cents selected for the figures given in the report, when the average was 11.1 cents? And was this average calculated by a method that gave the mills an equal weight regardless of size? These questions may appear superfluous in view of the fundamental defects already noted in the calculations, but reference is made to them in order to make the analysis as complete as possible. For the same reason a review will be made of various other features of the estimates.

A number of the estimates refer to fabrics made of wool yarn mixed with cotton or silk yarn. An application of the difference in cost formula would make it necessary to determine the cost of the cotton and silk yarn as well as the wool. Nowhere is such cost given. Apparently arbitrary figures have been assumed for the cost of the silk and cotton yarn, as well as for the wool yarn, and an average of the three calculated by some unexplained process. For example, sample No. 24, page 666, is made of a mixture of cotton, silk, and worsted yarn, and the "cost" of the three is given as follows:

"The average cost of the yarn described is $0.714 per pound, making a total stock cost of $0.571 per yard of finished cloth."

The plan pursued in the board's estimates of the foreign cost of the various samples is thus explained on page 630:

"The method adopted in securing foreign costs on American samples was similar to that used in this country. Samples of identical fabrics cut from the same piece were taken to England and to the Continent. These were shown to a number of manufacturers and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their costs in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or from the costs in his own mill."

The woolen and worsted industry in England is organized on a different basis from that generally prevailing in this country. Cost calculations are simpler and probably more accurate in that country than they are here. For these reasons a fair comparison of the costs in the two countries is possible only after careful revision. Such a complicated cost estimate schedule as the one prepared by the Tariff Board would stagger English manufacturers. The above extract from the report makes it plain that they did not understand the board's system and did not attempt to carry it out. Figures, however, are easily obtained and the agents of the board obtained them from a few English manufacturers. Evidently these figures bore the marks of unreliability, for they were referred to a "cloth expert, himself a manufacturer," who "corrected or verified them from his own experience or the costs in his own (English) mill." It is unnecessary for us to follow this system into France and Germany. Adopted in response to an order to determine the difference in the cost of production "by means which preclude all doubt as to the substantial accuracy of the calculation," it abandons the cost of production entirely and substitutes estimates based on assumed figures for the greater part of the cost, and for the remainder on methods that are unworthy of serious consideration either at home or abroad. The Tariff Board knew of the defects in estimates of cost, as the following passage, page 628, shows:

"The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely, and experience in this regard by associations in the trade who have attempted to arrive at some standard cost method showed the necessity for adopting every precaution to make these figures as detailed, accurate, and fair as possible."

But stating a difficulty does not overcome it, and the knowledge on the part of the board that estimates would not disclose what they were seeking only increases the surprise that such a plan was adopted. No precautions can make estimates conform to actual cost. In the absence of a knowledge of the actual cost there is no way of verifying or correcting the estimates.

CARPETS, RUGS, UNDERWEAR.

The report gives no information regarding the cost of these goods, this explanation for the omission being found on page 9:

"It proved impracticable to carry out at one and the same time an indefinite number of separate cost inquiries and bring them all to conclusion at a given date. For this reason we are not able to include in the present report data as to the cost of underwear and carpets, regarding which our investigations are not sufficiently advanced to make the results practically useful."

HOSIERY, FELTS, NARROW FABRICS.

On the cost of these products the Tariff Board makes no report deserving consideration.

We have reached the end of the list of products. Summing up the situation, we find that the Tariff Board's inquiry into cost of production has nowhere given results in whose accuracy any confidence can be placed. Some wool products were omitted entirely—carpets, knit goods, felts, and narrow fabrics for lack of time; by-products, because the task was impossible.

A fundamentally unsound method was adopted for raw wool. Where costs were actually investigated, as in the case of worsted tops and yarn, the fluctuations from time to time and from mill to mill made self-evident the impossibility of determining the costs for the purpose of fixing tariff rates. For some materials—roving and yarn, for example—the manufacturing expenses other than labor were omitted. Likewise in some cases raw material, subject as it is to constant, extreme, and indeterminate variations in cost, was eliminated bodily from the calculations. In other cases arbitrary figures were assumed to indicate the fluctuating and uncertain cost of raw material. Estimates were substituted for statements of actual cost. Calculations that could be but little better than guesswork were made for the board by foreign manufacturers. And, finally, the reports thus collected were "revised" and "edited" at Washington in an attempt to make them harmonize with each other and conform to conditions of production that seldom, if ever, exist.

The contrast between this result and the President's definition of what was required is grotesque, but the failure to attain the announced purpose of the inquiry does not necessarily carry with it any reflection on the ability, industry, or faithfulness of those who did the actual work of investigation. The fact is they were engaged in an undertaking that reached far beyond the limits of the possible. The difference between the domestic and foreign cost of producing wool and

wool goods can not be determined for the purpose of fixing tariff rates. Criticism, if it is indulged in, should be directed to the failure to recognize the impossibility of the difference in cost formula and direct the inquiry into practical channels. If that had been done, the cost of production would not have been ignored, but would have received its proper share of attention in connection with many other factors bearing on the tariff question. The primary mistake was in making the inquiry hinge on the difference in cost formula. That placed on the board the work of accomplishing the impossible.

Mr. SIMMONS. Mr. President, for lack of time I am compelled to omit some things of importance that I desired to say, but I think I have said enough to get before the Senate the views of the minority with reference to this question, and especially to get before the Senate the general purpose and effect of the reductions proposed in the bill which the minority of the committee support.

APPENDIX A.

SCHEDULE K—WOOL, AND MANUFACTURES OF.

Further and more detailed analysis of the report of the Tariff Board on production and cost of wool (Western States), based on details published in Volume II, part 2.

The Tariff Board, in its wool report, publishes tables which show the results of the investigations made by agents of the board into the receipts and expenditures of selected flocks of sheep in the Western States and of selected farm flocks in what is termed the "Ohio region," in order to arrive at the average cost of wool production in the United States.

First, there are six tables given of the financial details of the flocks investigated in the Western States, showing the number of sheep, pounds of wool produced, and the receipts from wool and other sources; the expenditures, including labor, forage, and miscellaneous expenses; the net charge against wool per pound, and the selling price of wool per pound; the capital per head invested, and the rate of income on capital. In arriving at their conclusions, the board considered wool as the chief product, and the receipts from mutton, lambs, and so forth, are offset against costs. No interest is allowed on capital invested or on capital borrowed.

Table I, giving the above details, includes such flocks only as those where the "net charge against wool exceeds 20 cents and above per pound." As the average net charges against wool per pound of the 40 flocks included in Table I is $0.237, and the average selling price of the same wool was $0.192, the extraordinary fact is disclosed that all but one of the flocks reported in the statistics shows a loss on the capital invested ranging from three-tenths per cent to 25.4 per cent, and an average loss on capital invested of 9.7 per cent. The exceptional flock of sheep which is reported to have paid an income of 2.7 per cent on the capital invested consisted of 95,185 head, which produced 541,916 pounds of wool, or 5.90 pounds per head, which sold for $127,337.75, or 23.5 cents per pound—the highest price recorded for any of the flocks considered. The wool on each sheep averaged in value $1.33, but the average for the 438,541 sheep of the 40 flocks investigated was slightly more than $1.09 per head. The receipts, other than from the wool of the above-mentioned flock of 95,185 sheep, namely, from sale of sheep, lambs, and so forth, averaged $220,243.75, or $2.31 per head; and as the capital per head is reported in the table as $6.81, it would seem that nearly one-third of the flock must have been sold during the year upon which the report is based. The average total of all receipts for all the flocks included in Table I is $1,006,816, and the total of all expenses is $1,152,873, which shows an average loss of 9.7 per cent on the capital invested, interest not included. The report does not state the location of these flocks, and the only clew given as to location is through the price of the wool, which exceeded 20 cents per pound and averaged $0.237 per pound, showing that the wool must have been of the lighter shrinking quality. The following table shows the highest and lowest and medium results reported of four selected flocks:

TABLE I.—*Net charge against wool exceeding 20 cents per pound (interest not included).*

[From Tariff Board report, p. 315. Fractions of dollars omitted.]

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average of 40 flocks, Table I	438,541	2,639,297	$479,858	$526,957	$1,006,816
Flock A	95,185	541,916	127,337	220,243	347,581
Flock B	20,340	100,000	13,000	9,360	22,360
Flock C	10,675	91,000	18,200	64	18,136
Flock D	3,050	23,000	3,478	4,287	7,765

TABLE I.—*Net charge against wool exceeding 20 cents per pound (interest not included)*—Continued.

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 40 flocks, Table I	$285,141	$353,724	$514,007	$1,152,873
Flock A	56,432	133,994	139,865	330,292
Flock B	18,285	2,828	26,655	47,769
Flock C	4,861	6,065	7,568	18,494
Flock D	3,728	3,268	3,735	10,732

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 40 flocks, Table I	$0.236	$0.182	$5.55	− 9.7
Flock A	.203	.235	6.81	2.7
Flock B	.384	.13	4.92	−25.4
Flock C	.203	.20	4.80	− 0.7
Flock D	.280	.151	5.88	−16.5

It will be noticed that the receipts and expenditures of no two flocks of sheep in the above table show similar results, and of the 40 flocks in Table I, as presented in the report of the Tariff Board, the capital invested per head varies from $3.50 to $10.03; the net charge against wool per pound varies from 20 cents to $0.384; the selling price of wool per pound varies from $0.113 to $0.235, and the rate of income on capital varies from +2.7 per cent to —25.4 per cent. The fact that any of these flockmasters continue in such a losing business casts grave doubts upon the accuracy of the figures given. Flock A, quoted above, would apparently eat up all of the capital invested in less than four years. It would hardly be possible that anyone would continue in the business under such disastrous conditions. The indications are that some of the sheepmen have been magnifying their expenditures and minimizing their receipts so as to lead the Tariff Board to find that the cost of growing wool in the Western States is much greater than it is abroad, and therefore they would be unable to exist if the protective-tariff duty on wool were increased.

By examining the figures in the above table other extraordinary discrepancies are found, as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.69	$0.59	$1.47
B	4.90	.90	1.31
C	8.53	.46	.71
D	7.50	1.22	1.22

Similar divergence in results occurs with most of the 40 flocks of sheep in Table I, and the question naturally arises, how can any average be arrived at that will approach the medial sum of the cost of production of wool in the Western States? The wool per head from each flock differs greatly; the price at which the wool is sold varies; the labor cost of some flocks is over 100 per cent apart, and the miscellaneous expenses are as wide asunder as is the labor cost.

Four selected flocks from:

TABLE II.—*Net charges against wool 15 cents and under 20 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average of 59 flocks—Table II.	594,268	3,836,815	$656,814	$661,544	$1,318,369
Flock A	21,084	161,681	35,216	30,613	65,830
Flock B	8,680	82,000	6,867	6,110	12,977
Flock C	1,685	11,202	2,432	2,530	4,963
Flock D	7,000	44,660	7,145	6,856	14,002

TABLE II.—*Net charges against wool 15 cents and under 20 cents per pound (interest not included)*—Continued.

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 59 flocks—Table II	$403,568	$275,413	$630,563	$1,309,544
Flock A	20,103	9,619	25,647	55,370
Flock B	7,257	4,822	6,840	18,919
Flock C	1,557	819	2,261	4,638
Flock D	4,520	3,488	7,318	15,326

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 59 flocks—Table II	$0.168	$0.171	$5.62	− 0.5
Flock A	.153	.217	5.30	9.3
Flock B	.156	.087	4.91	−13.9
Flock C	.188	.217	6.29	3.1
Flock D	.189	.16	5.71	− 3.3

The investigation of the 59 flocks of sheep included in Table II affords discrepancies similar to those in Table I as to details of receipts and expenditures, and the rate per cent of income on capital is nearly as divergent, though 26 of the flocks show a profit ranging from one-tenth of 1 per cent to 9.3 per cent; but the average of all the flocks is five-tenths of 1 per cent on the wrong side of the ledger, which result is brought about by 33 flocks showing a loss ranging from one-tenth of 1 per cent to 13.9 per cent.

It is remarkable that in the average for the 59 flocks included in Table II the expenditures again exceed the receipts by a small fraction, so that more than half of the flocks have been unprofitable; also, that the following discrepancies appear in the wool produced per head, in the labor expenditures per head, and in the miscellaneous expenses, as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	7.67	$0.95	$1.22
B	9.45	.84	.80
C	6.65	.83	1.34
D	6.38	.64	1.04

Even greater differences could be found among the 59 flocks included in Table II if selection were made for that purpose; but the remarkable weight of the fleeces in flock B and the small cost of labor in flock D, and the other large difference in labor and miscellaneous expenses show that it is impossible to arrive at any approximate estimate of the cost of wool production in the Western States under the system adopted by the Tariff Board.

Four selected flocks from:

TABLE III.—*Net charge against wool 10 cents and under 15 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average 71 flocks, Table III	807,775	5,459,088	$825,627	$912,737	$1,738,364
Flock A	37,397	268,000	36,180	49,935	86,115
Flock B	6,610	49,443	6,153	3,436	9,589
Flock C	10,300	83,000	11,620	9,586	21,206
Flock D	5,990	43,000	7,958	7,870	15,828

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total
Average 71 flocks, Table III	$494,497	$311,731	$754,783	$1,561,012
Flock A	18,189	3,792	31,723	53,704
Flock B	4,086	1,401	5,307	10,794
Flock C	6,172	4,940	10,088	21,202
Flock D	4,000	2,753	7,514	14,268

TABLE III.—*Net charge against wool 10 cents and under 15 cents per pound (interest not included)*—Continued.

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average 71 flocks, Table III	$0.119	$0.151	$5.47	3.8
Flock A	.104	.135	4.78	18.1
Flock B	.148	.11	5.55	3.3
Flock C	.139	.14	3.93	0
Flock D	.148	.19	7.60	3.4

It is noticeable that the lower "net charge against wool per pound," as given in Table III, does not permit the returns of all the 71 flocks included in said table to show an income on capital, for there are 7 flocks from which no profit was secured, although the average net charge against wool per pound is reduced to $0.119, whereas in Table I the charge is $0.237, and in Table II it is $0.168. The average selling price of wool in Table I is $0.182; in Table II, $0.171, and in Table III, $0.151.

The figures for wool production per head for labor and miscellaneous expenses of the four selected flocks of sheep included in Table III are as follows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	7.16	$0.48	$0.85
B	7.48	.62	.80
C	8.06	.60	.98
D	7.18	.67	1.25

It will be noticed that discrepancies exist between the details of the different flocks in Table III similar to those in Tables I and II, except that there is more uniformity in the number of pounds of wool per head; but the selling price of the wool varies exceedingly, although, apparently, the price at which the wool of a flock sells does not settle the income on capital. For instance, the wool of flock A sold for 13½ cents per pound and the rate of income on capital was 18.1 per cent, while the wool of flock D sold for 19 cents per pound and the income was but 3.4 per cent. The wool from flock B was sold for 11 cents per pound and the income was 3.3 per cent less than nothing, while the wool from flock C sold for 14 cents per pound and the income just provided for the expenditures, so the profit was zero.

Table IV makes a much better showing for the woolgrowers, with an average rate of income on capital of 10.7 per cent, the lowest being 2.7 per cent and the highest 42.1 per cent.

Four selected flocks from:

TABLE IV.—*Net charges against wool, 5 cents and under 10 cents per pound (interest not included).*

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average of 74 flocks, Table IV	677,545	4,665,141	$733,849	$1,013,036	$1,746,886
Flock A	4,278	22,050	5,402	6,621	12,023
Flock B	6,020	45,600	9,576	7,169	16,745
Flock C	5,000	43,123	6,899	7,951	14,859
Flock D	3,935	23,700	2,881	4,899	7,781

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average of 74 flocks, Table IV	$413,823	$283,562	$676,405	$1,373,796
Flock A	2,741	948	4,678	8,368
Flock B	3,162	1,804	5,229	10,196
Flock C	3,880	1,720	6,573	12,174
Flock D	2,449	1,001	3,781	7,232

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average of 74 flock, Table IV	$0.077	$0.157	$5.33	10.7
Flock A	.079	.242	5.75	14.8
Flock B	.066	.21	3.48	31.2
Flock C	.097	.16	7.02	7.6
Flock D	.098	.125	5.26	2.7

Every flock in Table IV produced a profit on capital; but again equally strange figures confront us, which show an enormous difference in the profit accounts, which range from 2.7 per cent to 31.2 per cent, and there was one small flock of 408 sheep which produced 42.1 per cent income on capital. That flock is not selected from Table IV, on account of its being composed of such a small number of sheep.

Further details of the four flocks given above show the following:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.15	$0.64	$1.09
B	7.58	.53	.87
C	8.62	.78	1.32
D	6.05	.62	.96

It should be observed that when the income from flocks is greater the expenditures for labor are reduced, but the miscellaneous expenses are about the same. Comparing the flocks reported in Table IV with those in Table III, it is found that while the wool product per head is less in Table IV the selling price of the wool is higher. That would indicate that the quality or condition of the wool was better from the sheep included in Table IV, but we are confronted with the fact that the capital invested per head is less in Table IV than that invested per head in those reported in Table III, which were less remunerative.

Four selected flocks from:

TABLE V.—*Net charges against wool under 5 cents per pound (interest not included).*

[Tariff Board report, Vol. II, pt. 2, pp. 322-323.]

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average, 42 flocks, Table V	352,912	2,293,087	$352,830	$622,219	$975,059
Flock A	6,540	33,660	7,415	11,181	18,597
Flock B	27,000	189,000	27,877	26,572	54,449
Flock C	2,500	18,000	1,620	5,278	6,898
Flock D	3,615	28,800	3,456	5,990	9,446

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average, 42 flocks, Table V	$221,056	$112,259	$353,042	$686,358
Flock A	2,997	3,694	4,829	11,521
Flock B	10,995	1,322	15,512	27,829
Flock C	1,935	2,041	1,556	5,532
Flock D	2,120	882	4,423	7,425

	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average, 42 flocks, Table V	$0.027	$0.153	$5.56	15.3
Flock A	.010	.233	4.40	24.6
Flock B	.006	.147	5.18	19.0
Flock C	.014	.09	4.80	11.4
Flock D	.049	.12	6.98	8.0

All of the 42 flocks included in Table V produced income on capital ranging from 7.4 per cent to 34.5 per cent. The selling price of wool varied from 11 cents per pound to $0.223 per pound. The 4 selected flocks in the table above gave the following further results:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	5.15	$0.46	$0.74
B	7.00	.41	.57
C	7.2	.77	.62
D	7.94	.58	1.22

Again, the great difference in receipts and expenditures is exhibited, so that it is impossible to arrive at the cost of producing a pound of wool. Any average based on the figures under consideration would be merely estimates.

Table VI contains the statistics of 44 flocks of sheep, all of which produced a net credit to wool—that is, the wool product of each flock more than paid expenses—and the mutton and lambs sold were more than clear gain. The income on capital ranged from 13.7 per cent to 41.8 per cent, although the average price of wool sold was less than the average price of the wool of any of the flocks considered in Tables I to V, inclusive.

Four selected flocks from:

TABLE VI.—*Net credit to wool per pound (interest not included).*

[From Tariff Board report, Vol. II, pt. 2, pp. 324-325.]

	Number of sheep.	Pounds of wool.	Receipts.		
			From wool.	From other sources.	Total.
Average, 44 flocks, in Table VI	280,690	1,874,285	$262,859	$648,132	$910,991
Flock A	3,045	26,000	3,770	8,587	12,357
Flock B	20,501	125,715	15,085	53,255	68,340
Flock C	10,100	25,000	3,500	26,462	29,962
Flock D	16,075	80,000	8,000	33,275	41,275

	Expenditures.			
	Labor.	Forage.	Miscellaneous expenses.	Total.
Average, 44 flocks, in Table VI	$185,786	$101,127	$286,989	$573,903
Flock A	1,620	1,329	2,861	5,811
Flock B	17,024	5,168	25,413	47,606
Flock C	4,500	510	16,287	21,297
Flock D	9,610	6,167	10,195	25,972

	Net credit to wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.
				Per cent.
Average, 44 flocks, in Table VI	$0.039	$0.140	$5.62	24.2
Flock A	.106	.147	5.52	38.9
Flock B	.044	.12	7.37	13.7
Flock C	.206	.14	4.17	20.6
Flock D	.091	.10	3.83	24.8

The above table further analyzed shows:

Flock.	Pounds of wool per head.	Labor per head.	Miscellaneous expenses per head.
A	8.5	$0.50	$0.94
B	6.13	.83	1.24
C	2.47	.45	1.61
D	4.98	.60	.63

The extraordinary light production of wool from flock C of less than 2½ pounds of wool per head, which sold for the same average price of all the 44 flocks included in Table VI—that is, 14 cents per pound—indicates that the small yield of wool was not caused by disease, or the quality of the wool would have suffered, and the price accordingly. It may also be said that the average weight of fleeces for the 12 Western States is about 7 pounds, and none of these States averages less than 6 pounds of wool per head. (See wool product of United States, 1910, Yearbook Department of Agriculture, p. 637.) It might be surmised that the owner of flock C, disgusted with the small yield of wool, sold off many more sheep than the average owners sold, and that would account for the large "net credit to wool per pound" and the handsome rate of income on capital of 20.6 per cent. In that event the flock would be decreased for the following year, and the statistics for the abnormal year and the small wool production of flock C should certainly not be taken as a basis for computing the cost of the wool production. As flock A produced but little over $1 per head from wool and nearly $3 per head from mutton, and so forth, and as the capital per head was $5.53, it follows that about one-third of the flock must have been sold to bring the receipts "from other

sources" to the large percentage that is reported. It is unfortunate that not even the State in which the flocks are located is given in the report of the board, and therefore there is no guide to help form an opinion as to the correctness of the statistics. Everything has to be taken on faith as to the accuracy and honesty of the agents of the Tariff Board and the flock-owners and the accuracy of those who prepared the statistics, while the vast discrepancies in the result for nearly every flock in all the tables throws grave doubt on their reliability as the basis for the cost of the production of wool in the Western States.

With the settlement of the Western States the sheep and cattle ranges have been considerably restricted, and this has led to a greater number of sheep having been sent to the shambles because of the lack of free or cheap grazing land. At Chicago alone the increase in the number of sheep sent to that market was 3,500,000 in 1900 and 5,229,000 in 1910. (Tariff Board report, p. 344.) It is therefore probable that the large receipts "from other sources"—mutton and lamb, and so forth—for the years covered by the Tariff Board's statistics have been considerably beyond the normal, and have therefore augmented the receipts of the flockmasters from that source at the expense of the future size of the flocks. Lack of free or cheap grazing land and the high price of mutton, together with the lower price of wool, was bound to have such an effect on the sheep industry, and has no doubt added to the difficulty of the Tariff Board in arriving at the average upon which it relies to prove the cost of wool production. If the statistics compiled by the board had included, say, the last 10 years instead of just 1 year, and had shown similar percentages of receipts " from other sources," as in the six tables considered, such evidence would have, in a measure, confirmed the findings of the board, or have shown conclusively that a one year's average does not furnish sufficient data upon which to base the cost of production in the Western States.

In arriving at the average cost of production of wool in the Western States, and in the estimates of the cost of production in Australia and South America, the board seems to have involved other years with the year for which their statistics are supposed to report. On page 308, the report, in speaking of the Western States, says:

> The study was commenced in Texas in February, 1911, and during the ensuing six months the operations of some 500 different concerns, representing almost every phase of the business in the various Western States, were placed under personal examination.

That period would be from February, 1911, to July, 1911, inclusive. On page 333 the report says:

> Unless otherwise indicated, the statistics here presented are for the year 1909–10, and those given for the United States apply only to the region west of the Missouri River.

That period would seem to be for the parts of two years previous to the year when "the study was commenced in Texas in February, 1911." Then, on the same page, 333, the report says:

> In our Western States the investment in the flock is $4.40 per head, and in Australia and South America $4 and $2.75, respectively. These are the values obtained during the early months of 1909. Since then the sheep industry of the United States has undergone decided depression, with the result of a shrinkage of flock values, in some cases amounting to 25 to 50 per cent. In Australia, on the contrary, the industry has been in a highly flourishing condition, and this has created a strong demand for stock sheep; so that there has probably been some increase in the average value of the flock. And in South America the industry has continued to flourish, and the flock values have remained practically unchanged.

It would appear, therefore, that the three years 1909–1911 are involved in the statistics, and, as the sheep industry and the price of wool and mutton have undergone decided depression during that period, it is important to know the particular year which each set of statistics represents. However, the Tariff Board evidently has arrived at the conclusion that it is not important, as far as comparison between this country and Australia and South America goes, to confine the statistics to one particular year; for, on page 333, the report says:

> It has not been possible, nor has the board deemed it necessary, to present detailed tables of costs for these countries, as has been done in the case of the United States. And while the statistics of comparative costs presented in the following pages are, for the most part, based on information collected in the countries concerned by special agents or representatives of the board, it should be remembered that from the nature of things this information is not so complete as that collected for the United States, and that consequently the statistics partake more of the nature of estimates or approximations than do those given for the United States. The board believes, however, that the statistics of costs presented are sufficiently typical and closely enough approximate the costs incurred during normal seasons and under conditions necessitating no abnormal expenses to bring out the comparative conditions existing in the United States and these other countries.

The object of this branch of the investigations of the Tariff Board is supposed to be the discovery of the difference in the cost of production of wool here and abroad, so that the tariff on wool may be adjusted according to the facts, which, of course, must be accurate and concomitant to be conclusive; whereas the board admits that the statistics of the cost of foreign wool "partake more of the nature of estimates or approximations," so that the theory of discovering the difference in the cost of production of wool fails because of the inadequacy of the basic facts necessary for a fair comparison of the cost here and abroad.

WOOLGROWING IN THE EASTERN UNITED STATES.

Under the head of woolgrowing in the eastern United States the Tariff Board confines its statistics principally to merino sheep or merino crossed with mutton sheep, and mainly covers the Ohio region, where the growers place their "chief emphasis on wool production." Here again the board encountered numerous snags in arriving at the cost of production of both wool and mutton, and therefore confined its investigations mainly to those sections of the Ohio region which include parts of Ohio and adjacent parts of Pennsylvania and West Virginia and certain counties of southern Michigan, where the flocks are mostly thoroughbred merino sheep or half or quarter bred merino. The Ohio region is the head center of the Woolgrowers' Association—for whose benefit the Dingley and the Aldrich-Payne tariff bills on wool were framed—who, in spite of the 10 to 33 cents per pound duty, equal to from 97.57 to 43.38 per cent ad valorem under the imports of 1911, are asking for greater protection. According to the statistics of the board this high protection does not seem high enough to give a "reasonable profit" to many of the growers. The statistics included in Table XIII of the Tariff Board report, from which four flocks of sheep are selected, give the following details:

Four selected flocks from:

TABLE XIII.—*Net charge against wool per pound, 35 cents and upward (interest on investment not included).*

	Number of sheep.	Pounds of wool.	Wool per head.	Grade of wool.
Total and average of 32 flocks	6,455	37,734	[1] 5.84	.....
Flock A	606	2,000	3.30	X
Flock B	42	360	8.57	XX
Flock C	270	1,598	5.94	XX
Flock D	378	2,072	5.48	XX

	Receipts.			Expenses on basis of—	
	From wool.	From other sources.	Total.	Market price of grain and hay.	Average cost of production of grain and hay.
Total and average of 32 flocks	$10,595	$2,951	$13,546	$24,491	$18,153
Flock A	450	.....	450	1,096	885
Flock B	90	69	159	267	193
Flock C	399	112	512	998	673
Flock D	621	300	921	1,622	1,241

	Net charge against wool per pound on basis of—		Selling price per pound.	Expense per head.
	Market price of grain and hay.	Cost of production of grain and hay.		
Total and average of 32 flocks	[1] $0.58	[1] $0.40	[1] $0.28	[1] $2.81
Flock A	.54	.44	.22½	1.46
Flock B	.55	.35	.25	4.60
Flock C	.55	.35	.25	2.49
Flock D	.64	.45	.30	3.28

[1] Average.

There are the same discrepancies between the cost of production of wool in the above table and all the tables for the Eastern States as are shown in the tables for the Western States; for it will be noticed that the expense of keeping sheep varies from $1.46 per head to $4.60 per head, and even allowing only the average cost of production of grain and hay fed to the flock, there is not one flock included in Tables XIII and XIV—and some of the flocks in Table XV—that shows a profit to the owners. If the market price of grain and hay is charged against the flock the loss would be much greater; but, of course, in that case the farmer makes a profit on the difference between the

producing price and the market price of the grain and hay. But if the farmer had no sheep he would secure the difference in value between the hay and grain raised and the price it could be sold for less the expense of marketing.

Table XIV—Net charges against wool per pound 30 cents and under 35 cents per pound—is nearly a repetition of Table XIII, except that the statistics show that the average expense per head is $2.59 instead of $2.81, as stated in Table XIII, and the net charge against wool per pound on the basis of the average cost of production of the grain and hay fed to the sheep is $0.32 instead of $0.40, as in Table XIII. Again, no flock shows a profit, although the cost of the grain and hay fed to produce a pound of wool averaged 8 cents per pound less than the average given in Table XIII, and the wool was sold for only 1 cent less per pound than the wool from the 32 flocks included in Table XIII. It would be interesting to know how it is that the hay and grain cost less per pound of wool in Table XIV than in Table XIII, and 5 cents less in Table XV; and even more extraordinary, the cost is reduced to a net charge against wool per pound of $0.12 in Table XVII. Those extraordinary differences in the net charges against the wool produced, on the basis of the cost of feeding the sheep, from 40 cents per pound of wool to 12 cents per pound, is even more extraordinary in the statistics of Table XVIII, where there is an average net credit of 6 cents per pound of wool; that is, the wool of each flock paid all the expenses and in addition returned a profit of from 1 cent per pound up to 21 cents, or an average for all the flock of 6 cents on each pound of wool produced.

The statistics on the crossbred sheep given in Table XIX shows an average net credit to wool per pound on the basis of average cost of production of grain and hay fed to the sheep of 2 cents, and more than half of the flocks included show such net credit ranging from 1 cent to 65 cents per pound.

The following table, which is a synopsis of the costs and receipts of all the tables now being considered, shows where profits began, namely, in Table XVI, when the charge per head is lowest, and rises from this point as the profit increases.

TABLE XXIII.

Table.	Net charge per pound of wool.	Net charge per head.	Receipts per head.		
			Wool.	Other sources.	Total.
XIII	35 cents and above	$2.81	$1.64	$0.46	$2.10
XIV	30 cents and under 35 cents	2.59	1.73	.51	2.24
XV	25 cents and under 30 cents	2.50	1.77	.71	2.49
XVI	20 cents and under 25 cents	2.27	1.89	.77	2.66
XVII	Under 20 cents	2.36	1.94	1.44	3.38
XVIII	Net credit	2.81	1.99	3.29	5.29
XIX	Crossbred	2.78	1.47	2.93	4.38

The report of the Tariff Board shows that when the crossbred flocks (Table XIX) are considered, nearly all show greater receipts from mutton and lambs than from wool, the receipts from those sources constituting about two-thirds of the total receipts, while the average of the merino flocks show receipts from mutton and lambs a little less than one-third of the total receipts. The average cost per head of maintenance of the crossbred sheep is $2.78, and the average receipts from other sources than wool are $2.92, or a balance of 16 cents in favor of the farmer, which, added to the average receipts of $1.46 per head from wool, produces a total of $1.62 per head as profit.

In the case of the merino flocks the average maintenance costs per head are $2.44, and the average receipts from other sources per head are only about $1.07, leaving a difference of $1.37 to be covered by the average receipts from wool; and, since these amount to $1.88 per head, there remains 50 cents per head as average profit. (Vol. II, pt. 2, p. 373, report of Tariff Board.)

In considering the comparative cost of producing wool in England, France, and Germany the evidence submitted is vague and inconclusive. As to England, the board says:

Estimates made especially for the board by a prominent English authority show that about one-fifth of the total receipts from the flock are derived from wool and that the average yield per head of sheep is about 5 pounds of wool, worth about $1, and one lamb, worth about $5; and since this same authority estimates that the entire costs per head of sheep, including labor costs, are about $4.16, it is seen that English sheep husbandry is fairly profitable. (Vol. II, pt. 2, p. 374.)

Concerning France, in speaking of the Rambouillet sheep and the Dishley merino, produced by crossing the merino with an English mutton type, the board says:

In certain famous flocks visited by an agent of the board the sheep were shearing as high as from 9 to 11 pounds of fine medium wool, bringing the grower, in 1910, from 18 to 20 cents a pound, and lambs worth, when fat, from $8 to $10. Owing to the fact that in France sheep are usually run on higher priced land than in England, the costs of production per sheep are somewhat higher; but this difference is quite made up by the fineness of the fleece and the high price of mutton, so that, measured by the net returns per head of sheep, flock husbandry is possibly more profitable in France than in England. (Vol. II, pt. 2, pp. 374–375.)

Concerning Germany, the board reports, apparently without any definite information, as follows:

In those regions of Germany where conditions have been favorable and the emphasis has been shifted from wool to mutton, conditions approach those in France. But the readjustment has not been carried so far, and many German flock owners still raise the fine-wool sheep, which barely pay for their keep. (Vol. II, pt. 2, p. 375.)

In summing up the wool situation, the board says:

In the western region of the United States, with approximately 35,000,000 sheep, the net charge against a pound of wool is about 11 cents. In other sections, with about 15,000,000 sheep, the net charge against a pound of wool from the merino sheep, which number approximately 5,000,000, is about 19 cents, and the net charge against the wool grown on sheep of the crossbred type is negligible.

On an average for the United States as a whole the net charge against a pound of "fine" wool is a fraction over 12 cents.

Accepting 19 cents as the average charge against a pound of wool of a distinctly fine or fine-medium character grown in the farming States, 11 cents as a fair average for the Western States, and assuming that on an average the smaller farm flocks of a distinctly mutton or coarse-wool type pay for their own wool, and giving each class its approximate relative weight in the calculation, a general average for the entire clip of the country, all grades included, would be about 9½ cents per pound.

While the expenses in the United States during the year under review were fully up to the average for a series of years, the receipts fell below the average. It is but fair, therefore, to assume that the estimated income of 6.2 per cent should, under normal receipts, be considerably increased. There is no contingency, however, in sight that can by any possibility place domestic growers on an equality in the matter of costs with their competitors in South America, Australasia, and the Cape Colonies. (Vol. II, pt. 2, pp. 376–377.)

It is greatly to be regretted that after all the time, labor, and expense which the Tariff Board has consumed the President and the Congress are far from being informed as to the comparative cost of production of wool here and abroad.

Mr. CUMMINS obtained the floor.

Mr. SMOOT. Mr. President——

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

Mr. CUMMINS. I yield.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Gallinger	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Smoot
Bradley	Guggenheim	O'Gorman	Stephenson
Brandegee	Heyburn	Oliver	Swanson
Briggs	Johnson, Me.	Overman	Thornton
Bryan	Johnston, Ala.	Page	Tillman
Burnham	Jones	Paynter	Townsend
Clapp	Kenyon	Perkins	Warren
Crawford	La Follette	Pomerene	Watson
Culberson	Lodge	Reed	Wetmore
Cullom	McCumber	Root	Williams
Cummins	McLean	Sanders	Works
Dillingham	Martin, Va.	Shively	
du Pont	Martine, N. J.	Simmons	
Fall	Massey	Smith, Ariz.	

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

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I offer the amendment I send to the desk to the bill under consideration.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment which the Secretary will read.

The SECRETARY. Strike out all after the enacting clause of the bill and insert as a substitute the following words:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of schedule K of section 1 of said act, from 360 to 395, inclusive, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1, that is to say, Merino, mestiza, metz, or metis wools or other wools of Merino blood immediate or remote, down clothing wools, and combing wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Egypt, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, down combing wools, Canada long wools, or other like wools of English blood, and usually known by the terms herein used, and all wools not hereinafter provided for in class 3.

3. Class 2, that is to say, all hair of the camel, goat, alpaca, or other like animal, not hereinafter provided for in class 3.

4. Class 3, that is to say, Donskol, Native South American, Cordova, Valparaiso, Native Smyrna, Russian camel's hair, and all such wools

of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now, or may be hereafter, deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards, and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of Merino or English blood, from their present character, as represented by the standard samples, now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act shall be entered as class 3, and shall contain a greater percentage of class 1 wool, or class 2 hair, than does the proper standard sample thereof, then the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1, or hair of class 2, as the case may be; and if any bale or package shall be entered by the importer, or anyone duly authorized to make entry thereof, as shoddy, mungo, flocks, wool, hair, or other material, of any class specified in this act, and such bale or package shall contain any admixture of any one or more of the foregoing, or of any other material, subject to a higher rate of duty, the whole bale or package shall be dutiable at the highest rate imposed by this act upon any article or material in said bale or package.

8. Whenever in any paragraph of this act the word "wool" is used in connection with the material or manufactured article of which it is a component material, it shall be held to include wool or hair of sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

9. The duty on all wools of class 1 shall be, if scoured, 19 cents per pound; if in the grease, or in any other condition than scoured and not advanced by any process of manufacture, 18 cents per pound on the clean wool, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 45 per cent ad valorem.

10. The duty on all hair of class 2 shall be, if scoured, 8 cents per pound. If in natural condition or any other condition than scoured, and not advanced by any process of manufacture, 7 cents per pound on the clean hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 30 per cent ad valorem.

11. The duty on all wools and camel's hair of class 3 shall be, if scoured, 6 cents per pound. If in their natural condition or any other condition than scoured, and not advanced by any process of manufacture, 5 cents per pound on the clean wool or hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 40 per cent ad valorem.

12. The duty on wools or hair on the skin shall be 2 cents per pound less than is imposed upon the clean wool or hair of class 1, 2, or 3, as the case may be, imported not on the skin and unscoured, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

13. Top waste and slubbing waste, 20 cents per pound.

14. Roving waste, ring waste, and garneted waste, 16 cents per pound.

15. Noils, carbonized, 14 cents per pound; uncarbonized, 11 cents per pound.

16. Thread waste, yarn waste, and wool wastes not herein specified, shoddy, mungo, and wool extract, 7 cents per pound.

17. Woolen rags and flocks, 3 cents per pound.

18. Combed wool or tops made wholly or in part of wool or camel's hair, valued at not more than 20 cents per pound, 12 cents per pound on the wool contained therein; valued at more than 20 cents per pound and not more than 30 cents per pound, 16 cents per pound on the wool contained therein; valued at more than 30 cents per pound and not more than 40 cents per pound, 18 cents per pound on the wool contained therein; valued at more than 40 cents per pound and not more than 50 cents per pound, 20 cents per pound on the wool contained therein; valued above 50 cents per pound, 21 cents per pound on the wool contained therein. That on all the foregoing in this paragraph mentioned there shall be paid an additional duty of 5 per cent ad valorem.

19. Wool and hair which has been advanced in any manner or by any process of manufacture beyond the scoured condition but less advanced than yarn and not specially provided for in this act, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

20. On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty shall be 14 cents per pound on the wool contained therein, and in addition thereto 12 per cent ad valorem; valued at more than 30 cents per pound and not more than 50 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem; valued at more than 50 cents per pound and not more than 80 cents per pound the duty shall be 21 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 80 cents per pound the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; valued at more than 80 cents per pound and not more than $1 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; valued at more than $1.50, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 40 cents per pound and not more than 50 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem; valued at more than 50 cents per pound, 23 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem: *Provided,* That on blankets over 3 yards in length the same duty shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel knitted, woven, or felt of every description made up or manufactured wholly or in part and composed wholly or in part of wool, if valued at not more than 40 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; if valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; if valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than 80 cents per pound and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; if valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

24. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs made wholly or in part of wool, 55 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, screens, hassocks, bedsides, art squares, and portions of carpets or carpeting, and all other coverings for floors composed wholly or in part of wool, 25 per cent ad valorem.

25. All manufactures made wholly or in part of wool and not specially provided for in this act, if the component material of chief value is wood, paper, rubber, or any of the baser metals, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. If the component material of chief value is silk, fur, precious or semiprecious stones or gold, silver, or platinum, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem. If the component material of chief value be a material not mentioned in this paragraph, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

26. This act shall take effect on the 1st day of January, 1913.

Mr. CUMMINS. Mr. President, I do not intend to enter upon a general discussion of the history of this most interesting subject. It is rich in material for debate. Under other circumstances I would be very glad to recall to the attention of the Senate and the country the wonderful analysis of the wool schedule given to the Senate by my late colleague, Mr. Dolliver, when the revision of 1909 was before the Senate. I pause long enough, however, to say that the investigation of the Tariff Board and its report, which we now have before us, vindicate every assertion made by that great statesman and point unerringly to the revision of the schedule that should take place, just as he pointed to it with his rare prescience three years ago. When I remember the attitude of the Senate respecting the wool schedule at that time and compare it with the advices that we have received from the Tariff Board, I feel like paying tribute to his memory, because his marvelous study then so closely approximates the study of the Tariff Board since. While I do not agree with the Tariff Board in every respect, I at once concede that it has put the Senate and the country into possession of information most valuable and most necessary for the construction of a schedule respecting duties upon wool and the manufactures of wool. I intend to follow, however, as I understand it, the report of the Tariff Board so far as it presents facts. I do so hoping that other Senators upon this side of the Chamber, who profess a willingness to be guided by the advice and the information given and collected by the Tariff Board, will look with some favor upon the amendment I have proposed.

I can not vote for the House bill. I can not vote for it, because, while I have no doubt it is effective from the standpoint of the political organization that is sponsor for it, in my opinion it does not reach the protective point; and, as I explained when the metal schedule was under debate, my conviction politically and economically is that we ought to preserve duties upon competitive commodities that will enable the domestic manufacturers to reach and fill the American market at a fair, reasonable profit.

The duty of the House bill upon wool is 20 per cent. There are some wools that are grown in the United States that would be amply protected by a duty of 20 per cent, but, in my judgment, by far the greater part of the wool production in this country could not sustain the reduction proposed in the House bill. If we are to take—and I think we might well take—the statement of the Tariff Board in that respect, the average foreign price, or London price, of scoured wool during the period passed over by the board was about 40 cents per pound. Twenty per cent upon scoured wool would be 8 cents per pound; 20 per cent upon the wools sold abroad at 30 cents per pound would be 6 cents per pound. There are a great many pounds

of wool sold in the foreign market and imported into the United States of less value than 30 cents per scoured pound. I do not criticize my friends upon the other side of the Chamber for attaching a duty of 20 per cent upon wool, because, as I understand—as I gather from the report of the Committee on Ways and Means which accompanied the bill—it was intended to invite additional importations from other countries. It was not intended to preserve, to the degree which we now preserve them, the markets of the United States to home-grown wool. Concerning that political doctrine I enter upon no discussion at the present time. I merely say that the point fixed by the House bill is so far below the point of reasonable protection that it is impossible for me to give it my support.

On the manufactures of wool I think the House bill is higher proportionately than upon wool itself. The duties upon the manufactures of wool in that bill approach more nearly the protective point than does the duty upon the original product, but, nevertheless, in each instance which I have examined—and I have examined a great many of them with exceeding care and compared them with the report of the Tariff Board—I find that one viewing the subject from the standpoint of adequately protecting American industry can not assert fairly, nor have I heard it asserted by anyone who espouses the bill, that these duties will measure the difference between the conditions here and abroad, or, in other words, the difference between the cost of production here and abroad. I say this much in order that it may be fully understood that, while I rank myself second to no one in a desire to secure a substantial reduction in the duties of the wool schedule, I can not bring myself to support or approve the House bill.

It is therefore, Mr. President, that I have offered the amendment which has just been read, and without any desire to occupy the time of the Senate with any partisan discussion, without any desire to bring into the debate the least partisan feeling, I intend to state as plainly and simply as I can the reasons which have led me to believe that the amendment which I have proposed will at once very greatly diminish the unjust burdens which the American people for years have been compelled to bear and fairly protect the woolgrowing industry and the manufactures of wool.

In the beginning allow me to say that I recognize the amendment which I have proposed contains some duties—I may say with frankness many duties—that are somewhat higher than are required by the terms of the report of the Tariff Board. I have been led to take this course because I recognize that there are differences of opinion with respect to the proper conclusions to be drawn from the report, and I have a real hope that these differences of opinion may be bridged and that we can secure at this session of Congress, not all the relief to which the people of the country are fairly entitled, but a measure of the relief to which they are entitled. I will say in this connection that I stand ready to vote for any measure that will reduce the duties of this schedule, provided they are not reduced below what I believe to be the fair protective point. I ask now a consideration of the amendment which I have proposed.

It begins with a duty of 18 cents per pound upon the real or clean wool—that is, substantially, scoured wool. In my judgment, a fair deduction from the facts stated by the Tariff Board would permit a duty as low as 15 cents per pound upon clean wool.

Mr. TOWNSEND. Mr. President, what is the duty now?

Mr. CUMMINS. There is no duty now upon——

Mr. TOWNSEND. What is the equivalent duty?

Mr. CUMMINS. There is a duty of 33 cents per pound upon scoured wool, but the duty which is put upon substantially all the wool imported is a duty in the grease—a duty upon the grease pound instead of upon the clean pound.

Mr. SMOOT. Of 11 cents a pound.

Mr. CUMMINS. Of 11 cents a pound upon class 1 wool. Before I go further, however, with the suggestion I have just made, I think I ought to say that in the amendment which I have offered, the wools have been somewhat reclassified, but only to this extent: I have taken—and I have followed distinguished authority in so doing—all the wools out of class 2 and have put them in class 1, so that in class 2 there are no wools, that class being confined to the hair of the camel, the goat, the alpaca, and so forth.

Mr. SMOOT. Mr. President——

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

Mr. CUMMINS. Yes.

Mr. SMOOT. That, of course, is done for the reason that all the duties in that class are based upon the scoured content of the wool.

Mr. CUMMINS. Precisely. One of the great faults of the present law respecting the duty on wool is that it is inflexible; that 11 cents per pound is laid without regard to the shrinkage or the value of the wool. That is one of the complaints most constantly and most justly made against the existing wool tariff, namely, that the duty is so high that the importation of low-priced wool—high-shrinking wool—is prohibited.

There is no great difference between 18 cents a pound upon the clean content and the present duty on wool in so far as the high-priced or the low-shrinking wools are concerned, but I have attempted to so adjust the duty that the low-priced wools, the high-shrinking wools, which can be used for the cheaper cloths and fabrics, may enter the country upon a fair basis. Therefore I have provided that, although the duty on first-class wools shall be 18 cents per pound, no duty shall be levied in excess of 45 per cent ad valorem. The existing duty of 11 cents and 12 cents per pound upon many of the wools that might be used for clothing is now, when rendered into an ad valorem 80 per cent, 100 per cent, and sometimes more than 100 per cent, and therefore these wools are entirely excluded. This amendment fixes an absolute limit, so that in no event can there be more than 45 per cent laid upon the clean wool in such importations. This will, I think, enable a considerable quantity of low-priced wools to enter our market and be used by our manufacturers for the production of the cheaper class of garments.

Mr. SMOOT. Mr. President——

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

Mr. CUMMINS. I do; but I want to say that I presume a great many other Senators desire to speak. I yield to the Senator from Utah now, but in that connection I desire to state that I hope I may be allowed to finish my remarks without interruptions that will consume a great amount of time.

Mr. SMOOT. Mr. President, I recognize the propriety of the suggestion of the Senator, and I certainly have no desire to interrupt him at all. I thought I would call his attention to a few figures at that point before he left it, but I will not do so at this particular time.

Mr. CUMMINS. I said a few moments ago that a duty of 15 cents per pound on clean wool might be well assumed from the Tariff Board's report, and I desire to read just a word with respect to that point from the report. I first read an extract from volume 2, page 376. In this extract the board attempts to sum up the cost of producing wool in the United States. It says:

> In the western region of the United States, with approximately 35,000,000 sheep, the net charge against a pound of wool is about 11 cents. In the other sections, with about 15,000,000 sheep, the net charge against a pound of wool from the merino sheep, which number approximately 5,000,000, is about 19 cents, and the net charge against the wool grown on sheep of the crossbred type is negligible.
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> On an average for the United States as a whole the net charge against a pound of "fine" wool is a fraction over 12 cents.
>
> Accepting 19 cents as the average charge against a pound of wool of a distinctly fine or fine medium character grown in the farming States, 11 cents as a fair average for the Western States, and assuming that on an average the smaller farm flocks of a distinctly mutton or coarse wool type pay for their own wool, and giving each class its approximate relative weight in the calculation, a general average for the entire clip of the country, all grades included, would be about 9½ cents per pound.

I do not want it to be understood that I agree with the theory which is here stated by the Tariff Board; I have views of my own in respect to the proper way in which to arrive at a result if I were seeking the cost of producing wool in this country; but, for the purposes of this amendment and this discussion, I accept not only the theory of the Tariff Board, but I accept its conclusions upon the facts which it collected as well. We therefore have in the United States an average cost of producing wool of 9½ cents per pound. Let us now see what the cost abroad is. I turn to the same volume, at page 350, where the report says:

> There remains, therefore, only the simple operation of subtracting from the flock expenses the receipts from other sources than wool, to reveal the fact that as against a clearly demonstrated net charge against the western American wool of from 10 to 11 cents, there is probably not more than 4 to 5 cents per pound against the South American clip; and, if the season is normal and the sheep market steady, little, if any, charge against the Australian. Indeed, well managed stations in many parts of Australia are showing at the present time a profit before any wools are sold.

A similar remark could be made with regard to many of the woolgrowers in the United States.

> It is not safe to assume, however, that the more remote runs are doing so well, and there is always the possibility of paralyzing droughts.
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> * * * * * * *
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> In the light, therefore, of the best information to be obtained, the board believes that at the present time the entire Australian output of merino and crossbred wool (interest being left out of account, as in the case of the United States) is moving to market, under present

receipts from sales of sheep, with a net average charge of but a few cents per pound; and this estimate apparently holds good of New Zealand and the African Cape as well.

We have here collected, therefore, the South American competitors, the Australian competitors, the African competitors, and the New Zealand competitors, and these are substantially all the competitors of the United States, so far as class 1 wool is concerned. The board says with regard to Australia, New Zealand, and the African Cape that a few cents per pound may be regarded as the cost in those countries. That is rather an indefinite statement; no one knows what is meant by "a few cents per pound"; but it is perfectly safe, I think, to assume that when the board declared that these costs were a few cents per pound, it did not mean to say that they were less than 2½ cents per pound. Therefore I have taken 2½ cents per pound as the cost in these three countries; 4½ cents per pound for the cost in South America, and the result is as the average for those four countries of 3½ cents per pound. Deducted from our cost of 9½ cents per pound, there remains a difference of 6 cents per pound, which, according to the protective doctrine advocated by the party to which I belong, must be covered by a duty.

The shrinkage of American wool, according to the report of the Tariff Board, is substantially 60 per cent. When, therefore, we are attempting to convert a difference of 6 cents per pound in the grease into a difference in scoured or clean wool, we find that the difference is 15 cents per pound. Mathematically that is the conclusion to be drawn from the report of the Tariff Board, and while I am perfectly willing to take these facts, I have not been willing to accept the conclusion which many people draw from those facts.

I have believed that it would be safer and better to advance the duty on scoured wool to 18 cents. Why? First, the system of averages adopted by the Tariff Board is most misleading. I am not criticizing the Tariff Board. I do not know any other way in which it could ever arrive at a conclusion, grouping all the fields of production together. It says that there is a part of this country in which wool costs nothing, and, of course, you all know how it reaches that conclusion. It credits up to the account the entire revenue from the sheep, other than wool, and deducting that from the entire cost, in some cases there is a credit rather than a debit to the cost of the wool. In other parts of the country similarly computed there is a cost of 12 cents; in other parts, 11 cents; in other parts, 19 cents. Thus, you can see at once how utterly impossible it is to deduce from those facts any mathematical conclusion.

Mr. REED. Mr. President——

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

Mr. CUMMINS. Certanly.

Mr. REED. If it will not interrupt the Senator at all, I understand the Senator to state that the Tariff Board found that in some parts of the country it costs nothing whatever to produce wool, and that it arrives at that conclusion by charging the cost up to the other parts of the sheep. Is that the idea?

Mr. CUMMINS. That is the theory of the Tariff Board.

Mr. REED. In other words, if it costs a certain amount on a flock of a thousand sheep, and the total product of that flock exceeds the total cost, they then draw the conclusion that the wool costs nothing.

Mr. CUMMINS. The Senator states it correctly.

Mr. REED. And that is the intelligent, highly scientific Tariff Board that Congress is expected to blindly follow, and that is the board in respect to which the President practically said to Congress it had to be heard from before Congress could be permitted to act at all upon tariff matters.

Mr. CUMMINS. I mean to say, Mr. President, that while I am not satisfied with that theory of reaching costs, yet that theory is the one which most greatly tends to a reduction of the tariff duties, because every item of revenue is credited against the entire cost of the business, leaving only what remains as the cost of producing the article under consideration.

I have often wondered, however, how we would proceed if we were endeavoring to ascertain the proper duty on mutton. Then, of course, the same way of dealing with this subject would require the Tariff Board to consider the wool as a by-product and credit it up to the cost of maintaining the sheep, whatever was obtained from the wool, leaving the cost of mutton as the remainder. However, I do not think the Senator from Missouri can justly complain of it, because it reduces the cost to the lowest possible point.

Mr. REED. The Senator's suggestion is just what I had in mind, and now it occurs to me that if we can get the Tariff Board to figure this proposition from both ends—that is, from the mutton end as well—they will easily demonstrate that it costs nothing to raise mutton, adding the cost to the wool, and then when they figure the wool end of the proposition they can show that it costs nothing to raise wool. Then we will have our sheep free of cost entirely, and I should think every good tariff protectionist would feel now, in view of that method of figuring, that really Congress ought to lay aside its constitutional duties to bring forward revenue measures and, following the suggestion of the President in his wool veto message, blindly accept the findings of this great board.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. In just a moment. I feel that I must ask the Senator from Missouri a question at this point. If he were endeavoring to ascertain the cost of wool and found that it cost $5 a year to support a sheep, how would he go about ascertaining how much it cost to raise the wool on the sheep? I ask for information, because I confess I have found it a very difficult problem.

Mr. REED. I think, Mr. President, the only way it could be honestly arrived at would be to take the entire cost of rearing the sheep and maintaining it and take the entire revenue derived from the sheep, and then apportion the cost to the production. I can see no other way in which anybody could do it.

Mr. CUMMINS. That is the way the Tariff Board had in mind, and rejected it because it made the cost too great.

Mr. REED. The Tariff Board, if it limited itself to furnishing the facts and permitted Congress to do the thinking, might be of some use, but if I understand the last remark of the Senator it implies nothing more or less than this: The Tariff Board started to arrive at a certain conclusion, and they figured so as to reach that conclusion. If the Tariff Board is proceeding in that way, then certainly its conclusions are very unreliable.

Mr. SMOOT. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. SMOOT. I am surprised at the statement made by the Senator from Missouri, and yet perhaps not altogether surprised, because I do not believe he knows anything about the raising of sheep.

Mr. REED. Mr. President, if the Senator will permit me to reply to that personal remark, I imagine that in the estimation of the Senator from Utah I do not know very much about anything; and I sometimes think that he considers himself the sole repository of all human knowledge, and I am inclined to concur in that opinion.

Mr. SMOOT. If the Senator's opinion in that particular is of the same value as his opinion with respect to a good many other things, then I will concur in it, but there is no such thought in my mind.

If all sheep were alike, and all sheep weighed the same number of pounds per head, and each sheep sheared the same number of pounds of wool, and all sheep ate the same amount of feed, then the argument of the Senator from Missouri would stand. But why is it that it costs nothing for raising wool in one place and 12 cents in another?

These are the facts, Mr. President: There are certain sections of the country that raise large-boned sheep. They raise them for mutton only—or, in other words, I may modify that by saying particularly for mutton—and those sheep shear a very few pounds of wool. The wool is loose. It carries no grease, and it is very coarse; and, therefore, whenever they raise a sheep it weighs almost twice what a fine-wool sheep weighs. Therefore when you figure the cost of the wool, of course the mutton itself and the increase in the herd pay for the running expenses of the whole herd, and whatever wool they have there is absolute profit.

On the other hand, 65 per cent of the sheep of this country are in the Rocky Mountain country. They are fine-wool sheep; they are not as large bodied as mutton sheep; they are raised for the wool, and average about 7 or 8 pounds of wool to the head, and when they sell for mutton they do not bring as much for it as the larger-bodied sheep raised for mutton only.

Therefore the Tariff Board could arrive at no other plan to bring the information to this body than they did. It would be absolutely impossible to do it, and that is how they arrived at the cost of wool.

Mr. CUMMINS. Mr. President, I hope the Senator is not going to extend his remarks very long.

Mr. SMOOT. I am satisfied with that.

Mr. CUMMINS. I want to finish my reasons——

Mr. NELSON. Mr. President, will the Senator allow me to say just a word? It occurs to me that in figuring the cost of

raising sheep the cost and expense ought to be apportioned pro rata to the wool and the mutton in the sheep, and these sheep that the Senator from Utah speaks about are raised out in a country where they do not feed much hay; they go on the big ranges, while the sheep that we have here in the Eastern States we have to winter and feed them half the year, and it is utterly unfair for the Tariff Board to charge it all to mutton and nothing to the wool.

Mr. SMOOT. I want to say to the Senator that the only way to arrive at any definite conclusion is to treat them on the same system. If you are going to treat one section that way, you must treat the other. They have treated the sheep in Australia under this system, and the sheep in all sections of this country, and that is the only way you can arrive at a just conclusion.

Mr. REED. Will the Senator pardon me one word? The logic of the Senator from Utah is this: If a sheep weighs more than, let us say—to use an arbitrary figure—150 pounds, then you charge his entire cost to the mutton; but if he weighs less than that, then you charge him to the wool.

Mr. CUMMINS. The Senator from Utah is abundantly able to attend to himself, and therefore I shall not attempt to——

Mr. SMOOT. My attention was diverted, and I did not hear what the Senator from Missouri said, and I care very little what he did say.

Mr. CUMMINS. I hope the peace and serenity of the wool debate will not be marred or disturbed by any angry feelings between Senators.

Mr. MARTINE of New Jersey. It would not be lamblike.

Mr. CUMMINS. Or even sheeplike.

I must say for the Tariff Board that it is not fairly subject to the criticism of the Senator from Missouri. The Tariff Board has given us the facts, and we can all employ whatever theory we please with regard to those facts. It has, I think, performed a very valuable service with respect to this subject; and while I do not agree with that theory, yet I am frank to say that when I come to substitute any of my own I am hardly less dissatisfied with my own than I am dissatisfied with that of the Tariff Board. But the fact is that when an average is taken between no cost, 11 cents a pound, 12 cents a pound, and 19 cents a pound, and when the protectionist prepares his duties on the line of that average, to use the language of a friend who occasionally is more graphic, possibly, than classical, we put somebody in the scrap pile.

The man who raises wool at a cost of 12 cents a pound can not be protected upon the hypothesis that it is costing him only 9½ cents, and those who raise their wool at a cost of 15 cents or 19 cents a pound are much less protected by the adoption of the same rule. Therefore, inasmuch as the real trouble in this country with the wool tariff is not the duty of 11 cents a pound upon the high-priced or the low-shrinking wool, but the abnormal, unnecessary, and the indefensible duties upon the low-priced and high-shrinking wool, I have been entirely willing to advance this mathematical deduction to 18 cents a pound upon these wools, with a maximum always of 45 per cent.

More than that, the woolgrower in this country is now and has always been the victim of a delusion so far as duties are concerned. He does not receive and never has received the benefit of the duties that we have imposed upon his competitive production. He will not receive the duties that we are, if we pass this amendment, imposing upon his competitive product. The woolgrower is to some extent at the mercy of the wool manufacturer.

We produce in this country about two-thirds of the wool we actually use. We import the other third. The woolgrower can not export his wool. He can not reach the markets of the Old World and there compete with the producers of Australia, South America, and Africa, and therefore his market is circumscribed by his very conditions, and the wool buyer can give him just what it pleases him to give, subject, of course, to the natural laws of trade.

This is easily proven by the fact, as shown by the Tariff Board—and it is not disputed—that over a long period the average price of scoured wool in London, with the duty added, was 51 cents per pound. During the same period and for the same kind of wool the American producer received 41 cents a pound.

Mr. REED. Mr. President——

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

Mr. CUMMINS. I do.

Mr. REED. The Senator will pardon me just an interruption, and I will not interrupt him again.

The Senator has just said the farmer or the wool producer has not received the benefit of this tariff.

Mr. CUMMINS. I ought to have said the full benefit.

Mr. REED. And that he will not?

Mr. CUMMINS. He does not receive the benefit of the full duty.

Mr. REED. That, of course, is quite a different thing, and I accept it. But if it be true that the wool is being sold in foreign markets for more than is paid here, then does not that bring us back to the original statement of the Senator, that there is in fact no benefit coming to the wool producer; that he is at the mercy of the manufacturers of this country; and if so, why levy any tariff upon wool?

Mr. CUMMINS. He receives some benefit from the wool tariff. When I say he is at the mercy of the wool buyer, I mean just what I say, but I do not mean that the wool buyer can take his wool from him without paying him anything for it. I mean that according to the course of business over a long period of years in this country the woolgrower has received about one-half the full duty—that is to say, his wool has been enhanced in price by about one-half the duty and not the full duty, and, therefore, when we attach a duty of 18 cents per pound upon class 1 wool the woolgrower iin this country, in my opinion, will not receive its full advantage.

These are the reasons which have led me to adopt 18 cents per pound as the basis of my amendment, but it must not be forgotten that this is a very material reduction in the duties on wool as a whole as compared with the Payne-Aldrich tariff law. As I said a few moments ago, the duties of the Payne-Aldrich law on the low-priced and high-shrinking wools has prohibited their importation. But with the maximum of 45 per cent many of these wools will be imported, and those who most deserve consideration at the hands of Congress will receive it by this change in the wool duty.

Mr. BACON. Before the Senator passes from that, I should like to ask him a question.

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

Mr. CUMMINS. I do.

Mr. BACON. I should like to ascertain whether from his investigation, the result of which he has stated, as to the different conditions which vary so materially the cost of the production of wool, both as to locality and through other conditions, it is not a necessary conclusion that it is practically an impossibility to ascertain accurately the difference of cost in this country and in other countries, the cost of production in other countries varying as it does in this country, the same problem being found when you come to ascertain what is the cost of production in those countries as when you try to ascertain what is the cost of production in this country.

Mr. CUMMINS. I agree with the Senator from Georgia entirely. A few years ago I started on this quest with high hope and great confidence. I believed that the difference between the cost of production at home and abroad should be adopted as the measure of protective duties. I have been disappointed. Further study has destroyed the illusion which I then held. I do not believe it is possible to ascertain with accuracy the difference between the cost of producing commodities abroad and at home. I do not believe it is possible to ascertain the difference between the cost in different industries at home, and therefore necessarily we can not ascertain what it is abroad.

Mr. BACON. The Senator says "accurately." I presume that the Senator would enlarge it and say even approximately.

Mr. CUMMINS. Yes. There is a certain approximation we can reach, and I think we will have to content ourselves with that approximation.

Mr. BACON. Now, if the Senator will pardon me for a moment, because I want to get his view on the subject. The Senator spoke about an average cost, with a view to the adjustment of the tariff rate to such an average.

Now, of course, if the theory is to be maintained in practice, the purpose is to adjust the tariff in such a way—to accept the protective theory as a correct one—that it may substantially be of equal benefit to all those concerned.

Take the figures suggested by the Senator, some of which go as high as 19 or 20 cents, and in other instances, according to the theory of the Tariff Board, the cost amounting to nothing, being represented by zero. Of course, if an average between the two should be taken arbitrarily, not according to the difference in the figures, but according to the different classes, and, say, the figure was put at 14 or 15 cents as an average, of course all producers whose cost should exceed that would get nothing, and all those who were below that, in proportion to their remoteness from that figure, would get more than they were entitled to. So it would seem to be an extremely partial and unsatisfactory adjustment.

Mr. CUMMINS. I agree that it is a very unsatisfactory method, but it is the best method we have. No other has been

discovered. I shall hail with great delight some new rule, if it can be found.

I pass now from class 1 wools to class 2, which, in my amendment, relates only to hair of the camel and alpaca and goat, and so forth, and as we do not compete with all these materials, I regard it as largely a revenue duty. The wools of the third class are the low-grade wools ordinarily known as carpet wools. I think it is true that some of these wools are used in clothing, but not a large part. Necessarily we have not used a great amount of those wools in times past, because our duty has been so high that they were excluded from our market. But I have put a duty of 5 cents upon wools of the third class, clean, and a maximum of 40 per cent, and I regard that as probably one-half of the duty of the Payne-Aldrich tariff bill.

The shrinkage on these wools runs from 30 to 60 per cent, so that a fair average would be probably 40 or 45 per cent, and that applied to my duty upon clean wool will show a reduction as compared with the present law of between 40 and 50 per cent, substantially.

I will not consume the time of the Senate in discussing the wastes of wool manufacture. I will content myself with reading what I have done and will compare the duties which I have put upon these wastes with the Payne-Aldrich law.

In the existing law the duty on top and slubbing waste is 30 cents per pound. I have reduced it to 20.

In the present law the duty on roving, ring, and garnetted waste is 30 cents per pound. I have reduced it to 16 cents a pound.

On noils the present duty is 20 cents a pound. I have reduced it to 14 cents and 11 cents, depending on whether the noils are carbonized or not.

On thread waste and yarn waste the present duty is 20 cents a pound. I have reduced it to 7.

On shoddy the present duty is 25 cents per pound. I have reduced it to 7.

On woolen rags the existing duty is 10 cents, and I have reduced it to 3.

All that I have to say with respect to these duties is that I believe them to be in fair harmony with the remainder of the bill, in which the people of this country are deeply and vitally interested.

The next process in the manufacture of wool is the production, so far as the worsted industry is concerned, of tops. I shall not discuss this phase of the subject, but I do want to state precisely what I have done in my amendment as compared with the present law.

In the existing statue, if the value of tops does not exceed 20 cents a pound, there is a compensatory duty of 24¾ cents per pound and a protective or an ad valorem duty of 30 per cent. I have reduced the duty to 12 cents per pound, with an ad valorem of 5 per cent. If the tops exceed 20 cents per pound, the existing duty is 32⅝ cents per pound. That is compensatory. That is supposed to be a compensation for the manufacturer for the increased price he has been compelled to pay for the wool which has entered into this construction. I have reduced it to 16 cents per pound and 5 per cent ad valorem. So I have proceeded in this particular article from step to step, making the reduction practically as I have stated.

I have taken the conversion cost abroad and at home as given by the Tariff Board, and I find that the 5 per cent is sufficient to compensate for the difference between the cost of conversion here and elsewhere and that the other duties which I have put upon tops abundantly compensate the manufacturer for any increase in the price that he paid for wool as compared with the price abroad.

The next step is the spinning process, and the product is yarn. The existing law puts a duty on woolen yarn, if it does not exceed 30 cents a pound in value, of 27½ cents per pound and 35 per cent ad valorem, and above 30 cents a pound the compensatory duty is 38½ cents and 40 per cent ad valorem.

It is assumed in the present law that the manufacturer of yarn pays for the wool which enters a pound of yarn 27½ cents more, if the value be not more than 30 cents, than his rival abroad. The absurdity of the statement is apparent to anyone who knows anything respecting this subject. On yarn above 30 cents a pound in value the compensating duty of the existing law is 38½ cents per pound, although there is no possibility that the manufacturer has paid under existing law, or could pay, more than 18, 20, or 21 cents above what his rival pays abroad.

I have reduced the duty on these yarns from 27½ to 14, from 38½ to 18, 21, and 24. I have reduced the protective duty from 35 per cent to 12 per cent, from 40 per cent to 15 per cent, and 20 and 25. I have made more divisions in my amendment than there are in the existing law, but have reduced the duties as you see.

I want the Senate to remember when it is examining the Tariff Board report with respect to yarns that in giving the conversion cost in percentages it refers not to the entire value of the article, but only to that part of its value which is embraced in labor and capital, interest, and other things of that kind. The Tariff Board says that in no instance in which it has examined the conversion cost of yarn has the cost been more than 20 per cent of the entire value of the yarn.

While the protective duties which I have added to the compensatory duties for yarns are, on the whole, barely one-half of the duties of the existing law, yet, in my opinion, they are more than adequate. Where I have been in doubt I have given the benefit of that doubt rather to the increase than to the diminution of the duty, because I have hoped that we could gather sufficient strength here to pass a law that would finally receive the approval of the Executive and that would begin at once its beneficial work in relieving the people of this country of some of the unjust burdens which they now bear.

I come now to cloth. I do not intend to enter into all the niceties of this business. You all know that the variety of woolen cloth or cloth that is part wool and part some other fiber is almost infinite. I would consume days and weeks if I were to attempt to review the conclusions of the Tariff Board or the information of the Tariff Board upon all these things, but I sum it all up in this comparison.

As to ordinary woolen cloth or partly wool cloth, under the existing law if the value per pound does not exceed 40 cents the compensatory duty is 33 cents per pound, and the protective or ad valorem duty is 50 per cent. If the value is not over 70 cents per pound, the compensatory duty is 44 cents a pound and the protective duty 50 per cent.

You will remember that clause in the existing statute which says that on such cloth the duty shall first be four times the duty upon 1 pound of unwashed wool. If the cloth or fabric is above the value of 70 cents, the compensatory duty is still 44 cents, and the protective duty 55 per cent.

The absurdity of giving a compensatory duty of 33 cents for a pound of cloth that is not in and of itself worth more than 40 cents must be apparent to every thinking man. The wool in a pound of cloth, if it be all wool that is not valued at more than 40 cents, has not cost the manufacturer more than 24 cents. That is the entire cost of the wool, and yet this compensatory duty is upon the theory that the home manufacturer has paid for the wool which enters that pound of cloth 33 cents more than the producer abroad pays for his wool.

One of the striking injustices of the wool schedule is the supposed compensatory duty, which seems to me to have been levied without right or reason, without any investigation whatsoever of the subject, and without any regard to the truth respecting the matter.

In my amendment I have provided that these compensatory duties shall begin at 16 cents in cloths or fabrics worth not more than 40 cents per pound, and I have made more divisions here as well. I have attempted to give the lower duties to the lower-priced fabrics. I have not been so careful of those who were able to wear the finest and the most expensive cloths as I have of those who have been and are now compelled to wear the lower-priced cloths.

I have begun my protective duties at 30 per cent, and then they rise to 35 and 40 and reach 55 only in the highest priced fabrics. The reduction which I have proposed here, although I have not attempted to parallel it as a whole, is probably a reduction of 40 per cent in the duty upon cloth.

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. Just a moment further. I will then yield to the Senator from Nevada. May I say here, the essential difference, or one of the essential differences, between the amendment I propose and the present law is that the present law levies the compensatory duties upon the entire weight of the fabric. The fabric may be one three-fourths cotton or some other fiber, and yet it is assumed in the law that the producer has been compelled to pay the entire compensatory amount upon the weight of the cloth. In each case my amendment allows a compensatory duty only upon the wool that is contained in the fabric, so that if it is half wool and half cotton, of equal weight, the compensatory duty would be one-half the sum that I have named in these tables. I now yield to the Senator from Nevada.

Mr. NEWLANDS. I would ask the Senator from Iowa what is the average percentage of duties upon wool and woolen goods under his amendment?

Mr. CUMMINS. I have not determined it.

Mr. NEWLANDS. Is the Senator able to state how his amendment would compare with the House bill as to the percentage of duties upon wool and woolen goods?

Mr. CUMMINS. I have not attempted to determine it. I have had no opportunity to do it. It is a very difficult task. But I can give an estimate which probably would be a fair one. I think the average of these duties based upon the importations of last year would be 10 to 15 per cent higher than the House bill.

Mr. NEWLANDS. Is the Senator able to state how much below the present tariff the pending House bill is?

Mr. CUMMINS. I think about 35 per cent, although there is no uniformity there. That answer really furnishes very little light upon the subject, because there are some duties in the present tariff that are ridiculously high. There are others that are very near the reasonable point. Therefore there is no way of establishing an exact parallel.

Mr. JONES. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. JONES. I understand that the bill prepared by the Republican members of the Ways and Means Committee of the House commanded practically all the Republican votes in the House. I should like to know how the Senator's bill compares in a general way with that measure, if he can state.

Mr. CUMMINS. There are several differences that I must mention before I answer the question generally. In the first place, the bill in the House levies a duty of 18 cents a pound on clean wool without any maximum. I have put in my amendment a maximum of 45 per cent. That makes a very great difference between the two bills. It makes a duty on wool of the low grade much lower in my amendment than in the House bill.

My compensatory duties are lower than the bill to which the Senator from Washington refers. The ad valorem duties are substantially the same. I think the bill prepared by the Republicans of the Ways and Means Committee of the House does not give proper weight to two things. One of them it could not have considered and the other it ought to have considered. The one it could not have considered was that under my amendment the duty upon a great deal of the wool which has come into the United States will not be 18 cents a pound. If the wool is worth but 30 cents the duty would be but 14 cents a pound. If it were worth but 25 cents it would be still less. Therefore the compensatory duties as I have adjusted them are necessarily a little lower than those found in the minority bill of the House. As to the ad valorem, it seems to me the House or the minority of the House did not take sufficient account of the fact that the duty on wool does not increase the price of two-thirds of the amount used by the manufacturers the amount of the duty. The manufacturers buy two-thirds of their wool in America. They do not pay any duty upon it. The wool is undoubtedly enhanced in value by reason of the duty which they pay upon the one-third which they import, but the price is not advanced by the amount of the duty. Therefore I have not considered it necessary to give to the manufacturer in every instance a compensatory duty upon the hypothesis that he had paid upon the wool that he bought and manufactured the full amount of the duty. However, taking it as a whole, there is not a very great difference between the bill which is reported by the minority of the Ways and Means Committee and this amendment.

The next great subject of this schedule embraces blankets and flannels for underwear. The present law levies a duty of 22 cents a pound on a blanket which is not worth more than 40 cents a pound, although it may be very largely composed of some other material. Upon a blanket which is worth 50 cents a pound, and not more, it levies a compensatory duty of 33 cents, and above 50 cents in value it continues to levy 33 cents per pound.

In these three divisions it levies duties of 30 per cent, 35 per cent, and 40 per cent, which are supposed to be the protective part of the performance. In my amendment the compensatory duties are levied only upon the wool that is in the blanket, and then only 18 cents per pound; but if it be worth 50 cents, then 20 cents per pound, and if it be worth above 50, then 23 cents per pound, and the protective duty on the lower priced 20 per cent, on the next grade 25 per cent, and the next grade 30 per cent.

On ready-made clothing the existing law levies a duty on all values, or without regard to value, of 44 cents per pound and 60 per cent ad valorem. In my amendment I begin with ready-made clothing worth not more than 40 cents per pound, and I levy a compensatory duty of 20 cents per pound upon the actual wool in the garment, with an ad valorem of 35 per cent instead of 60. If the cloth is worth 60 cents per pound, then my duty is 22 cents for compensation upon the wool in the garment and 40 per cent ad valorem.

And so I proceed by the same steps that I employ with regard to cloth until I reach the very highest price of ready-made goods of all sorts where the compensatory duty is 28½ cents per pound upon the wool and 55 per cent ad valorem.

Mr. President, I think that I have sufficiently passed over the amendment which I propose to enable it to be understood. I may say, in passing, I have reduced to a degree the lower grades of carpets. I have not reduced the very highest priced rugs and covering of that sort to any considerable amount. I do not care so much for them. One who is able to import and to use one of the high-priced, beautiful, and artistic rugs ought to be willing to pay for it, and can without hardship pay for it, but the coverings of the floors of the poorer people are very materially reduced in my amendment; not, however, below the point of protection, because I believe that if the woolen and the carpet manufacturer in this country gets his material as cheaply as his competitor abroad gets it he will make carpets substantially as cheap as they can be made anywhere in the whole world.

Our production of the cheaper carpets has been one of the marvels of industry in this country, and we do not need and we ought not to maintain these duties, which may have been helpful and necessary long ago, but which are now but an invitation to such combination as will unduly enhance or increase the price of these commodities.

Mr. HEYBURN. Mr. President——

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

Mr. CUMMINS. I do.

Mr. HEYBURN. I desire to ask a question of the Senator from Iowa. Would these cheaper carpets be made of domestic or imported wool?

Mr. CUMMINS. Mainly of imported wool.

Mr. HEYBURN. Then that wool imported would take the place of domestic wool?

Mr. CUMMINS. We do not raise any carpet wool, or substantially none.

Mr. HEYBURN. We raise some.

Mr. CUMMINS. Very little. The amount of wools that we raise in this country that are fit to be manufactured into carpets or that would be manufactured into carpets is negligible.

Mr. HEYBURN. How much domestic wool is now used in the manufacture of these carpets?

Mr. CUMMINS. It would be I think fairly accurate if I would say none, although I have no doubt there is a little. If you will turn to the Tariff Board report—I do not know that I have the exact——

Mr. HEYBURN. The Senator will not get much comfort out of that Tariff Board report on that question.

Mr. CUMMINS. I do not pretend to get any comfort from the Tariff Board report. I get information.

Mr. HEYBURN. It is not comfortable information.

Mr. CUMMINS. It is very comfortable information. I have my information, too, from a great many people who are interested in the business. These low-priced wools that are found in class 3, not only of my amendment but of the old statute, are the wools used in making carpets.

Mr. HEYBURN. Then what is to be gained by reducing the duty on wool that is imported as carpet wool?

Mr. CUMMINS. Of course I refer only to imported wool. We do not levy any duties on domestic wool. The duties simply have an indirect effect.

Mr. HEYBURN. Why reduce the duty on this wool?

Mr. CUMMINS. I reduce the duty because I want the carpet manufacturers in this country to get their wool in this country as cheaply as possible, inasmuch as it does not interfere with any domestic production.

Mr. HEYBURN. If I were satisfied that it did not interfere with any domestic production, I might then be in a frame of mind to take the question into consideration, but I am not.

Mr. CUMMINS. Well, I have been in that frame of mind; I have taken it into consideration; I have examined with a great deal of care the information given to us by the Tariff Board upon it; I have discussed the matter with many men who have the most comprehensive knowledge of the whole subject; and from all these sources I am led to believe that the wools that are used in the carpets of this country do not substantially enter into competition with our domestic wools.

I know perfectly well that some of the wools in class 3 if imported might enter into clothing; I know that might make some difference in the price of cloth, and I want some difference to be made in the price of cloth. If there is any of this wool that is fit to be used in the manufacture of cloth, out of which a suit of clothes can be made, I want that to come in at such a duty as will not interfere with the home producer but will permit our manufacturer to take the wool and give employment to our own people. We have to import the wool.

If we can import more, we shall make more cloth for the people who need it. There are some of them who have not quite enough; there are many people in this country who have not enough to wear, prosperous as we are. The Senator from Idaho knows well that there is many a man now who needs more clothing, as there was many a man last winter who needed more clothing; and there will be many a man during the coming winter who will feel the need of more clothes than he is able to buy. I want the duty on low-priced cloths to be reduced to the lowest possible point.

Mr. HEYBURN. So that more wool may come in from abroad out of which to manufacture them at the expense of our producer?

Mr. CUMMINS. Mr. President, I say very frankly, if I have to choose between arresting, in a measure, the progress of some sheep farmer and covering the man who is shivering with the cold upon the streets in this northern country, then I am with the man who is shivering, and I will give him clothes, if I am able to do it, and at a price at which he can buy them.

Mr. HEYBURN. Made of foreign wool?

Mr. CUMMINS. If he can not afford to buy wool which is produced in our own country, then I say foreign wool, of course.

Mr. HEYBURN. And where will he get the money to pay for this foreign wool?

Mr. CUMMINS. He will get the money by pursuing whatever vocation he may have chanced to adopt.

Mr. HEYBURN. Doubtless the Senator has taken into consideration the fact that more than one-half of the wool produced in this country is produced on the farm as distinguished from the range?

Mr. CUMMINS. Oh, yes; quite a good bit; more than one-half of it.

Mr. HEYBURN. And that wool, of course, would be reduced in quantity of product to the extent we import?

Mr. CUMMINS. I do not agree to that.

Mr. HEYBURN. Would we manufacture more clothes because of importing the wool?

Mr. CUMMINS. We would.

Mr. HEYBURN. And sell them cheaper?

Mr. CUMMINS. We would.

Mr. HEYBURN. Would we pay as much for domestic wool?

Mr. CUMMINS. We would.

Mr. HEYBURN. Under what rule?

Mr. CUMMINS. Under the ordinary rules of business and commerce.

Mr. HEYBURN. Of supply and demand?

Mr. CUMMINS. Of supply and demand.

Mr. HEYBURN. That is, the supply of the wool in this country would not be affected?

Mr. CUMMINS. There never has been a time or an instance in the whole history of business in which the cheapening of the product has not increased its consumption.

Mr. HEYBURN. Yes; but how about its production? I am interested in maintaining the standard of production of wool.

Mr. CUMMINS. If it increases the consumption, it must increase the production.

Mr. HEYBURN. Not unless the consumption is of the home production. If it increases the consumption by importing foreign wool and manufacturing cheaper goods, then you get in conflict with the manufacturer of our own goods out of our own material and at the expense of that class.

Mr. CUMMINS. Mr. President, here are certain wools the like of which we do not produce in our country; they are peculiarly fitted, apparently, for the making of carpets. I suppose the cheapness of carpet will to a great extent determine the use of carpets.

Mr. HEYBURN. Was the standard of prosperity as high in the old days as in this period?

Mr. CUMMINS. Oh, Mr. President, our standard of prosperity was much higher then than I see in some places in these days.

Mr. HEYBURN. Where is this poverty, except in the newspapers and in speeches?

Mr. CUMMINS. There is a great deal of poverty in speeches, I agree. [Laughter.] I think if we should measure the prosperity of this country by the riches of our oratory in the last few years, we would indeed be hopeless.

Mr. HEYBURN. The Senator will bear with me a moment further. I heard these arguments prior to the passage of the Wilson bill. I heard many long, tiresome arguments based upon the difference between the fiber of long Australian wool and American wool, and a dozen other technical propositions of that kind, and it was demonstrated to an absolute certainty that free wool would benefit all of the people; that they would have more carpets on their floors and more clothing on their backs. We had free wool and we had no money with which to either buy the carpets or the clothing.

Mr. CUMMINS. Well, Mr. President, along with those speeches in which the Senator from Idaho heard about the disasters of free wool I have heard a great many such speeches as the Senator from Idaho has just made.

Mr. HEYBURN. And they sent the Republican Party out of power and brought in Democratic times, and we remember it.

Mr. CUMMINS. Mr. President, I am not advocating free wool; I am not a free trader. I do not believe, however, in levying duties that are unnecessary, but I do believe that there is now, and there always has been, and always will be, a great deal of poverty and suffering and want in this country, and in every other country, and that it is our bounden duty to alleviate it all just so far as we can. The Senator from Idaho seems to believe that there is not at this time a boy or girl or man or woman in this country who, wanting a meal, can not get it.

Mr. HEYBURN. There are fewer now than there will be if certain policies of the Government are adopted, and we have the past to prove it.

Mr. CUMMINS. Yes; I think, Mr. President, if the policies of which the Senator from Idaho seems to be the most distinguished and effective advocate continue, we shall see more of the distress and discontent which lead to want than we now have. The Senator from Idaho can not tempt me into a position that I do not want to occupy. I am in favor of every reasonable protection to the carpet manufacturers and to the cloth manufacturers and to the woolgrowers; but the Senator from Idaho differs from me in this: There is no duty that can be too high from his standpoint. There I part company with him. While reasonably protective duties are essential, as I think, for the well-being of the American people, excessive protective duties not only destroy the doctrine itself, but add to the fortunes of men without labor.

Mr. HEYBURN. Add to the fortunes of men without work or labor?

Mr. CUMMINS. Yes, sir.

Mr. HEYBURN. Who are these men? Will the Senator designate them either by class or circumstance?

Mr. CUMMINS. Oh, I will say to the Senator from Idaho that I can designate them, but he does not want me to designate them by name, does he?

Mr. HEYBURN. By class.

Mr. CUMMINS. By class; that is the easiest thing in the world. I am very glad the Senator from Idaho mentioned that. I showed the other day, to my satisfaction at least, although I made no impression, I am sure, upon the Senator from Idaho, that the manufacturers of iron and steel were taking from the people of the United States at least $100,000,000 a year more than they were fairly entitled to. They were taking it simply because they had the power to take it; they were taking it without labor in the sense of earning it. Those are the people to whom I refer.

Mr. HEYBURN. What class of men to-day are reaping undue rewards from the wool industry or from the manufacture of woolen goods? Are they overrich and overprosperous?

Mr. CUMMINS. Mr. President, I do not say they are. There is the opportunity, however, to become both overrich and overprosperous. The same combination—I do not say whether it exists or not, and I am inclined to think that it does not—but the same combination which has been for years in other fields of industry if accomplished in the woolen industry would enable the manufacturers of textiles to take from the people of the United States vastly more than the sum I have mentioned as the unlawful profits of the steel manufacturers of the United States.

Mr. HEYBURN. We have had the existing wool duties since 1897. Has great wealth resulted to any class of people because of those duties, or is it merely an apprehension that great wealth will result?

Mr. CUMMINS. Well, I am not prepared to say. The American Woolen Co. had great ambitions and great possibilities when it was organized. I do not know how soon it will be able to do in the woolen trade what other great combinations have done in other fields of industry; but I do not intend, if my influence can prevent it, to give them the opportunity to reap unlawful profits. Has the Senator from Idaho examined the report of the Tariff Board?

Mr. HEYBURN. Every word of it, over and over again.

Mr. CUMMINS. Very well. Then, he knows, I assume, that with regard to the subject we are now discussing the woolen manufacturer could put about 35 per cent upon the major part of their products and still prevent importations.

Mr. HEYBURN. Well, the woolen manufacturers do not seem to have found that out. They are not unduly prosperous,

and it seems to me the suggestion of the Senator from Iowa is in the direction of building a tariff wall against our industries in order that they may, notwithstanding there is no evidence that they intend to do so, grow more prosperous than they are. That is a tariff wall of another kind, on the other side of the field.

Mr. CUMMINS. I have not examined the condition of the woolen manufacturers of this country. I do not say that they have successfully combined in order to impose excessive prices upon the people. I do know, however, that it is not wise for us to permit a tariff law to continue which will enable these manufacturers, if they can agree upon prices, to lift their profits to the point of the existing tariff law. I want them to be prosperous; I want them to earn and divide fair profits; but I do not intend to leave open for them to enter a gate that has been so successfully entered in many other fields.

Mr. HEYBURN. What evidence is there that they would enter it? They have had many years in which to experiment with it, and is there any evidence upon which to base an apprehension that they would enter a gate that admittedly has been open since 1897, and which they have not sought to enter?

Mr. CUMMINS. Ah, Mr. President, I count a good deal upon the ordinary motives of humanity.

Mr. HEYBURN. Has the standard of morals fallen among the manufacturers?

Mr. CUMMINS. I do not think the Senator from Idaho ought to press that point.

Mr. HEYBURN. Well, I think it is a fair inquiry.

Mr. CUMMINS. I do not think the merits of a tariff law depend upon my opinion as to the standard of morals among the manufacturers.

Mr. HEYBURN. But they do depend upon the operations of the law, do they not?

Mr. CUMMINS. The whole case rests upon the sufficiency of the duties. The Senator from Idaho would find no difficulty in sustaining a duty of $100 a pound on everything that comes in. He would think that served the public welfare. I do not; that is not my theory of government; it is not my theory of the function which Congress ought to perform with respect to the manufacturers. I am willing, I am anxious, to give them all that protection which will enable them to go on and do their business fairly and enter our markets and sell their products at a reasonable profit. I am not willing, however, to give them the chance to sell their products at a higher price than will fairly remunerate them for their capital and their labor.

Mr. HEYBURN. Is it not equally important that they should be in a position to continue to purchase the products of our own people at fair prices to those who produce the raw materials?

Mr. CUMMINS. I think so.

Mr. HEYBURN. But if you lessen their profit, will it not result in lessening the price paid to the producers of the raw material?

Mr. CUMMINS. On the contrary, Mr. President, I think that it will stimulate business. I think that if all the people who are brought within the scope of the tariff were compelled to struggle more than they do, if they were compelled to seek all the advantages which genius and enterprise and diligence and energy can suggest, we would be still more prosperous, and I think production would be increased, and, of course, consumption increased accordingly.

Mr. HEYBURN. Mr. President, the Senator does not certainly intend to support a condition that would make the struggle for existence harder or more strenuous than it is now?

Mr. CUMMINS. In business I would.

Mr. HEYBURN. The Senator thinks people should work harder?

Mr. CUMMINS. Mr. President, I am a believer in competition in this world. I have no sympathy with the views of the Senator from Idaho. I believe that we are better off if we have to fight for what we get. I believe that there is no other road toward the development of humanity. I do not believe that any prize is worth having unless it is reached at the end of a struggle. I am not a Socialist, and I suppose the Senator from Idaho is not either, although his doctrine——

Mr. HEYBURN. I have never been charged with being a Socialist.

Mr. CUMMINS. Although his doctrines would very strongly tend in that direction. I want a fair field and no favor; I want a full opportunity, not to take what belongs to somebody else, but to take what belongs to me.

Mr. HEYBURN. Opportunity to whom—to the producer and the grower of wool?

Mr. CUMMINS. Opportunity to everybody.

Mr. HEYBURN. The subject of the wool industry is not one of degree. When the condition arrives where men can not any longer maintain the production of wool and maintain their flocks they disappear in a minute; it is not a long drawn out process. The flocks are either converted into the first possible market or else the producer becomes bankrupt.

Mr. CUMMINS. The Senator does not mean that they disappear in a minute. Even the prophet had to take a little while in his translation.

Mr. HEYBURN. When I say a minute, I mean that the condition when a man has no market for his product at home may come in a minute. He may have been able an hour ago to sell his wool for 18 or 19 cents, as it is quoted to-day in our markets, and to-morrow he may not be able to sell it at all, or in an hour he may not be able to sell it at all.

Mr. CUMMINS. Mr. President, I have no disposition to lessen the opportunity of the woolgrower; on the contrary, I have in this amendment a duty upon wool which, as I understand, is regarded even by the woolgrower as abundant and adequate. The Senator from Idaho was not here when I discussed that part of my measure.

Now, Mr. President, I hope the Senate will pardon me for having stood here so long in colloquy with the Senator from Idaho. It is impossible to resist him when he approaches one in so kindly a way, and therefore I felt that I ought to answer the questions which he has put to me. I am conscious that this subject is one which can not be explored or exhausted in a day and therefore I have attempted simply to state the comparison between the amendment which I have offered and the existing law. I close by saying——

Mr. BACON. Mr. President, before the Senator closes I should like to ask him a question, if he will permit me to interrupt him at this point.

Mr. CUMMINS. Certainly.

Mr. BACON. Of course the Senator realizes that the ultimate end to be accomplished by the imposition of tariff duties with a view to protection is to stimulate domestic production to such an etxent that, if possible, it may supply all domestic demands. Am I correct in that?

Mr. CUMMINS. I do not think it is always limited to a case in which there is an immediate expectation of being able to supply the entire domestic demand.

Mr. BACON. The Senator misunderstands me. I did not mean that; I meant that would be considered as the highest consummation of the protective-tariff policy.

Mr. CUMMINS. The Senator is quite right.

Mr. BACON. The Senator contemplates the possibility that by stimulating domestic production of raw wool the time may come when the production will equal the consumption in this country. Is not that correct?

Mr. CUMMINS. I have no doubt that is the hope of a great many people.

Mr. BACON. The question I want to ask the Senator is this: If domestic production can be so stimulated that it will equal domestic consumption, what will be the result on the price? Will not your tariff at once cease to have any effect on it, and will not the price of the wool be the price as fixed in the world's market, just as it is in the case of cotton. Suppose—I will put it a little stronger—that we should produce a surplus of wool, more than we consume, would not immediately the price of wool be fixed by the world's price of wool, just as it is in the case of cotton, and would not at once your protective duty cease to have any effect on the price of wool in the United States?

Mr. CUMMINS. I agree if we produce a large surplus of wool——

Mr. BACON. Not necessarily a large surplus; any surplus.

Mr. CUMMINS. That it would bear the same general relations to the commerce of the country as does cotton; but I think the Senator from Georgia will remember that I had a little discussion with him upon this same point some months ago. I do not think there is any such thing as a world's market. I do not share the opinion which so many people seem to hold that the price is fixed in London or at Liverpool or at Antwerp or anywhere else.

Mr. BACON. If the Senator were a grower of cotton, he would change his mind on that subject very promptly.

Mr. CUMMINS. Oh, I do not think so; because it is the condition throughout the whole world that determines the price in London. London does not determine the price in and of itself.

Mr. BACON. Of course not.

Mr. CUMMINS. But the amount that we consume and the amount that we produce have just as much effect upon the

price anywhere throughout the world as the amount which is produced in other countries that export their product to England.

Mr. BACON. I understand that. While all these general influences, of course, affect the price there are certain centers of trade as to various articles, in which centers prices are given out to the world because they are the centers. For instance, take the matter of sealskins. The prices are absolutely fixed in London, because that is the center of that industry; and the same thing is true of cotton. The center of the cotton industry is Liverpool, and consequently the quotation of Liverpool is accepted the world over as the price, not because Liverpool fixes it, for, after all, the various agencies and influences of which the Senator speaks of course have their controlling influence in the fixing of the price; but there is where it finds its expression, there is the point at which it is given out, and it is the utterance found there, it is the expression given out there, which is accepted by the whole world as the standard of price.

Mr. CUMMINS. Mr. President, that may be so at a given time of cotton, but it is not true of a great many other products. We had a discussion here a year or so ago about wheat. We export wheat, but I have never believed that Liverpool fixes the price of wheat any more than Chicago fixes the price of wheat. Although we are an exporting country, we consume a very large part of our wheat production. We therefore pay, partly guided by the Liverpool price and partly guided by our own desires and necessities, for the commodity. However, the difference between the Senator from Georgia and myself, I am sure, is purely academic, purely abstract.

Mr. BACON. I simply want to call the Senator's attention to and get his view upon the proposition that if this could become a great woolgrowing country, one which would not only supply its own demands, but in addition to that have a surplus which would in a measure supply the demands of other countries, the wool industry would at once cease to be an infant industry which could not stand alone and would have to stand in competition with the prices of the world without having an artificial price fixed by a tariff.

Mr. CUMMINS. I agree that whenever we reach the point where we must meet with any considerable part of our product the wool of other countries in London and Liverpool and in all the other centers of trade, then, of course, we can not maintain here a price that is higher than that which obtains abroad—I mean considerably higher and over a long period of time.

Mr. BACON. And therefore the legitimate conclusion of those who contend for a protective tariff upon wool is that it would be to the interest of the woolgrower to restrict production below the amount of consumption.

Mr. CUMMINS. Whatever might be his interest, carefully analyzed, it is quite sure there can be no concert of action among the woolgrowers, as they are scattered all over the farms from the Atlantic to the Pacific, and therefore raising that number of sheep which the farmer believes will for the time best meet his own purposes.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I yield.

Mr. CHAMBERLAIN. I should like to ask the Senator a question. I notice that the bill as it came to us from the House places sheep and goats in the same class and places them at the same rate of duty, while the Senator from Iowa in his proposed amendment places wool in a different class from the hair of the camel, the goat, and other animals, with a different rate of duty.

I should like to ask the Senator why he makes a distinction between them, because, as I understand, the amount of imported mohair is in about the same proportion as the amount of imported wool, and it seems to me, if the purpose of the Senator is to protect the sheep industry, he ought to be willing to extend the same protection to the other industry, and that is the raising of Angora goats.

Mr. CUMMINS. In the House bill there is no occasion for making any classification, because it is an ad valorem bill, and therefore there is no need to classify. When we employ specific duties, however, it is thought best not to embrace any wider range of value than necessary, and that is the reason I separated the classes.

Mr. CHAMBERLAIN. I will ask the Senator if he does not think, as a matter of fact, that the Angora goat industry in this country, which is a rapidly growing one, as shown by the report of the Tariff Board, should have the same protection, if any protection is conceded to be necessary, as is extended to the other industry?

Mr. CUMMINS. Yes; the same measure of protection.

Mr. CHAMBERLAIN. It seems to me——

Mr. CUMMINS. Does the Senator think I have the duty too low?

Mr. CHAMBERLAIN. I do not know but that it is, in comparison with the duty placed on wool. I do not see why there should be any difference between the two. I am frank to say to the Senator——

Mr. CUMMINS. That is, the Senator does not see any reason why, if the duty on class 1 wool is 18 cents per pound, the duty on hair of class 2 should not also be 18 cents a pound?

Mr. CHAMBERLAIN. I think it ought to be placed in exactly the same category.

Mr. CUMMINS. Why does the Senator think so? Is the shrinkage the same?

Mr. CHAMBERLAIN. I am frank to say to the Senator that I am not familiar with the industry, nor as to the amount of shrinkage, but I understand it is practically the same. The position I am taking in reference to the matter is that the Angora goat and the sheep in this country, and the products from both, are practically in the same category.

Mr. CUMMINS. I assumed that 8 cents a pound was as protective for the hair of the Angora goat as 18 cents a pound was for the wool, under the Tariff Board report. If I have made an error about that, and the Senator from Oregon will point it out, and will offer an amendment increasing it from 8 cents to whatever it should be, I will be very glad to accept it.

Mr. CHAMBERLAIN. As I stated to the Senator, I do not know what the shrinkage of either is. I have not made this bill a study, but it seems to me from reading the report of the Tariff Board that they should be placed in the same category.

Mr. CUMMINS. It seemed to me otherwise, and I thought I had adjusted them according to the facts in each case. But I am always open to conviction, and if the Senator from Oregon or any other Senator will show me that the duty ought to be increased on the hair in class 2, I will be very glad to yield to proof, as I want full and complete protection for all these products and no more.

Mr. HEYBURN. Mr. President, I, of course, assume that the Senator from Iowa has taken into consideration the effect of any reduction in or the destruction of the growing of wool in this country upon the price of land, upon the employment of labor. There is about $4,000,000 in labor connected with the raising of sheep alone; something over $2,000,000 in the herding States and about the same amount in the farming States, according to the report of the Tariff Board, which I have before me.

If you reduce it 25 per cent, you have put out of business 500,000 people. You have reduced the price of the land now devoted to the raising of sheep, because the man with the land must find some other use for it if the sheep business is unprofitable. If it is practically destroyed, as it was under free wool, then you must find some other use for the land devoted to sheep raising; you must find some other employment for all the people engaged in the sheep industry, and they are projected into other channels of labor and investment at the expense of those already engaged in those fields.

This is not just a question of the price of carpet or of the price of a coat. It is a question of maintaining a large industry that is attached to the soil, and the labor of the country. It is a question whether you will put them out of business to the extent of 1 per cent or 5 per cent or 50 per cent, or altogether. The injury, of course, may be complete or it may be partial. Would the Senator advocate any system of legislation or of administration of the law that would decrease the opportunity to use profitably the land upon which this industry is now based or the labor connected with it? Would he advocate a governmental policy that would decrease it at all?

You talk about the poverty of the people who can not buy coats or have carpets on their floors. They are of small consequence as compared with those who are actually engaged in this enterprise. Every pound of wool that is imported into this country from abroad is at the expense, to that extent, of those who are engaged in producing wool in this country.

Are we going to legislate to diminish the prosperity of our people at all? It is just as much of a crime to reduce it 10 per cent as it is to reduce it 20 per cent, because you are taking away from an American citizen, from an American industry, an opportunity to the extent of the per cent of the reduction. It not merely changes or affects the price of a carpet or a coat, but it affects a great industry of the people, and the prosperity of the American people depends upon opportunity to engage in profitable industrial enterprises, whether it be the owning of the land, which is the result of labor, or the accumulation of money resulting from labor; or whether it be the occupation of the sheep herder or of the merchant who finds his market for

every imaginable character of commodities with these people. When you diminish their prosperity you diminish their purchasing power. You withdraw to that extent from the great aggregate prosperity of all the people. When these people are engaged in raising sheep or producing wool they can not be engaged in other enterprises at the same time. You put them out of business, and they become consumers and not producers, and they become consumers without revenue.

Now, Mr. President, that is the real question to be considered, Shall we diminish any single field of opportunity or enterprise to any extent, large or small? That is not the legitimate purpose of government. It is an illegitimate exercise of power to take away from any man any part of his opportunity, great or small, and the injury to a small extent may be the difference between profit and loss. It may mean, and it does mean in this enterprise, the difference between remaining in business and going out of business; going out of it not to some assured substitute, but going out of it with no assurance that any substitute can be found for the prosperity represented by the enterprise.

It is for that reason that I speak so earnestly with regard to this industry. It is not tolerable that we should consider on how little prosperity the American people can get along. It is not tolerable to consider how strenuous we can make the effort incident to maintaining individual life and happiness. The effort and purpose of government should be to see how easy we can make it for people to earn a livelihood; how large a margin we can give them, beyond the necessity of the endeavor to earn a livelihood, to secure what we may term the graces and the luxuries of life. Man was not created merely to labor as many hours as his physical frame would endure. He was not created for the purpose of seeing how little he could get along with in the way of luxuries or necessities. Government was instituted for the purpose of lessening or reducing the burdens of individual life to the minimum, not for the purpose of seeing how close he can shade to the line of necessity in order that he may merely exist.

It affects the price of the land, it affects the prosperity of the individual, who depends upon the price of the land and its possibilities of production. Therefore I am opposed to any legislation that has to be bolstered up by an argument that the people could endure it. This is not the proper rule by which to measure the rights of the people in legislation.

Mr. STONE. Mr. President, I desire, in the first instance, to say a few words about the substitute amendment proposed by the Senator from Iowa [Mr. CUMMINS]. I understand that that amendment is now pending and that it will probably be the first question to be voted on to-day.

This substitute was proposed only yesterday and was printed for the first time this morning. No Senator as far as I know has had any opportunity to examine this substitute until to-day. It does not seem to me that that is quite a fair way to deal with those of us who are advocating the passage of the bill as it came from the House. In all fairness the Senator from Iowa should have proposed his amendment at an earlier day, so that it might have been examined, analyzed, compared with the existing law and with the pending bill; that it might be better understood by Senators when they come to vote on it. Just why its presentation was withheld until an hour so late I can only conjecture. I do not feel disposed, out of courtesy and because of the proprieties, to venture an opinion. I never saw the proposition, although a member of the Finance Committee, until it appeared in the RECORD this morning.

After seeing it I conferred at once with one of the experts employed by the minority of the Finance Committee to aid them during the consideration of tariff measures, and asked him if he could examine this substitute, analyze it, and make the necessary comparisons in time for to-day. He said he did not consider that to be possible, if the result of his work was to be reliable.

Sitting here at my desk since the Senate met at noon I have undertaken to make some comparisons of this substitute with the House bill and with the bill passed by the Senate and House during the extra session last summer, and which was vetoed by the President. Manifestly, it is impossible to make anything like a satisfactory comparison within such brief time and under such circumstances. But I find this much to be true: That while the pending bill was under consideration in the House of Representatives a substitute for it was offered there. That substitute had been previously proposed by a Member of the House—Mr. PAYNE, of New York, formerly chairman of the Committee on Ways and Means, and now the senior member of the minority of that committee.

I find that the substitute offered by the Senator from Iowa, although differing in some particulars, is framed upon the line of the Payne bill which was offered as a substitute to the House bill while the bill was pending there. The Payne substitute offered in the House and the Cummins substitute now offered in the Senate are substantially the same, differing, as I have said, only in some details. The Payne substitute was defeated in the House by a large majority. I have hurriedly compared the measure proposed by the Senator from Iowa with the bill passed at the extraordinary session last year and which the President vetoed. I find that this substitute offered by the Senator from Iowa proposes rates very much higher than the rates carried in the bill passed last year.

Mr. President, it might be well to briefly recall the history of the bill of last year, showing how it was passed. Early in the session of 1911 the House of Representatives passed a bill reducing the rates on wool and woolen manufactures. That bill, when it reached the Senate, was referred to the Finance Committee, and subsequently was reported adversely by that committee. The bill was debated here at considerable length, and finally it was defeated by the majority—that is, by the votes of Republican Senators. After it was voted down the senior Senator from Wisconsin [Mr. LA FOLLETTE] moved to reconsider the vote by which the bill had been defeated. The Democrats voted for that motion, as did a number of so-called insurgents, or Progressive Republican Senators, and the motion to reconsider prevailed. Thereupon the Senator from Wisconsin offered a substitute for the House bill. That substitute proposed rates of duty somewhat higher than those in the House bill, but the Democrats of the Senate, not being able to pass the House bill, joined with Progressive Republicans and voted for the La Follette substitute, and passed it. The bill thus amended was returned to the House; the House disagreed to the amendment, and a conference was had. Out of that conference a bill was evolved which was finally agreed to, as I have said, by both Houses, was sent to the President, and by him vetoed.

I have attempted hastily to compare the rates set forth in the Cummins substitute, now pending, with the rates carried in the bill passed at the last session, and I discover that the rates intended and proposed in this substitute offered by the Senator from Iowa are much higher than those contained in the bill passed by the two Houses last year. In addition to that the Cummins substitute differs in another important particular from the La Follette substitute of last year. In the bill of last year the rates were predicated on an ad valorem basis, just as the House rates then and now were and are predicated on the ad valorem basis. The Senator from Iowa, in the amendment he has offered, fixes the rates for the most part on a specific basis; that is to say, the rates are made specific instead of ad valorem. The Senator from Iowa, at the extraordinary session last year, supported and voted for the La Follette substitute. He then thought as Senator LA FOLLETTE thought, as the House thought, and as the Democratic Senators in this Chamber thought, that ad valorem duties were in every way better than specific or compound duties. He seems now to have changed his opinion as to this. He has abandoned the plan or policy of ad valorem duties and now advocates specific duties. The measure passed last year and the one now offered by the Senator from Iowa differ in the very bases upon which they are built, as well as in their framework.

I do not know what has caused this radical change of base by the distinguished Senator. A year ago he stood here earnestly supporting a measure resting exclusively on an ad valorem basis. Now he proposes a measure resting almost exclusively on a specific basis. The two measures are fundamentally different in the lines upon which they were constructed. The Senator's change of base is therefore itself fundamental. The substitute now proposed by the Senator from Iowa is essentially a protective measure. I can not help wondering whether, while preparing it, he was in consultation with the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. PENROSE], the Senator from Massachusetts [Mr. LODGE], or some other Senator of extreme protection views. If the Senator from Utah had offered this substitute, I would not have been surprised, but I am astonished that it comes from the Senator from Iowa, so recently a stalwart advocate of ad valorem duties and for such a downward revision of the tariff as would have some real significance.

Possibly the Senator from Utah, or some of his colleagues who adhere to his extreme tariff views, may even yet offer another substitute. I do not know. It may be that they are satisfied with the one offered by the Senator from Iowa. But if not satisfied, it may be that later on in the twilight of the day the graceful form of the Senator from Utah may tower in the Senate, and we may hear his strident voice sounding a note of war even braver than that of the Senator from Iowa—a sort of last-ditch declaration. Before it is all over, and especially

if the proposal of the Senator from Iowa fails, I shall expect the Senator from Utah to propose a substitute for the House bill even more impossible than that proposed by the Senator from Iowa. I do not know what it will be, but I am prepared in advance to say that I am sure I would as soon vote for it as to vote for the substitute the Senator from Iowa has offered. I am not a protectionist, and I am not willing to vote for any measure distinctively framed for the avowed purpose of protection. I want the substance of a revision downward and not merely the shadow.

I observe that the Senator from Iowa, having delivered himself of his substitute and his speech, has disappeared from the Senate—disappeared and left his baby on our steps. Nevertheless, Mr. President, I wish to call attention to a few items in this pending substitute and compare them with what is known as the La Follette substitute to the House bill passed at the first session of this Congress, and also to compare them with the substitute offered to the pending bill in the House of Representatives which was prepared by Representative PAYNE and the Republican minority of the Ways and Means Committee.

I can not at this late hour occupy unduly the time of the Senate by attempting to go through many of these items. I can only refer to some of them as examples.

In the Cummins substitute, for example, top waste and slubbing waste are put down at 20 cents per pound; roving waste, ring waste, garnetted waste, 16 cents per pound.

In the substitute offered to the bill in the House, known as the Payne substitute, top waste and slubbing waste, set down in the amendment of the Senator from Iowa at 20 cents a pound, are set down in the House substitute at 18 cents a pound. Roving waste, ring waste, and garnetted waste are set down by the Senator from Iowa in his proposition at 16 cents a pound; in the House substitute, at 14 cents a pound.

The Senator from Iowa appears to have even a more tender regard for wastes than Representative PAYNE, and would extend a broader hand of protection over them. He would do more for wastes than the Hon. SERENO PAYNE, author of the Payne-Aldrich law, would do for them. He would out-Herod Herod.

Now, taking what I will designate as the La Follette amendment to the wool bill agreed to at the extra session of last year and which was finally adopted by both Houses, top waste and slubbing waste, roving waste, ring waste, and garnetted waste were all taxed, or proposed to be taxed, at the same rate—that is, at 30 per cent ad valorem. But the Senator from Iowa now proposes a much higher rate than that. Why? He voted for the La Follette substitute last year, and it had the benefit of his able support in every way.

Again, take combed wool or tops made wholly or in part of wool or camel's hair valued at not more than 20 cents per pound, the tax proposed by the Senator from Iowa is 12 cents per pound on the wool therein, and in addition thereto 5 per cent ad valorem.

Under the 1911 La Follette substitute the same material was taxed 40 per cent ad valorem. You can see at once that the rate proposed by the Senator from Iowa is very much higher. And so on down the line in that section.

On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty proposed in the pending Cummins amendment is 14 cents per pound on the wool contained therein and in addition thereto 12 per cent ad valorem.

In the La Follette substitute of 1911, which the Senator from Iowa supported, this same material was taxed 45 per cent ad valorem. Under the Cummins amendment it would amount to over 58 per cent.

Mr. CUMMINS. Mr. President——

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

Mr. STONE. Certainly.

Mr. CUMMINS. Mr. President, the Senator from Missouri may, of course, criticize me in any way he desires; I am entirely indifferent about that.

Mr. STONE. I am now criticizing the Senator's bill.

Mr. CUMMINS. But he has forgotten apparently to note that yarn that is not worth more than 20 cents per pound or 30 cents per pound is not all composed of wool; it can not be all composed of wool; it must be largely composed of something else; and the duty of 12 cents a pound, as he has read it there, or 14 or 16 cents, as the case may be, is upon the wool only in the yarn. Therefore the conclusions which he is just reaching are wholly baseless.

Mr. STONE. Mr. President, if you go on through the section the same rates substantially obtain. Let us see:

On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

That is the Cummins proposal.

Mr. CUMMINS. Mr. President——

Mr. STONE. Does the Senator say that that is incorrect?

Mr. CUMMINS. The same thing is true of blankets. A blanket that is not worth more than 40 cents a pound is not made of wool.

Mr. STONE. I know it is not made wholly of wool.

Mr. CUMMINS. In common blankets, about which we hear so much, a large part of the material is not wool, and the duty which would be assessed under my amendment on such blankets per pound is a duty upon the wool only. Suppose only one-fourth of the blanket was of wool, what, then, does the Senator from Missouri think would be the comparative duty named in the amendment I have offered and the bill of last year?

Mr. STONE. Mr. President, let me read the exact language of the La Follette bill and the Cummins bill, if I may term them so for the purpose of distinguishing them. In paragraph 373 of the so-called La Follette bill I find this language:

On cloths, knit fabrics, blankets, and flannels for underwear—

Blankets and flannels for underwear—

composed wholly of wool or of which wool is the component material of chief value, 55 per cent ad valorem.

In the Cummins amendment I find this language:

On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Mr. President, the amount of wool or the amount of cotton contained in a given article is a matter that we ought to have fully investigated so as not to act blindly, but so as to have some intelligent idea as to what the duty would really be when reduced to its final analysis. We ought to have time to investigate and find out how much wool there is in a blanket worth only 40 cents a pound, and we ought to find out whether a provision like this proposed by the Senator from Iowa is susceptible of a practical administration. That has been strenuously denied by Senators on this floor. Hence, I say that the Senator from Iowa has not treated his colleagues on this side of the Chamber quite fairly in presenting at this late hour, when it is impossible to have it thoroughly examined and understood, this highly important measure, containing such radical changes in the law as would involve even the practicability of administering it and which prescribes rates so much in excess of the rates prescribed in the bill he supported only one year ago. So far as I am concerned, I can not vote for this substitute at any stage of these proceedings.

Mr. President, I do not desire to consume the time of the Senate with a protracted address. The hour is late; and as there are others who desire to be heard I do not think it would be fair or courteous, under the circumstances, to hold the floor for any considerable length of time, and hence I feel constrained to close what I have to say on this occasion after a few brief general observations.

Mr. President, this Congress is engaged in the important work of revising the tariff under promises made by both political parties and in accordance with the expectation of the people throughout the country that tariff taxation would be reduced. Both parties promised the people to reduce the burden of tariff taxation. On September 25, 1908, during the presidential campaign of that year, President Taft, in a speech at Des Moines, said:

"It is my judgment that a revision of the tariff in accordance with the pledge of the Republican Party"—mark the words, "in accordance with the pledge of the Republican Party," and let those words be distinctly remembered—"will be, on the whole, a substantial revision downward."

During the same campaign Candidate Taft, the leader of his party, is reported to have declared in a speech at Winona, Minn., that the rates prescribed in the wool and woolen schedule, Schedule K, were so high as to be indefensible. These were the utterances of the chosen leader of a then united Republican Party, and those utterances stood unchallenged to the day of the election. After the President had been elected and inaugurated he took speedy occasion to assemble the Congress in extraordinary session in the spring of 1909, and out of that Congress came what is known as the Payne-Aldrich law. But the Republican Party did not keep faith with the people. A law was passed, but instead of reducing duties, it substantially increased them. The pledge of the President and of his party was not only not kept, but was ignored. As a result of this bad faith there was a widespread popular resentment. At the election of the following year—November, 1910—the electorate of the country expressed that resentment in emphatic form. A Democratic House was elected, and the Democratic representation in the Senate largely increased.

Soon after that election, in the early spring of 1911, the President again called the Congress together in extra session. At that time the Democratic House of Representatives, responding to the public demand and keeping faith with the people, passed a bill almost identical with the one now pending, revising the woolen schedule, and sent it to the Senate. The Republican minority in the House of Representatives opposed the passage of the bill by that body, and set themselves against the effort of the Democrats over there to reduce the burden of taxation. When the bill came up in the Senate Republican Senators of all descriptions, regulars and insurgents alike, united to defeat the passage of the bill. The Democrats of the Senate were forced to accept a compromise measure proposed by a small minority of Republican Senators known as "insurgents" or "progressives," and the House was later forced to accept that compromise with some amendments or do nothing. The compromise bill was passed and sent to the President. He vetoed it on the ground that his Tariff Board—I say "his Tariff Board" because its members were appointed by him and are under his control—had not reported on certain investigations he said the board was making into the wool and woolen industry.

He vetoed even this Progressive Republican measure on the ground that Congress should not act but should stand by and wait until this little Tariff Board could be heard from. Why, Mr. President, this board was two years in making this one investigation and preparing this one report. If they should expend anything approximating a like time on all the other schedules, and we should wait for their reports before acting, we would not be able to revise the tariff laws during the lifetime of most of the Members of this body. It would require a halt of 15 or 20 years, possibly more, before we could get reports on all the various schedules. And of what particular value would they be after we got them? Is it expected that Congress should follow the board's reports? I do not think so. The report made by the majority of the Ways and Means Committee when this bill was reported to the House shows that the House placed little or no reliance on the report of the Tariff Board. In fact the committee report undertook to show, and I think did show, most conclusively that the report of the Tariff Board on wool and woolens is fragmentary, unreliable, and made on unscientific principles. The House turned it down. Does the President expect to follow the board and stand by what it says? He vetoed the wool bill of last year because the board had not reported on the wool schedule. Will he now veto another bill because Congress refuses to follow the recommendations of the board and refuses to frame a bill in accordance with the data and deductions therefrom furnished by the board? That would be the logic of his position; but that would be to substitute the judgment of this board of five men of his own appointment for the judgment of Congress. The President vetoed a bill reducing tariff duties which as a candidate for office he denounced as indefensible, and vetoed it on the flimsy ground that he was waiting to hear from his Tariff Board. And so, Mr. President, the effort of the Democrats at the extra session of 1911 to revise the tariff downward was defeated by Republican opposition in Congress and by the veto of a Republican President.

After that, in due course, the present session of Congress began in December. What has happened at this session? The steel bill, so called, was brought before the House early in the session, proposing material reductions on metals and metal manufactures. Republican Representatives stubbornly resisted these reductions, but the bill passed the House nevertheless and came to the Senate. The Republican majority of the Senate Finance Committee reported the bill adversely, and when it was taken up for consideration in the Senate the Republicans of the Senate sought to kill the bill by adding to it a provision amending a law passed in 1911 authorizing the free importation from Canada of wood pulp and print paper, and so amending it as to take those articles from the free list and subject them to a heavy tariff duty. In other words, our Republican friends refused to accord the people any relief from the oppressions of the Steel Trust unless the Democrats would agree to oppress the people in the interest of the Paper Trust. And so this amendment, in no wise germane to the steel bill, was added to the bill to embarrass, if not to prevent, the passage of the measure.

Mr. President, I ask myself sometimes—and I ask now—whether Republicans can keep faith with the people or whether they are so tied up that they are bound to serve the great industrial combinations and monopolies of the country? We have seen what has been done with the bill to reduce the duties on steel and iron and other metal products, and now we have the wool bill before us again. Since the veto of the first wool bill the Tariff Board have reported. They reported last December. What, then, is in the way of proceeding with this legislation now? The President and Republican Senators said they were only waiting for this report. I want to read a few lines from the message of the President when he transmitted this report to Congress. The President said:

> In my message of August 17, 1911, accompanying the veto of the wool bill, I said that, in my judgment, Schedule K should be revised and the rates reduced. My veto was based on the ground that, since the Tariff Board would make, in December, a detailed report on wool and wool manufactures, with special reference to the relation of the existing rates of duties to relative costs here and abroad, public policy and a fair regard to the interests of the producers and the manufacturers on the one hand and of the consumers on the other demanded that legislation should not be hastily enacted in the absence of such information; that I was not myself possessed at that time of adequate knowledge of the facts to determine whether or not the proposed act was in accord with my pledge to support a fair and reasonable protective policy; that such legislation might prove only temporary and inflict upon a great industry the evils of continued uncertainty.
>
> I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

That is in line with what the President said in his speech when he was a candidate in 1908. Is he any more in earnest now than he was then? Before we had a Tariff Board he thought the rates in this schedule ought to be reduced; after we got the board the thought there should be no revision until the board had investigated and reported; and now, since the report has been furnished, he again recommends a general reduction of exising rates in the woolen schedule. Will he change front again?

Mr. President, the Democrats of the House promptly responded to this recommendation in the President's message by passing the pending bill. What are our friends on the other side of this Chamber doing? What have they done? They are engaged in a policy of delay, procrastination, opposition. They have not offered, as a party, any substitute for the House bill, or any measure of relief whatever. As the Senator from North Carolina remarked this morning, the majority of the Finance Committee contented themselves with simply voting to report this bill adversely. They do not propose any measure of their own. They are satisfied merely to obstruct, thwart, and baffle the Democrats in Congress in their efforts to fulfill their pledge to the people. Republicans are satisfied to leave things as they are.

Mr. President, both political parties are pledged, as we know, to a substantial downward revision of the tariff, and particularly the tariff on wool and woolen manufactures. I have read already quotations from public utterances and official communications of the President. I wish now to read a few lines from the recent national platforms of the Democratic and Republican parties. The Democratic platform adopted at Baltimore contains this declaration:

> We favor the immediate downward revision of the existing high and, in many cases, prohibitive tariff duties, insisting that material reduction be speedily made on the necessaries of life.

The Republican platform adopted at Chicago contains this declaration:

> We hold that the import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages. Some of the existing import duties are too high and should be reduced. A readjustment should be made from time to time to conform to changing conditions and to reduce excessive rates, but without injury to any American industry.

"Some of the existing import duties are too high and should be reduced." What duties, if not these duties on wool and woolen manufactures? Of all the schedules, this one is under the ban of universal condemnation. Yet our friends on the other side are not lifting a hand, as the representatives of their party, to keep faith and redeem their pledge. No wonder, after these repeated deceptions and multiplied instances of broken pledges, the country has lost confidence in the sincerity, capacity, and good faith of the Republican Party.

Mr. President, it is difficult to understand the madness that seems to possess Republicans in the Senate and in the House. It may, indeed, be true that—

> Whom the gods destroy they first make mad.

But sure it is that the people, wearied of bearing unnecessary burdens and aroused by the abnormal and unnatural increase in the cost of living, due in large measure to the exactions of tariff-fostered monopolies, are determined to secure some measure of relief—aye, to secure some protection for themselves.

Mr. President, this wool schedule was so exhaustively discussed in 1909 during the consideration of the Payne-Aldrich law, and again in 1911 when the Underwood bill was before Congress, and still again during the present session when the pending bill was being considered by the House, that it seems to me that to go into any extended discussion of this measure in detail would be of necessity, in large part at least, but a repetition of the deliverances made by many Senators and Representatives during the periods to which I have referred.

So, Mr. President, having already detained the Senate longer than I intended, I yield the floor.

Mr. HEYBURN. Mr. President, just a word in response to the suggestion of the Senator from Missouri [Mr. STONE] in his plea for a reduction of the high cost of living. Can you conceive of reducing the cost of living by cutting off the meat supply of the country fully one-third? When you strike at the wool industry you strike at the sheep industry from which the wool is produced. If you discourage that industry or strike it down, it will inevitably result in a reduction of the sheep in the country, and correspondingly a reduction of the meat supply.

Perhaps the meat of the sheep is more important to the people on behalf of whom this plea is made than of any other class of meat. What effect would it have on the price of beef and pork if you were to withdraw from the production of meat 33⅓ per cent? That is the relation which the sheep bear to the entire meat production. Would it not necessarily result in an increase in the price of other meats? The addition to the cost of living would be many times the sum that it is claimed by any of those favoring this tariff provision and any possible saving that might be made in the cost of clothing or carpets.

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

Mr. HEYBURN. Where do we find a substitute in the meat market?

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

Mr. HEYBURN. Yes.

Mr. MARTINE of New Jersey. I was only going to say that we were told a little while ago by that high authority on wool, the Senator from Utah [Mr. SMOOT], that the sheep which produce the meat produce practically little or no wool and, vice versa, the sheep that produce the wool produce practically little or no carcass or meat.

Mr. HEYBURN. The Senator——

Mr. MARTINE of New Jersey. I only want to know which is the authority on wool and the meat question.

Mr. HEYBURN. The Senator from New Jersey must have misunderstood the Senator from Utah. No one knowing the facts would make a statement of that kind.

Mr. MARTINE of New Jersey. I do not ask the Senator to take myself as authority. I have never been a sheep grower or raiser, notwithstanding I have seen our sheep, and many of them. But the Senator from Utah, I take it, is the high priest on that question.

Mr. HEYBURN. All the sheep that produce wool eventually go into the meat market and constitute a part of the meat supply of the country. The sheep are not allowed to die after producing wool and pass on to waste; they go to the meat market. When you reduce the sheep supply you reduce or cut off the supply of lambs also, and the Senator from New Jersey would be confronted with the proposition of denying himself the pleasure and benefit of eating the meat of the lambs.

Mr. MARTINE of New Jersey. I only want to say, if the Senator will permit me, that my information is not based altogether on my own experience, but I was taking the Senator from Utah as authority, and if he is not qualified I have only to refer to the Senator from Iowa [Mr. CUMMINS], who stated only a little while ago, in the course of his remarks, that the tariff really had not done much for the sheep industry anyhow; that they really did not get anything but a mere pittance of the protection that came anyway; that there were no real, tangible results to the sheep or the sheep raiser.

Mr. HEYBURN. We have only to refer to the experience of those who lived and thought during the time when we had Democratic free wool. The sheep disappeared practically from the range. The business was no longer profitable. I saw thousands of head of sheep being driven away from home in order that they might not consume the grass, because the market for the sheep and the meat of the sheep had been destroyed when they destroyed the market for the product of the sheep.

I merely at this time arise simply to point out the effect of the destruction of the sheep industry upon the meat supply of the country and ask you to take it into consideration when you are considering this mythical proposition of the high cost of living. I admit that a Democratic tariff would reduce the cost of living. It would bring poverty and the inability of the people to buy and pay for the things that are produced or could be produced, and you will have all the cheap times that you want.

I notice that some one in anticipation of it is proposing to coin 3-cent pieces and half cents, in order that they may be in a position to purchase in this starved market. You will need something less than a half cent, because there will be many people to whom a half cent will be a matter of consequence. I suggest that you carry the idea of reforming the coinage further, and introduce for use during Democratic times coin such as we have seen coming here from the Orient with a square hole in it, made out of a metal without value, in order that you may string enough of them about your neck when you go to market to buy a small basketful of produce.

Mr. MARTINE of New Jersey. I am glad, Mr. President, the Senator from Idaho realizes and appreciates that a Democratic administration is coming. His foresight is good. But I only want to say that the proposition of a 3-cent piece that he suggested is clearly and entirely a Republican proposition in a Republican administration.

I want to say further about the sheep, since the sheep question has been started, that we are under a Republican administration to-day and a high protective tariff, and the most singular and remarkable thing is that with your theory and process and rule of protection the sheep in the little State I come from have simply faded out like dew before a July sun. I recall very well that 20 years ago and 25 years ago it was the most common thing in the world in our part of the country to see sheep grazing in the fields. To-day they are a curiosity, and people riding by ask the question, "What sort of animal is that?" They had never seen it in New Jersey. The process of protection has driven them off.

If there are any blessings to come from the decrease in price in the meat supply through the tariff problem, I would suggest to the Senator to go to Lawrence, Mass., and preach that doctrine.

You will find no listeners to the blessings of your high tariff in Lawrence, Mass. There the men, women, and children have been walking the streets for bread, and you have sent fruit there to appease and try to satisfy them. I can take you, as I said before, near my own home, where you will see the working out of your tariff problem, and you have your beggars and paupers, while a handful of men have grown rich. The mill owners have grown rich and prosperous while the most of the people have grown poverty stricken.

Mr. HEYBURN. Mr. President——

Mr. MARTINE of New Jersey. One moment. Your sentences are twice as long as mine. I do not believe you can delude the people any longer with your doctrine of protection. Roosevelt says one thing and Taft says another, and the people between are seeing the light, and that there is no hope of salvation for the struggling breadwinner and toiler with the Republican Party in power; and they are coming over to the broader gospel taught by the Democracy and championed by Wilson.

Mr. HEYBURN. The description of the condition of the people of New Jersey is rather surprising in view of the speech made by the Senator from New Jersey on a recent occasion at a banquet, where he told what a great and prosperous people inhabit the State of New Jersey and how it compares with the most prosperous section of the United States, "and then some."

Mr. MARTINE of New Jersey. In spite of your tariff and all things. But what would we have had if it had not been for the tariff?

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. Senators will observe the rule.

Mr. MARTINE of New Jersey. I ask pardon.

Mr. POINDEXTER. Mr. President, before the vote is taken on the pending bill I should like to put into the RECORD a brief statement of what I conceive to be the position the Republican Party is placed in with reference to its obligations to act upon this question.

I think the position taken here by the Finance Committee and other Senators not on the committee, who have spoken, that they will do nothing, that they will not act at all, affords the plainest and most concrete illustration of the meaning of a standpatter that we have had in recent times.

There is probably no other country in the world where a great issue like this was submitted to the people directly and squarely, and they decided it, that there was no consequence, as far as the laws are concerned, from the decision of the people. This question was submitted in 1908, and it was submitted again in 1910. At both elections the issue was squarely made as to whether or not the Dingley tariff law—and in 1910 the Payne-Aldrich tariff law—met the deliberate judgment of the people as to a tariff. Both times it was decided that there should be a revision of the excessive items of these bills and, notwithstanding the fact that there have been five sessions of Congress since the campaign of 1908, the judgment and verdict of the people, supposed to be in a self-governing country, has been absolutely ignored, and we are confronted here now, at the moment when we are about to take a vote upon this question, by the great Finance Committee of the United States Senate standing pat on the Payne-Aldrich tariff, saying that they

will not do anything, that they will not submit any kind of a tariff bill at all. They do not propose to respond to the judgment of the people.

My opinion is that the worst enemies of the policy of protection that exist in the politics of this country are those who positively refuse under all circumstances to consider any question relating to the reduction of a tariff schedule. Even though they get up to a prohibitive point, even though conditions change so that the rate which at one time was reasonable becomes unreasonable, becomes oppressive to the people, and the people consider the question of relieving themselves from that oppression, there is a certain element, and it seems to be in control of the old organization of the Republican Party, who take the position that they will not consider it, they will not argue it with you, they will not discuss the question of reducing the tariff. That position does more to discredit the policy of protection before the American people than any Democratic bill that was ever introduced in Congress.

There is a great deal of talk about the result of the Wilson bill. I do not propose to defend the Wilson bill, but I think the argument that the hard times that we had some years ago is a sufficient answer to any proposition to reduce the tariff—the argument that all the distress that followed the reaction that came from excessive, wild speculation that swept over the world, not only in this country, in 1889, from which there was bound to be a reaction, just as certainly as the pendulum is bound to swing back—I say the argument that that is a sufficient answer to any demand the American people make for a reasonable revision of the tariff is about as cheap a political argument as could be conceived of.

Another thing that is illustrated by the situation in the Senate now—whatever plan or position you may take as to high or low tariff—is the difficulty of amending the tariff in a legislative body.

My opinion is that it is just about as difficult to do it in this way as it would be for Congress to fix railroad rates, and just about as unreasonable; and it is unworthy of an intelligent people that their political attention should have been occupied practically for a generation to the exclusion of everything else, to the exclusion of more fundamental and more important questions, with the discussion of this particular rate or that particular rate in political campaigns—and that the attention of Congress should be occupied with particular items in tariff duties—with the chief result that after five sessions of Congress, when the Senate is about to take a vote upon a tariff bill, the air is pervaded with the sentiment that nobody knows anything about it.

I voted the other day to perpetuate the present Tariff Board, if you may call is so. I should like to have the opportunity to vote for the creation of a real one, a commission consisting of an adequate number of good men with good salaries; to see a principle laid down by Congress upon which tariff rates should be fixed; and to have this commission in its administrative capacity, acting under the instructions of Congress and subject to its control in all things, acting under the principle laid down by Congress with the power to remove abuses in particular items and excesses in particular schedules as they might arise from time to time from the changing conditions of the country.

I do not think the spectacle that we are all placed in here would then occur. I am not criticising anybody about it. It is due to conditions. It is not at all edifying from the standpoint of the capacity of Congress to manage the important affairs of government in a competent, to say nothing of a scientific, manner.

Now, what is the condition we are in as to this particular schedule, in the face of the assertion, by action rather than by words, of the Finance Committee and of the Senators who are supporting them in this position, that they will refuse to consider any revision of the tariff? It was said for a long time that it ought not to be revised because there was no report of a Tariff Board. I suppose the country, those who had not already lost faith in this administration, resting in absolute confidence, thought when we did get a report from the Tariff Board upon a schedule there would be an effort made in good faith on the part of the organization in control of the Republican Party to revise the tariff in the light of that report; that they would make some use of the report at any rate, even though they did not agree with it. There was a pretense made on the part of everybody, even the Finance Committee, that they wanted to revise the tariff. There seems to be an opinion that the people can be deceived into believing that that pretense is sincere, notwithstanding every condition which has ever been suggested as an excuse for delay has now been performed—the report is on hand, it is the issue on which the campaigns have been fought for the last four years—and still the committee refuses to take any action whatever.

It is unnecessary to refer to this voluminous report because it has been condensed with the aid of experts into the message of the President of the United States. I want to read a few lines upon this schedule from this condensed synopsis of the report made by the President. It shows that the wool tariff is full of excesses; that it does not comply in any way with any principle of tariff revision that the Republican Party has ever advocated; that it is a prohibitory tariff upon the most essential articles that are covered by it—the most important articles, those which are of most importance to the people of this country; that it does not put the American manufacturer upon an equal footing with foreign competitors and give him a fair chance, but that it tends to a monopoly of the American market for the domestic manufacturer. Mr. Taft says in his message:

> That the duty on scoured wool of 33 cents per pound is prohibitory and operates to exclude the importation of clean, low-priced foreign wools of inferior grades, which are nevertheless valuable material for manufacturing, and which can not be imported in the grease because of their heavy shrinkage. Such wools, if imported, might be used to displace the cheap substitutes now in use.

There has been a great deal said here in recent years about the duty of following the leadership of the President, the titular head of the party, about being regular, about supporting the party organization, and here is the report and the conclusion of the head of the party, the head of that faction of the party to which the majority of the Finance Committee belongs, pointing out the benefits that would come to the people from a revision of the tariff; and yet the organization in control of the party stands or sits pat and refuses to do a thing, or to consider the proposition, or to submit to the Senate any plan for a revision in accordance with the recommendations of the President. Proceeding a little further as to wool the President says, and I read this in order that it may go into the RECORD:

> To make the preceding paragraph a little plainer, take the instance of a hundred pounds of first-class wool imported under the present duty, which is 11 cents a pound. That would make the duty on the hundred pounds $11. The merchantable part of the wool thus imported is the weight of the wool of this hundred pounds after scouring. If the wool shrinks 80 per cent, as some wools do, then the duty in such a case would amount to $11 on 20 pounds of scoured wool. This, of course, would be prohibitory. If the wool shrinks only 50 per cent, it would be $11 on 50 pounds of wool, and this is near to the average of the great bulk of wools that are imported from Australia, which is the principal source of our imported wool.
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> * * * * * * *
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> On tops up to 52 cents a pound in value, and on yarns of 65 cents in value, the rate is 100 per cent with correspondingly higher rates for lower values.

The opposite of what it ought to be.

> On cheap and medium grade cloths, the existing rates frequently run to 150 per cent and on some cheap goods to over 200 per cent. This is largely due to that part of the duty which is levied ostensibly to compensate the manufacturer for the enhanced cost of his raw material due to the duty on wool. As a matter of fact, this compensatory duty, for numerous classes of goods, is much in excess of the amount needed for strict compensation.

Referring to certain classes of goods in which comparisons have been made, he says:

> In fact, however, practically identical fabrics of domestic make sold at the same time at $69.75, showing an enhanced price over the foreign market value of but 67 per cent.

He is attempting to minimize the result upon the market price of goods by reason of this high tariff by saying that it is only 67 per cent higher than the foreign goods. Under this wall that is put up against the foreign competitor we have developed a situation in this country, as everybody in Congress and out of Congress knows, that tends to the production of inferior articles, so that if you want honest quality, if you want first-class material, not only in clothes, but in other things, you have to import it from some foreign country; and yet we pay for the inferior materials manufactured in this country 67 per cent more than the same class of materials can be bought for in foreign countries.

The argument that I have always heard and that always appealed to me, the theory on which the American people have largely based their belief in a protective tariff, was that it provided protection for American labor. It is said that these high rates are necessary to protect the mill operatives. Well, we had a report here a few days ago, after long effort in getting it from the Commissioner of Labor, as to the wages paid mill employees in the principal wool manufacturing center in this country—Lawrence, Mass. It appears from that report that there are 7,275 of those employees, about one-third of the total number of mill workers covered by the investigation, whose wages are less than $7 a week, and that there are many of them whose wages are much lower. The conditions of living there

are such that women have to work in the mills along with their husbands, and if they have young children they are compelled to farm them out with neighbors to be cared for away from home while the mothers work in the mills to make enough to support them. In that connection I will send to the desk and ask to have read a letter relating to the character of labor at the present time employed in the woolen mills of Lawrence, Mass.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

LAWRENCE, MASS., *July 5, 1912.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR: A new situation has arisen in this city since the late strike, and this is the large number of Portuguese Bravas from the Cape Verde Islands which are being brought to this city and placed in jobs formerly held by white men.

These Bravas work for very small wages, and are filling jobs formerly filled by Irish, French Canadians, and Poles. The Pacific Mills and American Woolen Co. are gradually displacing white men working in their storehouses with this cheap black labor.

Most of these Bravas, I am informed, arrive at New Bedford, Mass., in fishing packets which ply between the Cape Verde Islands and that port.

In view of the universal demand for some more rigid restrictions of immigration, it would seem that Congress might consider the advisability of entirely restricting the importation of these blacks, whose presence tends to lower American labor to a level where it can not compete with this class and exist under decent standards of living.

I am,
Very respectfully, STILLMAN EDWARDS.

Mr. POINDEXTER. There is not any dispute of those facts. There is not any possibility of successfully denying, so far as labor is concerned and its share in the tariff on wool, that it is the cheapest labor, that it is the most ill-paid and least able to protect itself of any labor in the world which can be obtained for the purpose. I understand those people from the Cape Verde Islands speak the Portuguese language. They are apparently descended from the African race, settled in a Portuguese possession, and are now being imported in large numbers to take the place of laborers who were getting less than $7 a week at the time Commissioner Neill made his examination of conditions in Lawrence, Mass.; and that there is a regular line of packets between the Cape Verde Islands and New Bedford, Mass., engaged in the business of bringing this cheap class of labor to displace the labor in the woolen mills, which we are supposed to protect by the tariff.

Mr. LIPPITT. Mr. President——

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

Mr. POINDEXTER. I do.

Mr. LIPPITT. The Senator refers to a line of packets which brings great numbers of laborers from the Cape Verde Islands. Does he know anything about the line of packets, the size of the vessels, their capacity, or how many voyages they make a year, or how many foreigners they bring in?

Mr. POINDEXTER. I know what was stated in this letter that I have had read just now from Mr. Stillman Edwards, who lives at Lawrence, who ought to know, and whom I consider a reliable authority.

Mr. LIPPITT. Well, he says a schooner, while the Senator says a line of packets.

Mr. POINDEXTER. He says a line of packets.

Mr. LIPPITT. I heard the letter read, and I understood it the other way.

Mr. POINDEXTER. I will read what he says on that subject:

Most of these Bravas, I am informed, arrive at New Bedford, Mass., in fishing packets which ply between the Cape Verde Islands and that port.

Mr. LIPPITT. Mr. President, I understand that the fishing packet is merely a fishing schooner that has been running from the Cape Verde Islands to New Bedford and to Rhode Island for two or three years. Its utmost capacity is perhaps 30 or 40 people, and, I think, it makes about four voyages a year, or something of that kind. I can not say exactly, but that is about the number of passengers the vessel can carry and about the number of voyages it makes. If the Senator thinks that that number of people poured into the great population of New Bedford or into the great manufacturing population of New England is a matter of such serious concern as he represents, I can only say that I differ very radically from him, and I imagine he can scarcely be aware of the size of the population in that vicinity.

Mr. POINDEXTER. I am thoroughly familiar with the size of the population of Lawrence, at least sufficiently so to know that it has something like 75,000 or 80,000 people and some thirty-odd thousand mill workers. But, aside from this letter of Mr. Edwards, I know from the statements of people on the ground that a large number of these Portuguese Bravas, as they are called, are already there. I am told that there are in the neighborhood of 20 different languages and dialects spoken by the mill employees in Lawrence. That is not American labor; it is not Irish labor; it is not labor from the northern countries of Europe; it is not French-Canadian labor; but it is the lowest class of labor that is imported into this country.

I presume it is the result of economic conditions. It is perfectly natural. It seems to me it would not be necessary to know the facts in this case in order to determine what the conditions were; if one knew that it was perfectly practicable for mill owners to import cheap labor and that the mills were managed by shrewd and selfish business men, he would know without investigation that they do import cheap labor and that they use cheap labor. No matter what the number of men brought in on these packets may be and whoever they may be, or whatever nationality they may belong to, we have report after report from the Tariff Board, from the Commissioner of Labor in his latest report and reports which he has made previously, and from the Immigration Commission, showing that the employees in the woolen mills of Massachusetts do not get their share or any share of the benefits of the tariff. I say that because their wages are based, apparently, upon the principle of paying them barely enough to live and work on. The great mass of laborers in these mills only get a sufficient wage to keep themselves and their families alive and in working condition, or, at least, large numbers of them do; and what benefit has come to them from a 200 per cent or 150 per cent prohibitory tariff?

I do not care to go into the details of these conditions, because it is not necessary; the facts are obvious to everybody; they are known to the country, and are repulsive to American standards. There seemed to be some disposition when a resolution was introduced here a short time ago to avoid these facts and the consideration of them by defeating the resolution of inquiry, by delaying its consideration, by preventing the report after it was made from being printed; by delaying the report after the order was made for it to be printed; but it is impossible to prevent these facts from going before the country. They are known to everyone; they can not but be considered and must be considered by the people.

Mr. SMOOT. Mr. President——

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

Mr. POINDEXTER. Yes.

Mr. SMOOT. I should like to know by what authority the Senator says that there was a delay in having the report printed after it was ordered printed?

Mr. POINDEXTER. I say it by my own authority.

Mr. SMOOT. I will say to the Senator that there was no order given, and the Senator has no right to make such a statement.

Mr. POINDEXTER. I did not say that there was any order given. The Senator seems to misapprehend what I said. I said that there had been a delay in printing the document. I was informed that it would probably be a month before it was printed.

Mr. SMOOT. There has been no delay.

Mr. POINDEXTER. Has it been printed?

Mr. SMOOT. The document will be printed just as soon as it is possible to prepare the cuts which are in the report. The Printing Office can not go to work and make those cuts immediately, and then the report embraces several volumes. The Printing Office is handling that work just the same as they handle every other report, and I say to the Senator now there has not been one single word said to the Public Printer to delay the publication of that work.

Mr. POINDEXTER. I am very glad to know that.

Mr. SMOOT. I think the Senator is absolutely unfair when he says that there was delay in ordering that report printed. I told the Senator just before he got up in his seat that I was going to ask that it be printed, and all I wanted to do was to comply with the law. The law provides that before any document is ordered to be printed the committee must find out what the cost of the work will be, and then ask Congress for authority to have it printed. A letter was sent to me and handed to me while in the Chamber, giving the amount it would cost to print the report. I called the Senator's attention to that estimate and was going to ask the Senate to order the printing of the report, even if the Senator had not been in the Chamber.

Mr. POINDEXTER. Has the Senator concluded?

Mr. SMOOT. I have.

Mr. POINDEXTER. I am very glad the Senator has made his statement and that was the only thing that was necessary in order to put in its proper light any statement which I made. I am going to state, however, in view of the statement which

the Senator from Utah has made, one or two additional facts in regard to that particular matter which I had not intended to state. What I did state and everything that I have stated is exactly true and in accordance with the facts. I say that when that resolution was introduced it was vigorously opposed, and it was unduly delayed, first, upon one excuse and then upon another excuse. Finally it was passed by the Senate and the report was submitted. I was not present when the report came into the Senate, and it was referred to the Committee on Printing. Now, I apprehend—and I may be mistaken about this, because I am not experienced in the Senate—that in the ordinary course a report called for by resolution of the Senate would be ordered printed without the mover of the resolution asking to have it printed, especially if he were not present when the report was submitted to the Senate.

Mr. SMOOT. Mr. President——

Mr. POINDEXTER. Just a moment. I accidentally found out that the report had been made to the Senate. I say "accidentally," because some friend happened to tell me about it.

I was not present when it was made. I still took it for granted it would be printed. I went to the Senator from Utah, however, some days afterwards, in order to assure myself upon that proposition, and the Senator, by virtue of his committee assignments and his experience and on account of the fact that he has assumed—and we are glad that he has assumed—the interest he has in these printing matters, informed me, here in the Senate, that the report would not be printed. The Senator from Utah stated to me that unless the Senate ordered the report to be printed it would not be printed.

Now, just a little further—a circumstance which the Senator from Utah refers to, when he called the attention of the Senate to the letter he introduced, occurred after I had made the motion in the Senate for an order to have it printed. I made that motion. The Senator from Utah did not make it. I do not think the Senator from Utah ever intended to make any such motion. I do not know that he was called upon to make it. I am only stating the facts in the case.

Mr. SMOOT. The Senator from Utah did not claim that he made that request, but he wants to say to the Senator from Washington that the Senator from Utah had no authority whatever to tell the Public Printer to print it until the Senate had ordered that it should be printed. The Public Printer would never in the world have printed any report—not this report only, but any report that may come in here—unless the Senate of the United States orders it printed. He has no right under the law to do so; he would violate the law if he undertook to do it; and I would not think, so far as I am concerned, as chairman of the Joint Committee on Printing, of ever giving an order that he should print a document unless the Senate or the House of Representatives so ordered.

Now, Senator, that is exactly the situation; and I do not think it is fair to try to make it appear that there was any disposition on the part of the Senate to prevent the printing of the report.

Mr. POINDEXTER. Of course, if I have done the Senator any injustice, I want to apologize to him for it. I was only reciting the actual occurrence that took place here and the inference I drew from it. I do insist, however, that there was the most unreasonable opposition, in my judgment, and, of course, that is a matter of opinion, to the passage of the resolution calling for an inquiry into the conditions in Lawrence, Mass.

Mr. SMOOT. I never had one thing to say about that, Senator. I never mentioned the passing of the resolution I just called attention to the fact that there had been no unnecessary delay in the printing of the report.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. The Senator has alluded to opposition to the resolution That opposition, so far as I was concerned, proceeded simply upon the ground that the resolution as originally introduced by the Senator proposed to send an official of a department here to investigate the government of Massachusetts, and the action which that government had taken in regard to certain disorders occurring in the city of Lawrence. I do not think that any State of the Union should be dealt with in that way, and I opposed the resolution on that account.

I had not the slightest objection to an investigation into conditions in Lawrence. I had taken part in making such an investigation two or three years before, and all the facts that have since been brought out here are substantially the same as the facts brought out by the agents of the Immigration Commission, of which I was a member, and who made that inquiry under the directions of the Immigration Commission for the purpose of finding out what were the conditions of the class of immigrants employed at very low wages in those mills and in the coal mines of Pennsylvania, and in one or two other places. Having taken part before in bringing that information to the attention of the public, I of course had no objection to its being done again.

I did object to the proposition of sending a member of a department down there to inquire whether the governor of Massachusetts and the officials of the State had done their duty in a case of disorder.

Now, one word more. At the very time when that resolution was pending in the Senate an investigation into the conditions in Lawrence was on foot ordered by the Bureau of Labor, and was then being conducted; and when this report came in it was the report made by that bureau, on its own initiative, without any reference to the resolution, and the inquiry was made, as a matter of fact, just as rapidly as it could have been made, for it was going on at the very time when we were discussing in this body the point of investigating the action of the State.

Mr. POINDEXTER. I think it started about that time, probably simultaneously, when we were discussing it, and the discussion probably had something to do with starting it, and I think the discussion and the facts that were brought out at that time, the publicity that was given to them, was responsible for the increase, a slight increase, it is true, but still an increase, in the wages of 125,000 mill employees, or approximately that number, in New England, which took place a very short time afterwards.

My recollection is that the Senator from Massachusetts has stated with perfect accuracy his position with regard to the resolution. He informed me he had no objection to it, and he interposed no objection to it, aside from the provision which he speaks of. At the same time what I said before is true as to the delay and objections made by other Senators, not by the Senator from Massachusetts.

Now, that is practically all I have to say in this matter. There is such a wide margin of excess in this schedule in all of its important items that it is unnecessary to discuss with nicety and detail the exact amount of the reduction. My opinion is that if the amendment which has been offered by the Senator from Iowa, which allows a protection of 45 per cent of the value of the raw wool is not a sufficient amount of protection, then the protective-tariff theory fails at that point.

I do not think that the protective policy ought to be carried any further than that. I do not believe that it ought to be possible in this country to tax the people of this country any higher than practically one-half the value of the raw article in order to foster the industry on our shores. I think that that is going to a great extent in creating artificial conditions under which industries can flourish in this country. The enterprise and ambition of our people will find occupation, and it is a great deal better that they should find it along natural lines; that they should find it in things to which the country is adapted and with the materials which are adaptable to be used than that we should go further than to tax a raw product 45 per cent of its value in order to encourage the industry.

Mr. SIMMONS. Mr. President——

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

Mr. POINDEXTER. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator has advanced from the point of his discussion to which I wished to call special attention.

The Senator a few minutes ago was discussing the wages paid in the woolen industry and referred incidentally to the wages at Lawrence, Mass. This morning, when I was discussing the same subject, I made the statement that this highly protected—probably the most highly protected—industry in the country was paying the lowest wages, except in one other industry, of any industry in this country. I understood the Senator from Utah——

Mr. POINDEXTER. Does the Senator now want to withdraw that exception?

Mr. SIMMONS. No; I do not. I understood the Senator from Utah to make the point that what I was saying had reference rather to women and children employed in this industry than to men.

In the hurry, I read this morning the wrong table from the book which I hold in my hand. I have it here, and I should like, if the Senator would permit me, to read from it.

Mr. POINDEXTER. I will conclude in a moment, and I would prefer, if the Senator is going to read from that book, that he would do so later.

Mr. SIMMONS. It is just a table.

Mr. POINDEXTER. Allow me to conclude.

Mr. SIMMONS. It is just a table supporting what the Senator has just stated.

Mr. POINDEXTER. Is it of any length?

Mr. SIMMONS. No; it will take only a minute to read it.

Mr. POINDEXTER. I will yield.

Mr. SIMMONS. I want to show the average amount of weekly earnings of male employees, not female, by general nativity and industry, 18 years of age or over—neither females nor children—in the various industries.

Agricultural implements and vehicles, $13.23; boots and shoes, $12.57; clothing, $14.59; collars, cuffs, and so forth, $12.58; copper mining, and so forth, $12.49; cotton goods, $11.60; furniture, $11.43; bottles, $16.87; plate glass, $12.86; tableware, $14.29; window glass, $15.58; gloves, $11.49; iron and steel, $16.54; iron-ore mining, $11.60; leather, $11.02; oil refining $14.83; silk dyeing, $12.46; silk goods, $12.89; sugar refining, $13.42; woolen and worsted goods, $11.62, it being the lowest weekly rate paid to male employees over 18 years of age of any of these enumerated industries, except that of cotton goods.

Mr. SMOOT. That proves what I said this morning, that the average rate per week, as claimed by the Senator as being paid to employees of the mills, was not of men.

Mr. SIMMONS. These are male employees, and only male employees, over 18 years of age.

Mr. SMOOT. I did not refer to the statement made by the Senator from North Carolina, and he did not hear what I said or he would not have objected to it.

Mr. SIMMONS. I did not hear what the Senator from Utah said.

Mr. POINDEXTER. The rate of duty proposed in the amendment offered by the Senator from Iowa on certain fabrics is:

> On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

And so on with an increasing tariff, contrary to the present system, upon the increasing value of the cloths, until there is provision for a tariff on cloths valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

It is perfectly obvious to anyone exercising common sense and having a reasonable knowledge of conditions in this country and of conditions in these manufacturing towns that the rates provided in the amendment proposed by the Senator from Iowa are in full compliance with any doctrine that was ever advocated by the Republican Party of a protective tariff for the benefit of manufacturers or for the benefit of laborers in their mills.

I regard the attitude taken in this matter as a dangerous one not only for the Republican Party, not only for the tariff, but for the system of government under which we live. If we continue indefinitely to ignore and repudiate the sentiment of the country, the deliberate judgment, the intelligent public opinion in these matters, then the whole system is bound to fail—not only the tariff system, but the Government itself—and will be supplanted by some other form of government that is more responsive to the public will, in which the machinery will be provided, as it is in every other country in the world that makes even a pretense of having self-government by which, when the people have decided upon a principle, that principle will be enacted into law and will become effective upon the conditions under which they live.

The people of this country are the ones who are affected by the tariff. There is not any constitutional authority or any principle of politics which would authorize a tariff for the benefit of a private individual. The only constitutional theory upon which a protective tariff can be based is that protection to the extent of encouraging manufactures in this country is for the public welfare; that the keeping of our money at home; that the establishment of industries and putting them upon an equal basis with the foreign competitor, affording occupation for our citizens, is in the interest of the general public. But if we pervert and prostitute that great principle into a system by which private individuals are benefited at the expense of the public, the system is absolutely wrong in its application, and it will not be very long tolerated by the people.

The people are finding means and making suggestions as to changes, not necessarily in the Constitution, but changes in the operation of the Government. Some people claim to be alarmed at this as though it were changing the fundamental form of government. It is not necessary to change in any respect, possibly, even the Constitution of this country in order to secure means by which the will of the people can be carried out in legislation.

It has been found in some States and is being found in other States, and I trust that before another election comes around—certainly before another presidential election comes around—that without any change—as it is said to be by the enemies of popular government and which I say is not necessary—in the fundamental form of the Government, agencies can be adopted by which such a situation as exists in the Senate here to-day will be impossible. After two campaigns and two elections, where the people have called for a reduction of this tariff, session after session of Congress, after information from the executive department, information from the Tariff Board, after the recommendation of the President who belongs to the party which is in control—all confirming the judgment of the people—all have been ignored because the interests which are concerned in these manufactures are opposed to the reduction. That is the only theory upon which I can conceive that action is refused.

The greatest advocate perhaps of the protective system that the Republican Party ever had, at least the one who was considered by the American people with more sympathy for his attitude upon the tariff than any other high-tariff advocate, was William McKinley; and the last speech that McKinley made was a recognition of the fact that conditions having changed in this country—the so-called infant industries having become adult, the American markets having become completely occupied—that the growth of this country, in population and in all the necessities for occupation, for opportunity, for activity, must have an outlet; that there must be means by which the people could support themselves and an opportunity of advancement; and he advocated a change or a modification in the policy of protection to the extent of cultivating foreign trade instead of making prohibitory schedules, for the opening up of commercial relations with other countries, for the proposition that we can not sell unless we buy, that there can not be a one-sided trade, a one-sided foreign commerce; that if we send our goods to foreign countries, we must exchange them for the products of those foreign countries who buy our goods, in order to enable them to buy.

I want to read just a few lines from Mr. McKinley's speech made at Buffalo, September 5, 1901. He said:

> We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
>
> What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.
>
> If perchance some—

Mark his attitude with reference to the tariff, in contrast with the attitude of those now in charge of the organization here of the Republican Party, an attitude which is opposed to any change. Mr. McKinley said:

> If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

He was not in favor of maintaining, against every argument and against every condition, a tariff enactment as an absolute prohibition of imports from foreign countries.

Our tariff policy ought to be based upon a rate which would put the domestic manufacturer and the foreign manufacturer upon an equal footing in the domestic market, not to give a monopoly to the domestic manufacturer, as is the theory of a great many advocates of excessive tariffs. I have heard it in the House; I have heard it in the Senate. The argument is constantly made, the facts constantly advanced, as to how many imports or if there are any imports into this country of a certain article; and if there are any imports, that fact is urged as a reason why the tariff should be raised. That is a prohibitive tariff. That is not a protective tariff. That is not the Republican policy. The Republican platform of 1908 laid down a certain principle, which has been discussed in the Senate—whether or not it was a correct or a workable principle—that the rate should be the difference between the cost of production at home and abroad.

The distinguished Senator from Iowa [Mr. CUMMINS] said to-day that he had thought that that was a practicable working proposition upon which a tariff could be framed, but that he found it to be illusive and impracticable. It is not altogether impracticable to the extent that it should be absolutely discarded. It seems to me that that is an important circumstance that ought to be taken into consideration, so far as it can be ascertained, and there are many other circumstances that ought to be taken into consideration by whatever body may be vested by law with the duty of fixing a tariff at a point where the domestic manufacturer and the foreign manufacturer meet upon equal ground.

The difference in the cost of production is an important consideration, but it may not be conclusive. I agree with the Senator from Iowa [Mr. CUMMINS] to the extent that it should not be considered to the exclusion of other circumstances. It is true that the amount of imports ought to be considered. If we find that the importation of foreign manufactures is reaching a point where they exclude home manufactures from the market, that is a circumstance which ought to be taken into consideration. The theory is all very well, but it is the observation of everyone that theories hardly ever work out, so far as the tariff is concerned, in practice, any more than they do in financial legislation. So we should apply a posteriori as well as a priori reasoning, and should profit by experience and learn from results. From a full view of all the conditions we should determine the rate which would place our manufacturer upon an equal footing with the foreigner.

If a tariff act has heretofore been passed upon a certain theory and we find when it is working out as a law that it has the effect of allowing Europe to occupy our market and crowd out our domestic manufactures, the fact that it is so doing is a fact to be taken into consideration in adjusting the tariff, if natural conditions are fairly favorable, so as to put our manufacturers back upon a footing where they can use their ingenuity and their ability under equal circumstances in competing with the foreigner.

Mr. President, the time to revise a tariff that needs revision is when the opportunity is presented. There was an opportunity upon the original passage of the Payne-Aldrich bill—that law which was said at Winona, Minn., to be the best tariff law that was ever passed, and recently described by the same high official in terms which make it appear to be one of the worst. There was another opportunity in the closing session of the Sixty-first Congress, which followed the election of 1910—which, under our system, was the old Congress—a system which I hope will be changed so that when the people have spoken the Congress which they have elected will make the law instead of the Congress which they have repudiated. But at that time the "titular" head of the party and the stand-pat organization still claimed that no further revision was needed, because of the superior virtues of the Payne-Aldrich bill. As a result of that procrastination and positive refusal to comply with the party platform and campaign pledges the complete power which the Republican Party then had over every department of the Government, over both branches of Congress, and the full opportunity which was then presented to it to fulfill the aspirations, the demands, and the commands of the people has fallen from its feeble hands forever.

Yet I remember that at a previous session of this Congress, through the efforts of progressive Republicans and Democrats, a reasonable revision of the wool schedule was passed by both Houses of Congress. An opportunity was presented then for what remained in the Government of the once magnificent power of the Republican Party, by lending assistance to this measure, to show that it was worthy of the trust which the people had bestowed upon it. The measure was opposed, however, by the Republican organization in the Senate and was vetoed by a Republican President upon the excuse that Congress did not have sufficient information, and that it should delay action until the Tariff Board should file its report. With what degree of good faith that excuse was made is indicated now when the report of the Tariff Board is before us, vindicating and justifying the reductions contained in the wool bill which was passed by Congress in 1911, and the Finance Committee of the Senate, in charge of this great measure, without further excuse, dumbly and sullenly refuses to propose a measure and to assist in guiding it through the difficulties of legislation incident to conflict of opinion and party.

While for the present the inaction of the Finance Committee and the threatened veto of the President suspend the operation of popular government, yet inevitably it will lead to a change in the system so that the control by the people over their system of revenue will be at least as effective as that of other enlightened nations of the world. Public opinion is fortunately still the most powerful, as well as the most intelligent, influence in the Nation, and this repudiation of the demands of the people as registered in two elections will intensify the resentment shown in 1910.

The Republican majority of the Senate now again has the opportunity to redeem the party pledges and keep faith with the people. It declines to act. Opportunity has knocked more than once, but this is its last call upon the "old guard" of the "interests" in this organization. It is "hail and farewell" to the occasion.

The Republican Party, once a great progressive party, born in the service of mankind, has become the unwilling instrument of special privilege in the law. The right of the public to determine the fiscal policy of the Nation has been surrendered to private greed. This betrayal of its faith by those it has placed in the seats of the mighty means the crucifixion, death, and burial of the Republican Party. Under this or some other name it will rise again; but it must and will be regenerated and reborn to the public service. For "that which thou sowest is not quickened except it die"; and that which is now "sown in dishonor" will be "raised in glory."

Mr. CUMMINS. Mr. President, just a moment more and I shall have concluded my observations upon this amendment.

I listened to the remarks of the Senator from Missouri [Mr. STONE], or a part of them, with a great deal of interest, and possibly with a great deal of profit. I am not much concerned about consistency. Long ago I came to the conclusion that if one went forward and did about what he believed to be right he can very well leave what he does from day to day to take its place with his history or his record without worrying himself much about consistency.

However, I think the Senator from Missouri is somewhat in error, and I believe he will be the first to acknowledge it when he makes a further examination of the subject.

I recognize that, as the proponent of this amendment, the position I occupy is not a very agreeable one. My friends upon the other side of the Chamber propose a revision of the tariff which is so low that I can not support it. My brother Republicans—or a great many of them—insist upon duties so high that I must at every opportunity denounce them. But I have gone forward a good many years, expressing my views from time to time, and I have the very highest confidence that somehow, somewhere, we will secure a revision of the tariff that will at once sustain the industries of the country with adequate protection and that will not burden the people of the country with excessive duties.

The Senator from Missouri referred to the bill introduced last year by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], and for which I very gladly voted. I believe it was a high exercise of wisdom and of study and of knowledge presented by the Senator from Wisconsin, and when the bill came before the Senate I very gladly voted for it. I believed it to be substantially right. It was not then just what I would have prepared had I undertaken the task, but on the whole it embodied the view which he entertained and which he vindicated with a wealth of learning and argument, and which I entertained as well.

There is not a great deal of difference between that bill and the one which I have proposed at this time. In some respects the ad valorem duties of that bill were lower than the duties of this amendment. In some respects the ad valorem duties there would be a little higher than the duties proposed here.

The particular difference I think lies in the duty on wool, and as I stated originally the duties of this amendment upon wool are higher than formerly proposed, and I gave the reasons which moved me to adopt the standard which appears in the amendment.

But I beg that the Senator from Missouri [Mr. STONE], and all the Senators upon the other side of the Chamber, will remember that three years ago, when we were discussing the wool schedule and when the subject was illuminated with the knowledge and eloquence of my late colleague, Senator Dolliver, he offered a series of amendments to this schedule. I have not examined those amendments recently and therefore I can not speak with absolute accuracy with respect to them, but as I recall it nearly every Senator, if not every Senator, upon the other side of the Chamber voted for those amendments to the report of the Committee on Finance, which after became the Payne-Aldrich law.

Those amendments received the concurrence of Senators upon the other side of the Chamber then, and I believe that they would receive the approval of Senators upon the other side of the Chamber now. Although, as I said a moment ago, I have not in memory the precise phraseology of those amendments, I venture the assertion that the amendment I have now pro-

posed is lower in every respect than the amendments proposed by my colleague, Senator Dolliver, three years ago, and which did receive the support of my friends upon the other side.

I am not criticizing the fact that you are not going to vote for my amendment now, because the subject arises under different circumstances. I realize that. There is before us a bill——

Mr. BACON. Will the Senator pardon me?

Mr. CUMMINS. Prepared for and which embodies the general doctrine of a tariff for revenue alone, but I was only trying to convince the Senators upon the other side of the Chamber that so far as I am concerned I have not changed my views one whit with respect to this subject.

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

Mr. CUMMINS. I do, gladly.

Mr. BACON. I want to call the attention of the Senator to the difference in the conditions. It is true the Senator is not mistaken when he says that practically all Senators on this side of the Chamber voted for those amendments offered by the late Senator from Iowa, Mr. Dolliver, to the wool schedule. I think that probably not more than one or two, if that many, of the Democratic Senators failed to vote for those amendments. But the Senator will recognize the fact that the statement was repeatedly made in the debates that we voted for those amendments not because the rates of duties proposed in them reduced in those particulars the customs duties to the point that we thought they ought to be reduced, but because they did reduce them below not only the existing law at that time, but reduced them below the bill which was before the Senate for action.

On the contrary, in this instance the bill before the Senate for action is one which has duties lower than those which are now proposed by the Senator from Iowa, even though they may be of no higher rates than those proposed by the late Senator from Iowa, or not so high. But when Senators on this side of the Chamber voted for the Dolliver amendments they were voting for that which was a reduction of rates below the rate proposed in the pending bill. In this instance, although the same rates, if you please, they are higher than the rates proposed in the pending bill, and therefore while Democratic Senators then voted for the amendments they are not inconsistent, but, on the contrary, are entirely consistent when they now vote against the same amendments, because the amendments which in that case would lower the rates of the pending bill in the present case will raise the rates of the pending bill.

Mr. CUMMINS. Mr. President, the Senator from Georgia——

Mr. STONE. Will the Senator from Iowa permit me?

Mr. CUMMINS. Has stated in much better form precisely what I attempted to state. The circumstances are different. I am not attempting to charge any inconsistency.

Mr. BACON. The Senator will——

Mr. CUMMINS. I am simply suggesting that the taunt that there is any inconsistency here on the part of the proposer of this amendment or on the part of the progressive or insurgent Senators is as baseless as the charge would be that there was any inconsistency on the part of our Democratic friends. Does the Senator from Missouri desire me to yield to him?

Mr. STONE. I wish to make an observation in addition to what the Senator from Georgia has said. The substitute proposed by the Senator from Iowa, as I said a while ago, came so late that Senators on this side and Senators generally have had practically no opportunity to examine it critically, but so far as I have been able to examine it, it proposes rates materially higher than the rates proposed in the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE] at the extraordinary session last year and finally adopted by the Senate, and which the Senator from Iowa supported, giving to it his valuable and able support from start to finish.

In saying this I do not criticize the Senator from Iowa. He has very well said that he lets every day take care of itself and is not much concerned about consistency. With that statement I do not join issue. It is a matter that every Senator and every man determines for himself; but if it be true that the rates now proposed by the Senator from Iowa are in excess of those proposed last year by the Senator from Wisconsin, which received the sanction of the Senator from Iowa, I wondered why the Senator from Iowa at this time proposed a higher rate of taxation.

Mr. CUMMINS. Mr. President, the amendment was prepared after some study of the Tariff Board report, and it contains my conclusions respecting that report. Far be it from me to claim infallibility in such matters. I am very glad to concede that others may be perfect, but I claim no such quality for myself.

I regret exceedingly that those who want to reduce the tariff to the protective point seem to find no opportunity to carry into effect their desire.

It is one of the unfortunate things that attend this subject. I do not know that there is any way to avoid it. I can not go and will not go below what I regard as the protective point, and there seems to be no way of uniting on a bill that will be a reduction of existing rates and which retains the protective principle.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Iowa.

Mr. GRONNA. I wish to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from North Dakota will state it.

Mr. GRONNA. Am I right in assuming that the amendment offered by the Senator from Iowa will be treated as a substitute, and if that substitute is adopted that we can offer further amendments to it?

The PRESIDENT pro tempore. Unquestionably.

Mr. CUMMINS. I so understand or I would——

Mr. SIMMONS. I did not understand what the inquiry of the Senator from North Dakota was.

Mr. CUMMINS. Or I would have removed what I have been convinced is an error in the bill and which was suggested by the Senator from Oregon. If the Senate votes to substitute my amendment for the House bill, I then intend to offer an amendment transferring the hair of the goat from class 2 to class 1.

The PRESIDENT pro tempore. For the information of the Senator from North Carolina [Mr. SIMMONS], the Chair will state that the inquiry of the Senator from North Dakota was whether, if the substitute should be agreed to, it would be amendable.

Mr. SIMMONS. The Cummins substitute?

The PRESIDENT pro tempore. Yes.

Mr. CUMMINS. Upon the amendment I ask for the yeas and nays.

Mr. BACON. Did I understand the Chair to say that if the Cummins substitute were adopted it could be amended, or that the bill generally could be amended?

The PRESIDENT pro tempore. If the substitute were adopted it would then become the bill.

Mr. BACON. Well, Mr. President, I did not understand that the amendment of the Senator from Iowa struck out all of the pending measure. I have not had an opportunity to examine it very carefully.

The PRESIDENT pro tempore. It proposes to strike out all after the enacting clause.

Mr. BACON. I want to suggest, with the permission of the Chair, that if the substitute is adopted it could not thereafter be amended until the bill gets into the Senate.

Mr. LODGE. It can be amended in the Senate, of course.

Mr. BACON. Yes; but not before.

The PRESIDENT pro tempore. That is correct. The Senator from Iowa demands the yeas and nays on his amendment.

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]. In his absence, I withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of personal illness. He, however, is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay." I will let this announcement stand for the day.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is absent from the city. He is paired with the Senator from Oklahoma [Mr. GORE]. If he were present, my colleague would vote "nay."

Mr. MARTINE of New Jersey (when the name of Mr. DAVIS was called). I am requested to state that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. Were he present, my colleague would vote "nay."

Mr. LIPPITT (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA]. I will transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing positively how he would vote on this question, I will withhold my vote.

Mr. WILLIAMS. Mr. President, I think myself authorized to announce that if my colleague were present, he would vote "nay."

Mr. McCUMBER. Upon that assurance I will vote. I vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If he were present, the Senator from Oklahoma would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). The senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. I am authorized to say that if the Senator from Maryland were present he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. Were he present, my colleague would vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and should not vote had it not been for the statement of the senior Senator from Indiana [Mr. SHIVELY], just now made, that if his colleague were present he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. Do I understand his colleague to say that were he present the Senator from Delaware would vote "nay"?

Mr. DU PONT. I made that statement.

Mr. SMITH of South Carolina. Upon that assurance, I shall vote. I vote "nay."

Mr. WARREN (when has name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is ill and absent from the city. I therefore withhold my vote.

The roll call was concluded.

Mr. BRISTOW. I am requested to state that the Senator from Nebraska [Mr. BROWN] is absent and is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. BRADLEY. Did I understand the Senator from Indiana to say that he was authorized to state that the Senator from Maryland [Mr. RAYNER], with whom I am paired, if present would vote "nay" on this question?

Mr. SHIVELY. I made that statement.

Mr. BRADLEY. I am paired with the Senator from Maryland [Mr. RAYNER]; but as he and I agree on this question I will vote. I vote "nay."

Mr. JOHNSTON of Alabama. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present he would vote "nay."

Mr. LIPPITT. I announce that my colleague [Mr. WETMORE] is necessarily absent from the Chamber on business of the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 14, nays 57, as follows:

YEAS—14.

Borah	Crawford	Kenyon	Townsend
Bourne	Cummins	La Follette	Works
Bristow	Gronna	Nelson	
Clapp	Jones	Poindexter	

NAYS—57.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Gallinger	O'Gorman	Smith, Mich.
Bankhead	Gardner	Oliver	Smith, S. C.
Bradley	Guggenheim	Overman	Smoot
Brandegee	Heyburn	Page	Stephenson
Briggs	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Penrose	Sutherland
Burton	Lippitt	Perkins	Swanson
Catron	Lodge	Pomerene	Thornton
Chamberlain	McCumber	Reed	Tillman
Clark, Wyo.	McLean	Root	Watson
Culberson	Martin, Va.	Sanders	Williams
Dillingham	Martine, N. J.	Shively	
du Pont	Massey	Simmons	
Fall	Myers	Smith, Ariz.	

NOT VOTING—23.

Bailey	Cullom	Gore	Rayner
Brown	Curtis	Hitchcock	Richardson
Burnham	Davis	Kern	Smith, Md.
Chilton	Dixon	Lea	Warren
Clarke, Ark.	Foster	Owen	Wetmore
Crane	Gamble	Percy	

So Mr. CUMMINS's substitute was rejected.

Mr. PENROSE. Mr. President, the Committee on Finance some time ago directed the report adversely of the House wool bill. It was understood in committee and, I believe, by the Senate that the majority reserved the right to prepare a substitute bill should they be able to do so in time for action at this session of the Senate. By many it was assumed that it was the duty of the Republicans to frame a bill, because as to the wool schedule the Tariff Board had presented an elaborate report. After many conferences with members of the committee and with Senators not members of the committee on the Republican side it has been possible to reconcile many differences. I now present an amendment for the consideration of the Senate as a substitute for the House bill, and I sincerely hope, while it may not meet the views of all, that it may command the full support of the Republican vote in the Senate. After the bill is read I shall make a brief statement to the Senate explaining its character.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Pennsylvania will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1; that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also hair of the camel, and all wools not hereinafter included in classes 2 and 3.

3. Class 2; that is to say, the hair of the Angora goat, alpaca, and other like animals.

4. Class 3; that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of merino or English blood from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act invoiced or entered as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool or hair of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

8. The duty on all wools and hair of class 1 and class 2 shall be laid upon the basis of their clean content. The clean content shall be determined by scouring tests, which shall be made according to regulations to be prescribed by the Secretary of the Treasury. The duty on all wools and hair of class 1, imported in the grease, shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 20 cents per pound on the clean content, as defined above. The duty on all wools and hair of class 2 imported in the grease shall be 13½ cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 15½ cents per pound on the clean content, as defined above.

9. The duty on all wools and hair of class 3 imported in their natural condition shall be 7 cents per pound; if scoured, 14 cents per pound: *Provided*, That on consumption of wools and hair of class 3 in the manufacture of carpets, druggets and bookings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools or hair of class 3 upon which duties have been paid there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools or hair of class 3 contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

10. The duty on wools on the skin shall be 1 cent less per pound than is imposed in this schedule on other wools of the same class and condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

11. Top waste and slubbing waste, 25 cents per pound.

12. Roving waste, ring waste, garnetted waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section, 20 cents per pound.

13. Noils, carbonized, 14 cents per pound; not carbonized, 11 cents per pound.

14. Thread waste, yarn waste, 9½ cents per pound.

15. Shoddy and wool extract, 10 cents per pound.

16. Woolen rags, flocks, and mungo, 5 cents per pound.

17. Combed wool or tops, made wholly or in part of wool or hair, 28 cents per pound.

18. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 28 cents per pound.

19. Worsted yarns composed wholly or in part of wool, advanced beyond the condition of singles by twisting two or more single yarns together, shall be subject to duty at the following rates, namely: On No. 40, 41 cents per pound, and two-fifths of 1 cent per pound additional for every number in excess of No. 40, or one-fourth of 1 cent per pound reduction from 41 cents for every number less than No. 40 to and including No. 12; single worsted yarns shall pay 5 per cent less duty than that imposed by this paragraph on two or more single worsted yarns of corresponding number twisted together. Woolen yarns in singles or two or more yarns twisted together shall be subject to a reduction of 7 cents per pound from the duties imposed by this paragraph on corresponding numbers of single or twisted yarns. All of the above when bleached, dyed, colored, stained, painted, printed, gassed, or singed shall pay 3 cents per pound in addition to the other duties prescribed in this paragraph. The word "number" appearing in this paragraph, whether applied to woolen or worsted yarns, shall be taken to mean 560 yards of single yarn to the pound.

20. On cloths, knit fabrics, flannels, felts, and all manufactures of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 20 cents per pound, the duty shall be 12 cents per pound, and in addition thereto 25 per cent ad valorem;

Valued at more than 20 cents and not more than 30 cents per pound, 16 cents per pound, and in addition thereto 35 per cent ad valorem;

Valued at more than 30 cents and not more than 40 cents per pound, 20 cents per pound, and in addition thereto 35 per cent ad valorem;

Valued at more than 40 cents and not more than 50 cents per pound, 24 cents per pound, and in addition thereto 45 per cent ad valorem;

Valued at more than 50 cents and not more than 60 cents per pound, 28 cents per pound, and in addition thereto 45 per cent ad valorem;

Valued at more than 60 cents and not more than 80 cents per pound, 32 cents per pound, and in addition thereto 50 per cent ad valorem;

Valued at more than 80 cents per pound, 35 cents per pound, and in addition thereto 55 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 65 per cent ad valorem.

21. On blankets composed wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound, and in addition thereto 25 per cent ad valorem;

Valued at more than 30 cents and not more than 40 cents per pound, 18 cents per pound, and in addition thereto 30 per cent ad valorem;

Valued at more than 40 cents and not more than 50 cents per pound, 22 cents per pound, and in addition thereto 30 per cent ad valorem;

Valued at more than 50 cents per pound, 26 cents per pound, and in addition thereto 35 per cent ad valorem:

Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

22. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character, of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, the duty shall be 7 cents per square yard; on women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be 11 cents per square yard, and in addition thereto on all the foregoing 50 per cent ad valorem: *Provided*, That on all the foregoing weighing over 4 ounces per square yard the duty shall be the same as imposed by this schedule on cloths.

23. On clothing, ready-made, and articles of wearing apparel of every description, except such as are knitted, made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries, and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, 65 per cent ad valorem.

24. On knitted wearing apparel of every description, and all knitted articles and manufactures thereof, valued at 80 cents per pound or more, composed wholly or in chief value of wool, 24 cents per pound, and in addition thereto 45 per cent ad valorem; if valued at less than 80 cents per pound, 24 cents per pound, and in addition thereto 35 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 60 per cent ad valorem.

25. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913.

Mr. PENROSE. Mr. President, many Senators assume that part of the unanimous-consent agreement would preclude any amendments being offered to the pending measure. The amendment of the Senator from Iowa [Mr. CUMMINS], however, was offered yesterday, and it was only this afternoon that I was in a position to offer the amendment which has just been read. For this reason, and on account of the lateness of the hour, it is obviously impossible for me to furnish the Senate with full information and data as to the reductions in this amendment. But I have a statement which has been very carefully prepared and I will ask the Clerk to read it. It is short, and I invite the careful attention of the Senate to it. It is in the nature of a report on the bill, I may say, Mr. President.

The PRESIDENT pro tempore. Without objection the statement will be read.

The Secretary read as follows:

"This amendment is an attempt to make the duties on wool and woolens conform as nearly as possible to the information on that subject which has been furnished in the recent report of the Tariff Board. Schedule K, on account of having a duty on the raw material (wool) and also on the finished product (cloth), has always presented great difficulties. The problem has been how to divide into their respective classes the great variety of articles to which the duties apply and still have rates that would be adequately protective to all articles without being excessive as to some.

"In this amendment, by following the suggestions of the Tariff Board and putting the wool duty on the clean contents of the wool instead of on the wool in the grease, it has been possible to write a measure in which the duties on cloths have been much more evenly distributed than in the present law. The Republican members of the Finance Committee, therefore, are able to present an amendment which they believe has a lower range of duties on all manufactured products, and in no case, so far as they have been able to study the subject, increases the duties. On cloths, for instance, the duties have been reduced from in the neighborhood of 10 per cent on the high-priced and expensive fabrics, which may be classed as luxuries, to as much as approximately 125 per cent on the lower and cheaper grades. On blankets of the higher grades there are reductions running from 12 per cent to 24 per cent and on some of the cheaper qualities, where the value runs from 30 cents to 40 cents per pound, the present duties in many cases have been almost cut in half. The duties on yarns show a reduction of from 8 per cent to 45 per cent under the different conditions of the market. In the same way the duties on tops will show reductions running from 35 per cent to a little over 50 per cent. In spite of these very considerable reductions as applied to the different schedules of the bill, it is believed it will still afford adequate protection to the two great industries—woolgrowing and wool manufacturing—and that if it should be enacted into law, it would enable both the farmer, the manufacturer, and wage earners engaged in this industry to continue to derive their livelihood from those pursuits in which they have been so long engaged and at the same time meet the demands on the part of the consumer for a revision of this schedule."

Mr. WILLIAMS. Mr. President, the spectacle of the Senator from Pennsylvania [Mr. PENROSE] in the rôle of a tariff reformer is so astonishing that I hope we will be forgiven for trying to get some further information about the amendment which he has offered. We could not follow it in the way one could follow one of the old bills and make any sort of comparison. The statement which he has made is, to say the least of it, very scant.

I do not know when the amendment was submitted to the Senate. It is rather a curious thing that the leader of that element of the Republican Party which has been contending most strenuously for taking plenty of time in reforming a great system which spells prosperity or disaster to the industries of the Nation should have gotten into such a hurry at this particular crisis. I do not think the amendment has been submitted very long. I would ask the Senator from Pennsylvania how long?

Mr. PENROSE. The amendment has never been introduced in the Senate as a bill. It was not until this morning that I received authority from my colleagues to present it to this body.

I am not posing as a tariff reformer, Mr. President, as the Senator from Mississippi [Mr. WILLIAMS] would assume, and, therefore, I hope he will recover from his shocked sensibilities. I have deferred to the judgment of a large number of my colleagues, who thought that because the Tariff Board had reported it was incumbent upon them to present, if possible, a measure to the Senate. Others thought that, as they did not have control in any way of the other branch of Congress, it would be labor thrown away, and that the time might be devoted to better matters in closing up this session, and that it would be useless to frame a measure.

But this amendment is the result of a general conferring and reconciling of many differences. It is based on the report of the Tariff Board. It is a measure of fair protection and yet a revision downward.

We all concede that Schedule K has been upon the statute books for many years without practically any change. Practically since the McKinley bill the schedule has remained as it is, with a few minor alterations. All of us admitted that it was preeminently the schedule which at an early practical

moment ought to be taken up for revision. Whether this is the early practical moment or not I do not know. But it represents the views of Senators, not the views of any particular Senator, because some would have the revision lower and some would not have it as low as it is, but it represents the general thought of those on this side of the Chamber, on behalf of whom I, as chairman of the committee, have introduced the amendment.

Mr. WILLIAMS. Mr. President, when I intimated that this action was rather sudden I did not mean to question any motive. I would not regard it as sudden on the part of some people, but coming from the source whence it does come it seems to me to be rather quick action and the rather volcanic injection into the Senate of new matter.

It is sudden for the Senator from Pennsylvania, at any rate. I remember once Col. Lamar said that somebody came to him and told him that a certain old lady in Mississippi was dead. He said, "Is she? Why, she must have died very suddenly. I had not heard of it. Did she?" The answer was, "Yes, Colonel; she died very sudden for her. She was about three years at it, with the consumption." [Laughter.]

Moreover, Mr. President, I did not say that the Senator from Pennsylvania had been posing as a tariff reformer. To pose involves some factor of voluntary action. A man can not pose without posing of his own free will, posing purposely, posing because he wants to pose. I said that the Senator from Pennsylvania was rather astonishing me by undertaking to act in the rôle of a tariff reformer. I perfectly well understood that that acting was not voluntary at all, but that many months of popular revolt and popular indignation had finally driven him and his colleagues upon the Finance Committee into reluctantly undertaking the rôle of tariff reformers. I acquit the Senator from Pennsylvania of all willingness to play the part. I confess, as must every fair-minded man in America, that he has been driven and coerced into playing the part.

I am glad to know from what he just said that this is a revision downward and not a revision upward. I have not had time to examine the bill. I do not know whether it be a revision downward after the manner of the Payne-Aldrich bill—that is in a Pickwickian sense—or whether it be a real revision downward, but I am willing to take the assurance that it is somewhat downward. The Senator from Pennsylvania has not favored us with the information as to how much it was downward, about what percentage ad valorem of reduction would be made in his bill as compared with the existing law, but at some future time I know he will do that.

Mr. PENROSE. Mr. President——

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

Mr. WILLIAMS. I do.

Mr. PENROSE. If the Senator will permit me, I will state for the information of the Senator and for the information of the Senate that I hope to have put in the RECORD at a very early date the data which will show the changes which this bill has in view, and which data will be in ample time for the consideration of the measure before it is finally disposed of, if it is ever finally disposed of.

Mr. WILLIAMS. I am delighted even to hear that at some time in the future, after the Senate shall have voted upon the pending measure, there shall be data placed in the RECORD to enlighten the minds of those who have already acted. It reminds me a little of a man who was once president of a club to which I belonged. A point of order was made. The members of the club undertook to debate it, whereupon the president, with a magnificent intelligence, which I always remembered, said, "Boys, suppose you just let me decide the point of order now. I am in a hurry. Then you boys can go on debating it after I have gone home." [Laughter.]

There is another point of information I should like to get from the Senator from Pennsylvania. I know he will be pleased to give it. All people who are acting a novel rôle are delighted to show that they are masters of their part. I would like to ask the Senator from Pennsylvania if this should become a law whether any duties would be left which are over 100 per cent?

Mr. PENROSE. Mr. President, the Senator has just heard the bill read, and I will leave the question of duties to him.

Mr. SMOOT. I can answer the question, if the Senator desires.

Mr. WILLIAMS. Next after the possibility of getting the information from the Senator from Pennsylvania I would be delighted, as an actuality, to get it from the Senator from Utah.

Mr. SMOOT. Just as soon as the Senator concludes his remarks I shall call the attention of the Senate to the reduction in percentages of the great bulk of the articles.

Mr. WILLIAMS. The Senator from Utah will pardon me. What I asked is whether, if this proposed bill should become a law, there would be left any items contained in it upon which the import duties would be over 100 per cent.

Mr. SMOOT. There will not be an item in which the duties are 100 per cent.

Mr. WILLIAMS. If that is the case, then, Mr. President, Saul hath indeed seen light, because some of the present duties are one hundred and ninety-odd per cent; and it turns out that the Democratic Party, with the people of America behind them, have forced reluctant stand-pat Republican Senators into a reduction, upon some items at any rate, of over 90 per cent of the original duties. At this rate it will not be long before we are all tariff reformers.

Mr. STONE. Will my friend pardon me there a moment? He is speaking of the reductions made in the proposal now pending. The Senator from Mississippi says that the Democrats, with the people behind them, will force our friends on the other side reluctantly to reduce rates on many articles 90 per cent.

Mr. WILLIAMS. No; to act in the rôle of reducing.

Mr. STONE. To act in the rôle of reducing 90 per cent.

Mr. WILLIAMS. From 190 up to less than 100 per cent in some schedules. The Senator is very correct.

Mr. STONE. The statement which the Senator from Pennsylvania dignified as being the report of the majority of the Finance Committee on this measure was that in some instances the reduction was as much as 125 per cent. I was wondering how much was left after the 125 per cent reduction had been made.

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. I am willing to yield for an explanation, but I take it the Senator from Pennsylvania did not mean that 125 per cent of the existing duties had been removed, because, of course, that would bring it down to zero minus 25 per cent. I do not know just what was meant by it, and it might be well, we have time enough, that the Senate should be enlightened upon what was meant by that expression. I understand that when you reduce a thing 125 per cent——

Mr. BACON. It means 25 per cent bounty to the importer.

Mr. WILLIAMS. I understand that when you reduce a thing 100 per cent you abolish it, you cancel it. I expect the Senator from Georgia is right. The reduction of 125 per cent means that we give the foreign producer 25 per cent of the import cost of these articles.

Mr. LIPPITT. Mr. President——

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

Mr. WILLIAMS. I do.

Mr. LIPPITT. I think perhaps I can explain what is meant by a reduction of 125 per cent, about which the Senator from Mississippi and the Senator from Georgia are so humorous. I really do not see anything extraordinary in the fact that it is possible to reduce 125 per cent.

The Senator from Mississippi says that there are some duties that were 190 per cent. If they were 190 per cent it is evident that it is very easy to reduce them 125 per cent. As a plain matter of fact, some of the duties were 215 per cent in the present law, and those duties have been reduced 125 per cent, making them about 85 per cent in those particular instances. So that explanation seems to be clear enough.

Mr. BACON. If the Senator from Rhode Island will permit me, he may be very strong on other subjects, but he is not on mathematics. That will not do.

Mr. WARREN. I should like to hear why not.

Mr. LIPPITT. It is a matter of mere mathematics.

Mr. WARREN. I would like to have the Senator state it.

Mr. WILLIAMS. I believe I have the floor.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Mississippi is entitled to the floor.

Mr. WILLIAMS. We now understand what was meant, and as we are dealing together in brotherly love we do not care to be hypercritical. I merely want to know what was intended to be conveyed to the human intelligence. It turns out now that what was intended to be conveyed was that certain duties, amounting to 190-odd per cent, would be reduced by 125, leaving a duty of 65 per cent, or 60 per cent if it is more than 190. But still, of course, it remains true that nothing which ever existed can be reduced 100 per cent.

What percentage 125 would be of 190 I have not time to calculate, but it certainly would be less than 100 per cent, so that a duty of 190 reduced to 125 would not be a reduction of 125 per cent nor a reduction of 100 per cent, either. It would be whatever percentage 125 constitutes of 190.

Mr. WARREN. Will the Senator permit me?

Mr. WILLIAMS. Certainly.

Mr. WARREN. One hundred and ninety per cent, we will say, on $100 would be $190, or 190 per cent, would it not? Now, to reduce that duty of 190 per cent by taking off 125 per cent upon the first initial or the hundred dollars upon which we base the percentage would, of course, be 125 per cent from 190 per cent. There is no trouble about that. [Laughter.]

Mr. WILLIAMS. Mr. President, this is the first time in my life that I have ever been able to comprehend the confusion of intellect of these same men, otherwise quite honest and quite right, who are high protectionists. It is no wonder now that the American Nation under their leadership has been for years running around in a perfect labyrinth incomprehensible to itself and incomprehensible to the constructors of the labyrinth even.

Mr. President, there are many things to be rejoiced over in an erring and sinful world. One of them is that—

> While the lamp holds out to burn
> The vilest sinner may return.

The entire Republican Party now is composed of party reformers. There is a difference only in degree and not of kind. The Senator from Iowa [Mr. CUMMINS] has this morning announced his position. I think a fair statement of it would be that he thinks a tariff duty ought to be high enough to put the American producer upon an equal footing with the foreign producer in the American market—if I understood his position—and then having made the two equal, one with the other, leave them to struggle with their wits and with their respective energies in the great industrial competition that would follow, meanwhile hoping that the consumer out of this competition would get something of his due. That is one view.

The Senator from Wisconsin [Mr. LA FOLLETTE] at the last session introduced his bill upon this very subject, and I suppose that that is his view, too, expressed in a general view, but it just so happens that the differences in percentages of duties levied are rather serious, showing that it is hard for men to agree where the equal footing line is.

So we come, then, to one reform and then to the greater reform, and various shades between these two may be held to express what would be the result of the action of the Progressive Republican mind.

Now, as to the stand-pat Republican mind, we have various positions there too. I think it is but fair to say that the position of the Senator from Idaho [Mr. HEYBURN], if I understand it, is about this: He would not have duties excessive, but he would have them high enough to see to it that not one dollar's worth of anything produced by a foreign producer ever could get into the American market. If I understand his position, that is about it. He seems to think that the Government showers with a free hand largess of prosperity to the people. He seems to think that when you cut down a tax you have deprived somebody of an inalienable and natural right to live and prosper by virtue of the tax.

The position of the Senator from Idaho reminds me of nothing quite so much as the plank in the platform upon which Tittlebat Titmouse ran for Parliament. The plank was drawn up by Oily Gammon and was worthy of Oily Gammon in his palmiest days; it was so simple, so short, so easy to comprehend. He promised, if elected to Parliament, to introduce a bill to give everybody everything without costing anybody anything.

So the Senator from Idaho seems to imagine that in some way the Government can give everybody everything that everybody wants without costing anybody anywhere anything. All you have got to do is to let a man choose what pursuit he would like to follow in the world, and then determine how much tax it would take to enable him to follow that pursuit without any great strenuous exertion, because he insisted upon that. He wanted an ample margin, and then let the Government fix the tax so high that the pursuit chosen by him as his pursuit upon this mundane sphere might be followed up with abundant and easy prosperity without too much exertion and without too much strenuous thought.

That is the highest superlative degree of the stand-pat Republican protective theory. I did not know that they ran their adjectives in any degree except superlative until to-day. I thought that in their opinion a tariff tax fails just exactly in proportion to its failure to cut out the importation of articles made by a foreign producer; that if it let in $100,000 worth, it failed $10,000; and if it let in 10 cents worth, it had failed, too, only it had failed in a lesser degree. But still as a great stand-pat Republican structure it was a failure to some extent at any rate. The Senator from Idaho has informed us that to cut off the prosperity by refusing taxes to any extent at all is a crime against the people, the only difference being that when you make a large cut you have committed a large crime and when you have made a small cut you have committed a small crime. Give everybody everything without taking anything from anybody, make the producer prosper by governmental fiat, adding to his profit by law, without getting the profit from anybody in the world.

Of course, I shall not criticize the Senator from Idaho; no man would dare do that, but it does seem to my poor, weak intellect that parliaments and congresses are not Jehovah, and that they can not create manna and decree that it shall be rained down from heaven. I do not know of any way of giving one man, by operation of law, money to put in his pocket except by taking that money from somebody else by the operation of the same law. If anybody be wiser than I and knows better, I apologize for my ignorance. But up to this good day I have never heard of any way of giving everybody everything without taking from somebody somewhere. So much for that.

Now, we have not got to the positive degree yet, but we have got to the comparative degree, and that is expressed, although expressed reluctantly, by the Senator from Pennsylvania [Mr. PENROSE] and by the Senator from Utah [Mr. SMOOT] in the pending bill. God save the mark, Mr. President! I understand, or I infer, rather, from what was said by the Senator from Pennsylvania that even you yourselves have expressed the comparative degree of tariff reformation and have indorsed this bill. I am not, however, astonished at that as I am at the spectacle of the Senator from Utah, the great apostle in the great temple of his protectionism, whose voice has been heard ringing through the circumambient atmosphere in protection of the vested rights of tax-created prosperity from the day he entered the Senate down to this good day. Great must have been the prodding of the bayonets in the rear, great must have been the weight of vox populi upon the Republican diaphragm to have produced this amendment from that particular source.

Mr. SMOOT. Mr. President, it is a rather strange spectacle to see the trouble, annoyance, and discomfiture of our Democratic friends because of the fact that there has been a measure introduced in the Senate correcting some of the high rates in the wool bill that have never been taken advantage of by any woolen manufacturer.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a moment, I hope the Senator has not understood that I was expressing any discomfiture.

Mr. SMOOT. Very much so. I thought it was evident from the remarks of the Senator from Mississippi, as well as those of the Senator from Missouri.

Mr. WILLIAMS. On the contrary, I was expressing pleasure.

Mr. SMOOT. I think the action was quite unexpected and evidently has upset them. I have listened to the remarks of the Senator from Mississippi with a great deal of pleasure, because they have not touched the question of the tariff at all and have just been made up of a lot of sentences that amount to nothing. I can call the Senator's attention to the fact that Oily Gammon is living in this age, if I am not mistaken, for if the Senator will read the Democratic platform adopted at Baltimore he will find that Oily Gammon has virtually written that platform. Mr. President, I am going to take up in just a few words the main reductions that this amendment proposes, but before doing so I want to answer the question——

Mr. STONE. Is the Senator's reference to Oily Gammon personal?

Mr. SMOOT. I want to answer the suggestion as to the rate of 190 per cent or 200 and some odd per cent.

Mr. STONE. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. STONE. When the Senator speaks of Oily Gammon having written the platform at Baltimore, does he mean to be personal?

Mr. SMOOT. No; I mean, Mr. President, that that platform has promised everybody everything without costing anybody anything, as nearly as any platform that I ever saw written by any party.

Mr. CLAPP. Mr. President——

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

Mr. SMOOT. I yield to the Senator.

Mr. CLAPP. I ask the Senator if this [indicating] is the amendment now under consideration?

Mr. SMOOT. I think that is the amendment.

Mr. CLAPP. This amendment appears to be dated "June, 1912," and it is less than half an hour since I, for one Senator at least, have been able to secure a copy of it.

Mr. McCUMBER. Mr. President——

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

Mr. SMOOT. I yield.

Mr. McCUMBER. I want to ask the Senator from Minnesota at what time was the amendment that we just voted down presented to the Senate?

Mr. STONE. Yesterday.

Mr. McCUMBER. What complaint is there, then, if one was presented only yesterday and another one comes in to-day? I want to say to the Senator that the amendment is not proposed by the Committee on Finance. Any Senator has a right at any time to draft an amendment and offer that amendment.

Mr. CLAPP. Mr. President——

Mr. McCUMBER. Notice was given the full committee by the majority members of the Finance Committee that they might or they might not, acting individually or collectively, bring in a bill. The act of any one of them is not the act of the committee, and each and every one of them has a right to propose an amendment now or at any time without any preconsideration.

Mr. CLAPP. Mr. President——

Mr. SMOOT. Mr. President, I believe it will be very much better for me to say in just a few words here in explanation of the amendment——

Mr. CLAPP. Before that is done, inasmuch as the question was asked me, I ask for an opportunity to answer it.

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

Mr. SMOOT. I yield.

Mr. CLAPP. In the first place the amendment of the Senator from Iowa [Mr. CUMMINS] was before the Senate a sufficient time for a Senator to take that amendment and compare it with the existing law. In the next place, the Senator from Iowa did not bring his amendment before the Senate with the declaration that it was practically a party measure and he hoped it would be supported by the party; and that, too, with less than half an hour in which to consider the amendment. At that I only got a copy by solicitation.

I am told by the Senator offering it that this is the result of a conference on the part of the committee, and it is to be hoped that every Republican will support the measure. There is a difference between an individual offering an amendment in the Senate and the chairman of the Committee on Finance undertaking to place a measure before the Senate and make its support a test of fealty with less than half an hour to digest it.

Mr. PENROSE. Will the Senator from Utah permit me?

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

Mr. SMOOT. I do.

Mr. PENROSE. Mr. President, the complaint of the Senator from Minnesota is entirely justified. I regret that the proceedings have taken this shape. The Senator, however, must make some allowances for the very many difficulties under which we have labored. I was absent last week from the city of Washington, and during that time I presume, contrary to the expectations of almost every Member of this body, a unanimous-consent agreement was reached by which a vote was agreed to be taken upon this measure much earlier than any Senator had anticipated. Nor have I had any assurance at any time until this morning that any considerable number of Senators would be able to get together upon a wool bill. They all agreed that some action was necessary, because they took the ground that the Tariff Board had reported and therefore the obligation arose and existed for some kind of action on the part of the Republicans.

When it came to solving the details, not only was the widest diversity found in the opinions of Senators, but there was naturally found to exist in the views of the wool growers and manufacturers the greatest difference, which is not surprising when we realize that this is the most complicated of all the schedules of the tariff; that it embraces an industry which covers the continent, from the grower on the slopes of the Rocky Mountains and the Plains to the manufacturers in the East. It is unfortunate that we have not all been able to confer together as freely as we would desire. Many of us have been absent for prolonged periods from the Chamber. The Senator from Minnesota [Mr. CLAPP] has been absent more or less of the time on proper matters, and I likewise have been compelled to be away. During the month of June a large part of the Members of this body were absent from Washington; and, while I recognize that his complaint is entirely justified, I hope the Senator from Minnesota will not have any feeling in regard to the matter or assume that there is any desire to precipitate matters or to do anything that does not give every Senator full opportunity for consideration and discussion.

Mr. STONE. Mr. President, will the Senator from Utah allow me to ask the Senator from Pennsylvania a question?

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

Mr. SMOOT. I will yield for that purpose.

Mr. STONE. I have in my hand the amendment in the nature of a substitute proposed by the Senator from Pennsylvania [Mr. PENROSE]. I gather from what he says that this amendment was considered and agreed upon by the Republicans within the last day or two.

The Senator from Pennsylvania speaks of the absence of Senators in June because of important matters which took them away, leading us to believe that there was no opportunity for early action, at least none during that flowery month. I find in looking at this substitute proposed by the Senator from Pennsylvania that it was printed in June, 1912.

Mr. PENROSE. That is correct.

Mr. STONE. Well, then, it was not agreed upon after it was printed?

Mr. PENROSE. Mr. President, I can answer the Senator's question.

Mr. STONE. If it was agreed upon then, I should like the Senator to tell us, in good faith, why it was not presented here and printed so that it could be fairly considered?

Mr. PENROSE. The amendment the Senator holds in his hand which has been offered by me was prepared by some experts in connection with the Finance Committee after consultation with a great number of persons, including wool growers and manufacturers, and with the valuable assistance of those Senators who had the time and the interest to consider the proposition. Other Senators were working out their own views. The Senator from Utah [Mr. SMOOT], it is well known, was considering a bill from a somewhat different point of view. I tell the Senator from Missouri candidly and truthfully now that I never had the slightest idea that the bill would even command the support of a considerable number of Senators until this morning. It was prepared by those to whom I have referred, for submission to Senators for their consideration. I do not claim for a moment that there has ever been any formal action on it. There has only been such conference and consultation as there could be among those who were present and available.

It may be, it is not unlikely, that the amendment will fail of passage. I do not claim that it has the full support of Republicans in this Chamber. I have presented it in good faith, having been authorized to do so by the majority of my Republican colleagues on the Finance Committee. After conferences with as many Republicans who are not members of the committee as I have had time to confer with, I present it to the Senate in good faith as a measure based on the lines laid down by the Tariff Board and constituting a considerable reduction in the duties, particularly on the manufactured product.

Mr. POMERENE. Mr. President——

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

Mr. SMOOT. I yield for a question.

Mr. POMERENE. I want to address my question to the Senator from Pennsylvania, if I may. The Senator from Pennsylvania concedes that, in view of the fact that this bill has just been presented, the minority Senators, as well as those on the other side who have not been consulted about it, will not have an opportunity to investigate it and compare it with other bills or with the existing law. Does the Senator object to advising the Senate as to what Senators were consulted in the making of this bill?

Mr. PENROSE. Mr. President, I would cheerfully advise the Senator from Ohio if I had the information. Different Republican members of the Finance Committee have greatly aided in conferring with other Senators with whom they could have opportunity to obtain conference. I do not pretend for a moment that I have done all the conferring or that I know who has been conferred with or who has not. I can not say. I only entertain the hope—it may be a fleeting one—that this bill, as it is a reduction of existing duties, may possibly command the support of most of the Republican Senators. Perhaps it may not; perhaps it may fail; but, for one, I do not think it matters much, because the other House will hardly consider it, and therefore it is not likely to have a very long career in the Capitol.

Mr. POINDEXTER. I wish to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Washington will state his parliamentary inquiry.

Mr. POINDEXTER. I should like to understand from the Chair and from the proceedings that have already been had in connection with this amendment whether it is offered as a committee amendment, as a report from the Finance Committee, or whether it is simply offered by the Senator from Pennsyl-

vania. In that connection I wish to say that I understood the Senator from Pennsylvania to state, in submitting it and also in the subsequent remarks which he made, that he had consulted with the Republican members of the committee and was authorized by a majority of the committee to report the bill. The Senator from North Dakota [Mr. McCUMBER], in speaking on the subject, spoke of it as an amendment offered by an individual Senator, and said that any member of the committee had the right to submit an amendment.

Of course, we all knew that that was true, but it seems to me a matter of some importance at this stage of the proceedings to understand clearly whether this amendment is proposed on behalf of the Finance Committee, or of a majority of the Finance Committee, or simply as an amendment proposed by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President——

Mr. POINDEXTER. I should like to say just one word further. Whatever the formal method of proposing it may be, if the Senator proposing it states, as the Senator from Pennsylvania has stated, that he does so after having consulted with and obtained the authority of the majority of the committee, then to all intents and purposes it is proposed by the committee.

Mr. PENROSE. Mr. President, I was most careful to state the circumstances under which this amendment was proposed, and I regret that the Senator from Washington did not see his way clear to listen to my remarks, which I endeavored to make, contrary to the usual custom, as brief as possible.

When the House bill was originally reported the right was expressly reserved in the committee, as was well understood by the Republican majority of the Finance Committee, to offer an amendment to the bill later on, should they be able to get together and frame a measure on which they could unite.

This amendment is submitted by me, not individually, but as chairman of the committee, not of the whole committee, but in connection with my Republican colleagues on the committee, and not all of them, because not all of them are in Washington and available, but most of them; and all of us know that none of the committees in the Senate command an actual majority of the Republican Senators, although nominally organized by the Republican Party.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah has the floor. Does he yield to the Senator from Ohio?

Mr. SMOOT. I would prefer to go on with my remarks.

Mr. POMERENE. Then I will make my inquiries further on.

Mr. SMOOT. The Senator can make his inquiries further on.

Mr. President, I wish to recite to the Senate some of the reductions that have been made by the substitute offered by the Senator from Pennsylvania; but before I do so I want again to point to the fact that has always been conceded, that under the present tariff law so-called woolen goods that are not all wool, but composed mostly of cotton and shoddy, the duty under the present law is exceedingly high. It has often been referred to that certain blankets carry a duty of 165 per cent. As the Senator from Iowa said to-day, and as I have said on the floor of the Senate time and time again, the blanket that carries that rate of duty is a blanket valued at 30 cents per pound or under. The cloths that are valued at 30 cents per pound carry a compensatory duty of 33 cents, and the compensatory duty alone amounts to an equivalent ad valorem of 110 per cent. That comes from the fact that the duty is based on the theory that the cloth is composed of all wool, when, in fact, it is not.

Mr. President, added to that is the ad valorem duty, and it makes the rate exceedingly high, and no one who has read the Tariff Board report will deny that the board in making its report called attention to these excessive duties, but stated positively that the manufacturers in this country had not taken advantage of those excessive duties, and prices of same were regulated by competition. There is a keen competition in that class of goods in this country.

I will begin with woolen cloth, knit fabrics, flannels, and all other fabrics of every description, made wholly or in part of wool, showing the equivalent ad valorem rates of duty under the act of 1909, and under the substitute just offered by the Senator from Pennsylvania.

These items, under paragraph 378 of the act of 1909, bear an equivalent ad valorem duty of 160 per cent. In the amendment just presented by the Senator from Pennsylvania the duty will be 88⅓ per cent, or nearly one-half reduction.

Mr. President, I call attention to the above by stating that it is upon cloth valued at 30 cents per pound. It is impossible to make an all-wool cloth at 30 cents a pound. So, Mr. President, the reason that the present duty can be reduced as proposed is on account of the excessive duty in the law to-day, as already explained. The manufacturer has not availed himself of the excessive rates. The Tariff Board so reports, and this shows the reduction in that class of goods.

Valued at 40 cents per pound, under the present law the equivalent ad valorem rate is 133⅓ per cent; under the substitute, 85 per cent. Valued at 50 cents per pound, under the present law the equivalent ad valorem rate is 138 per cent; under the substitute, 92 per cent. Valued at 60 cents per pound, under the present act the equivalent ad valorem rate is 123⅔ per cent; under the substitute, 82½ per cent. Valued at——

Mr. WILLIAMS. Mr. President——

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

Mr. SMOOT. For a question.

Mr. WILLIAMS. If I understood the Senator correctly, he said that the confusion or the trouble grew out of the fact of the compensatory duty of 44 cents on 33-cent cloth——

Mr. SMOOT. On 30-cent cloth.

Mr. WILLIAMS. On 30-cent cloth, and then he added "which the manufacturer has never used."

Mr. SMOOT. Yes.

Mr. WILLIAMS. I ask for information; what does the Senator mean by that?

Mr. SMOOT. He has not taken advantage of the full duty that the tariff act would allow in certain cases.

Mr. WILLIAMS. What the Senator meant, then, was, that although the manufacturer had had this legal opportunity, he had never used it to its full extent.

Mr. SMOOT. That he never had availed himself of it.

Mr. WILLIAMS. But the law did give him the opportunity, if he could use it, to exploit the consumer to that extent. So what we are to thank is the generosity of the manufacturer and not the law itself.

Mr. SMOOT. I yielded for a question. What I stated is an absolute fact, and the Tariff Board report bears it out.

Mr. WILLIAMS. I did not dispute the fact.

Mr. SMOOT. On cloth valued at 70 cents per pound, under the present law the equivalent ad valorem duty is 112⅔ per cent; under the substitute, 80⅔ per cent. Valued at 80 cents per pound, under the present law the equivalent ad valorem duty is 110 per cent; under the substitute, 76½ per cent. Valued at 90 cents per pound, under the present law the equivalent ad valorem duty is 98⅔ per cent; under the substitute, 76⅔ per cent. Valued at $1 per pound, under the existing law the equivalent ad valorem duty is 99 per cent; under the Senate amendment, 73½ per cent. Valued at $1.25 per pound, under the present law the equivalent ad valorem duty is 90⅔ per cent; under the substitute, 72⅔ per cent. Valued at $1.50 per pound, under the present law the equivalent ad valorem duty is 84⅓ per cent; under the Senate amendment, 78⅓ per cent. Valued at $1.75 per pound, 80⅓ per cent, equivalent ad valorem duty under the existing law; under the substitute, 75 per cent.

Mr. PENROSE. Perhaps if the Senator from Utah would have the table printed, as the hour is getting late——

Mr. SMOOT. I am perfectly willing to have the figures put in the RECORD without reading.

Mr. REED. They would be of great service if read.

Mr. PENROSE. If the Senator from Missouri wants them read, I hope the Senator from Utah will read them.

Mr. SMOOT. I am perfectly willing to go on.

Now, take wearing apparel composed wholly or in part of wool, except such as are knitted, valued at 30 cents per pound, under the present law the equivalent ad valorem duty is 206⅔ per cent; under the substitute, 65 per cent. Valued at 40 cents per pound, under the present law the equivalent ad valorem duty is 170 per cent; under the substitute, 65 per cent. Valued at $1 per pound, under the present law the equivalent ad valorem duty is 104 per cent, while under the substitute it is 65 per cent. Valued at $1.50 per pound, under the existing law the equivalent ad valorem duty is 89⅓ per cent; under the substitute, 65 per cent.

CARPETS.

Act of 1909 paragraphs 384 to 391, equivalent ad valorem duty 50 per cent to 100 per cent; the substitute, 50 per cent.

All other carpet the substitute provides a rate of duty of 30 per cent.

While the statement made by the Senator from Pennsylvania that there was a reduction of from 10 to 125 per cent has been questioned it can not be questioned that there is a difference in the equivalent ad valorem duty of from 10 to 125 per cent.

There are even greater differences, as I have stated, but it does not apply to all-wool goods, but only to goods made from mixtures of cotton or shoddy with wool. If the present law applied only to all-wool goods, there never would have been

very much complaint of rates. It is a class of goods made of cotton, mungo, or shoddy, of different kinds, with a compensatory duty upon the basis that they are all wool, that makes the exceedingly high rates. That is what has caused the criticism of Schedule K, but the substitute has been framed to eliminate excessive rates that have given rise in the past to the just criticism of Schedule K.

Mr. REED. Mr. President——

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

Mr. SMOOT. Yes.

Mr. REED. The Senator can give me a little light. Does the Senator believe that these reductions can be made without injuring the manufacturer or the laboring man?

Mr. SMOOT. I believe so, and I have so stated many times upon the floor of the Senate, as they apply to a certain class of goods.

Mr. REED. The Senator said a little while ago that there had been an excessive duty and that the manufacturer had not taken advantage of it. I take it that he meant by that that the manufacturer's price did not equal the tariff, added to the cost of the foreign article.

Mr. SMOOT. That is exactly what I meant.

Mr. REED. To what extent did the manufacturer increase his prices on account of the tariff? Can the Senator say?

Mr. SMOOT. If the Senator will examine the Tariff Board's report he will find a great many cases reported by the board showing exactly what the local prices are increased over the foreign price. Sometimes it did not exceed 40 per cent, sometimes 50 per cent, sometimes 60 per cent, and I believe that the report will show that that is about the limit. If the Senator will figure out the rate on that particular class of goods according to the substitute, he will find that the rates provided for fairly conform to the report of the Tariff Board upon that class of goods.

Mr. REED. Of course I can not do that at this time, because this amendment is offered here, and we are under the duty to vote to-day, and therefore I want to ask the Senator this question—I am trying to get at the facts:

Were the prices which were charged such that this amendment now will force any reduction whatever?

Mr. SMOOT. There may be on some items but very little indeed so far as they apply to that class of goods.

Mr. REED. I mean the classes affected. So the effect of all this reduction is to leave the prices to the American consumer substantially where the rapacity or the good nature, whichever way you want to put it, of the manufacturer has already placed his prices.

Mr. CLAPP. Or may hereafter.

Mr. REED. Or may hereafter.

Mr. SMOOT. That is a very unfair statement, for the reason that it has been said time and time again that on this class of goods there is the strongest competition possible. I have not the time at present to go into details. I have explained it to the Senate several times, and I say that you can not to-day find a manufacturer in the United States who manufactures this class of goods who has made an excessive profit. The American Woolen Co. does not give particular attention to this class of goods. They make, as a general rule, the better class of goods, and I say that the manufacturers of lower grades of goods have not made much of a success financially of their business. I am speaking in general terms.

Mr. REED. Mr. President, I am not going to make a speech, but the amount of the Senator's statement is simply this, that there are tariffs so high that the American manufacturers never fixed their prices by those tariff rates; and that they have now brought in an amendment here which will not compel them to change a single price.

Mr. SMOOT. Now, Mr. President, I do not think the Senator wants to misrepresent me at all.

Mr. REED. That is the construction I place upon it and the conclusion I drew.

Mr. SMOOT. That is not a correct conclusion, and it is wrong for the Senator to put that construction on it. I simply said that as to a certain class of goods—and that class of goods is so small a percentage of the woolen business that it is hardly worth mentioning—the Senator and others have always taken these identical goods here and directed the attention of the people of the United States to them as the rates that were being imposed upon all woolen goods. Such is not the case, and when the Senator makes the statement, if he will make his conclusion to reach only those cheap, cheap, cheap goods, not made of wool, but made of shoddy and cotton, I will not object to what he says.

Mr. REED. My interrogatory to the Senator was not directed to the tariff upon cheap, cheap, cheap goods, but it was directed to all of the reductions proposed in this amendment which the Senator discussed.

Mr. SMOOT. Then I misunderstood the Senator's question, and the answer will not apply.

Mr. REED. I understand the Senator to say that as to all these reductions they can be made without injuring the business. It follows, therefore, as a confession now made by the authors of the Payne-Aldrich bill, that that bill as to these duties imposed a burden nearly twice as great on the average as they now concede was necessary.

They now say that these tariff duties have not been taken advantage of, because the competition has kept the prices down, that this bill can be enacted without affecting the welfare of the American people. Placing those statements together they mean nothing more or less than this, that these gentlemen have gone in conference and have brought forth a bill which while it makes reductions upon the tariff will not reduce the price a single particle below the place where the manufacturers have voluntarily placed it.

That brings me to this conclusion, that whenever you find Greeks bearing gifts it is well to examine the gift. When we find a tariff-reform measure advanced as this one is at the last hours of this discussion when a vote must be had, when no lengthy discussion can occur, when we find a bill of that kind brought in that was printed away back in the month of June and come to analyze it, we may well conclude that the object of the bill is to deprive the people of argument rather than to reduce the price of articles to the consumers of this country. It looks to me like a fake measure offered for the purpose of throwing a little dust in the air at a time when even the storm can not be analyzed.

Mr. PENROSE. Mr. President, one word and I am done.

Mr. HEYBURN. Mr. President——

Mr. PENROSE. Does the Senator from Idaho want the floor?

Mr. HEYBURN. I am going to make a statement in regard to my own vote.

Mr. PENROSE. I want to make a short statement, but I yield to the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, in the course of legislation sometimes we adopt methods for the purpose of preventing action which we could not approve of, just as sometimes we move to adjourn in order that the opportunity to do the wrong thing may be destroyed.

I am not in favor of the provisions of this bill, and if I thought it would ever become a law I would perhaps devote some time and ask the attention of the Senate to a considerable discussion of it. But I intend that the vote that I cast—whichever way I cast it—shall not be misunderstood.

I am not going to apologize for the record of the party of which I am a member nor for my own record in dealing with tariff questions. I saw that done once at the expense of the Republican Party. In 1892 we did just about what they are trying to do now. We confessed that the things that had been said about us might be true, and the country said, "Well, if you are not sure about it we will act in the matter," and they turned the Republican Party out of power.

Now, in this case, in my judgment, there is no possibility of this measure becoming a law. I would use it just as I would throw out ballast or throw something to the wolves that were pursuing me, in order to distract their attention and prevent them from doing harm. If I vote for this bill it will be on that principle, not because I approve of it or of any line in it.

The bill is so unfair to the woolgrower as to be dangerous if it could have full life given to it. There is no probability that it will be adopted and become any part of a law, so that if, when the roll is called, my judgment should dictate that I vote for it for the purpose of defeating something infinitely more vicious, and that is the House bill, I will not be misunderstood.

I would do something more even than to vote for a measure of this kind in a sham battle to defeat the House bill. That is the way I feel about it. I am not going to apologize for the legislation of the Republican Party on the tariff question in the past, and I am not going to admit that it has been unwise in tariff legislation or that it has any occasion to apologize.

Mr. STONE. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. STONE. I should like to ask the Senator, in view of the expression he has just made, whether he understands that the

majority of the Finance Committee in reporting this measure is making a sham battle?

Mr. HEYBURN. The Finance Committee has not reported this measure. There has been no meeting of the Finance Committee which considered it.

Mr. STONE. The Senator from Pennsylvania indicated that it had the approval of a majority.

Mr. HEYBURN. Indicating a thing and stating it are different propositions. There has been no meeting of the Finance Committee and no poll of the committee in the usual way.

Mr. POMERENE. Mr. President——

Mr. HEYBURN. I am not going to be led into the position of attacking or reflecting upon the Finance Committee or any member of it. I am stating my views and my position and making plain the purport of whatever action I may take in this matter. I expect to continue to be a Republican as long as I live, and I am not going to make any record here that I will have to apologize for in the future. I do not feel called upon to apologize for the vote that I cast for the Payne-Aldrich bill. I cast it with a full knowledge of the responsibility and with a full understanding of the measure.

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

Mr. HEYBURN. In a moment. The protective features of that bill met with my approval, and they meet with my approval to-day.

Much has been said that seemed to be upon the assumption that we have no tariff law now on the books and that we were in a position of necessity to enact one. We have a better law on the books than is proposed by this amendment or by the House bill or by any other bill or amendment that has been suggested. I do not propose to go further than to use this as a weapon, if I may, to destroy the House bill.

Mr. POMERENE. Mr. President, I desired to ask the Senator whether he could inform the Senate as to the number of members of the Finance Committee who were consulted in the preparation of this bill.

Mr. HEYBURN. Mr. President, I can answer that only for myself. I was consulted in regard to it frequently. Beyond that I do not feel called upon nor would I be justified in making any statement, nor is it material. The bill is here for what it expresses on its face, to be disposed of regardless of what some one may have said or thought or done in regard to it in the past, and I will not be drawn into a consideration of the action of other Senators. Each must stand upon his own responsibility.

Mr. POMERENE. Will the Senator state how many of the members of the Finance Committee approved this bill?

Mr. HEYBURN. No; the Senator will not make any statement in regard to the private action of any other Senator.

Mr. POMERENE. May I ask whether the Senator himself approves it?

Mr. HEYBURN. I am trying to make it plain that I do not approve it.

Mr. POMERENE. And still the Senator expects to vote for it?

Mr. HEYBURN. Now, that is an improper question, if the Senator will pardon me. I have not voted. I am stating my position in regard to it, and there will be no mistake about it. If I vote for it I will be doing it as I would vote to adjourn to prevent what in my judgment was hurtful legislation.

Mr. POMERENE. As the Senator regards the question as improper, I will withdraw it, but I will ask him another question. Will the Senator advise the Senate as to who outside of the Senate was consulted in the preparation of this bill?

Mr. HEYBURN. By whom?

Mr. POMERENE. By manufacturers or those——

Mr. HEYBURN. I will not stand here and recite any private conversation in regard to these matters between any other persons, nor would it be proper for me to do so. If we were to engage upon such a course as that we would have little peace and no harmony in this body.

Mr. POMERENE. Then, Mr. President, the situation seems to be about this, as I gather it: That a few Senators see fit to get together and prepare a bill and to present it here at the last minute and state on the floor of the Senate that they have consulted with certain manufacturers and certain woolgrowers, and they do not tell us who any of those men are who were consulted or who had a hand in the preparation of the bill.

Mr. HEYBURN. Under what rule should they tell anyone?

Mr. POMERENE. By the rules of common honesty and fairness with the American people.

Mr. HEYBURN. Oh, that is rhetoric, but it is not reason.

Mr. President, I am not to be drawn into any such debate as that. I rose merely for the purpose of stating my own responsibility and placing it where I would not be ashamed at any time in the future to face it. That was my purpose.

Mr. McCUMBER. Mr. President, I do not know why Senators will still insist that the amendment proposed by the Senator from Pennsylvania becomes a report, or a bill reported from the Finance Committee. The Finance Committee had under consideration the bill that is before the Senate.

Mr. STONE. I understand it is because the Senator from Pennsylvania said so.

Mr. McCUMBER. The Senator knows himself whether there has been any meeting of the Finance Committee. He is a member of that committee and he can judge for himself whether there has been a meeting to discuss that bill.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. I will not yield just at this moment. I will state, Mr. President, that the bill the Finance Committee had before it for consideration was the bill which is before the Senate to-day; that the action of the majority of the Finance Committee on that bill was a negative proposition, and that the bill is now being supported from the other side of the Chamber as an affirmative proposition. At the time that bill was reported from the Committee on Finance each and every member of the majority of the Finance Committee reserved the right to offer any amendment that he saw fit. They could act together if they saw fit or otherwise; but it would not be a committee report.

Now, Mr. President, why have we not considered the matter before and why do we bring this in to-day? I will tell you why. Because there was not an agreement between the majority members of the Finance Committee and for reasons which the several members thought were sufficient. What were those reasons? Some of those declared that inasmuch as we had a Democratic House it would be impossible to enact any Republican measure into a law, and therefore it was a waste of time to prepare a bill from the Republican standpoint. I might say that the majority of the majority of the Finance Committee had that view. There were some of us, however, who took the view that it was our duty to present to the Senate a bill that would reflect what we regarded as the Republican standard of protection upon the wool schedule and that that Republican standard of protection should conform as nearly as possible to the report of the Tariff Commission.

It is my understanding that this bill does approximately conform to that report. I was one of the Senators who desired to have a direct vote upon that proposition, so that when any Republican would ask us what our position was in reference to the tariff bill we could answer that we were opposed to the Democratic bill; and if he would ask us again, "What do you propose?" we could say to him, "There is our proposition, and you can wait."

Mr. President, I have never contended for a single moment that there were not some items in the old Dingley tariff law that were higher than necessary, and I have stood ready at all times to take off those excrescences—to reduce those particular items to a point that would still be protective and yet would not be higher than was necessary.

That is the reason why we have that bill or that offer of an amendment before us, because it is not a bill, but simply an offer of an amendment to the pending bill. It has received the consideration of some of us. It may be that when you require a tariff wall of 50 feet the other 100 feet may not do any harm, but at the same time I am in favor of leveling the other 100 feet if they do not need it, even though it may cover and protect only a few articles. That is sought in this bill.

But the main purpose, so far as I am concerned, in insisting that we should have a vote upon this amendment was that we might present to the Senate and to the country at large the Republican view, or, at least, the view of those of the Republican Party who believe in an adequate protection.

There was no attempt to bring in anything in a surreptitious manner, and if we could have agreed before this morning it undoubtedly would have been brought in as a proposed amendment before to-day.

Mr. CLAPP. Mr. President, the latter remarks of the Senator from North Dakota would indicate that those who did not favor this bill were not in favor of protection. It is the province of every man to declare his own creed.

Mr. McCUMBER. Mr. President, if I so stated I certainly did not state the view correctly. Some of us may differ. I do not believe that any of the Republicans differ upon the question as to what is the general policy of protection. Our differences have always been upon the question as to what is adequate protection.

Mr. CLAPP. It has gone deeper than that. We have differed upon the question whether three or four men sitting as a com-

mittee in conference shall be authorized to say that the test of Republicanism in the parallel between proposed legislation and the report of the Tariff Board shall be the opinion of the three or four who may have considered this particular measure; and it must be a measure of difference of opinion, because others who have not had an opportunity to compare this measure with the report of the Tariff Board fail to agree, without an opportunity of comparison, that it does correspond with the report of the Tariff Board.

Mr. McCUMBER. May I ask the Senator who has laid down that test?

Mr. CLAPP. That is clearly deducible from the closing utterances of the Senator from North Dakota.

Mr. McCUMBER. I beg to differ with the Senator. That is not a just conclusion from any word or combination of words that I have said in this discussion.

Mr. CLAPP. The Senator said he was in favor of this measure, so that the country might know that the Republican principle was protection along the lines indicated by the report of the Tariff Board upon this schedule.

Mr. McCUMBER. And that I believe that this bill did adequately reach the report of the Tariff Commission and conform approximately to it. That was my view. I do not condemn any other Senator who takes a different view, or question his Republicanism. I simply think so for my own part, and I gave that as the reason why I favor voting upon this proposition. The Senator from Minnesota may feel that the duties are still higher than that which would be justified if we adopted the report of the Tariff Commission. I do not think so.

Mr. CLAPP. But, Mr. President, what I object to is the Senator insisting that his view and his view alone, as to whether we have adopted the report of the board, shall be conclusive.

There are others in this body interested in regard to the question, whether or not the Senate and Senators shall be guided by the views of the Tariff Commission. They have a right to compare the proposed measure with the report of the Tariff Commission before any Senator, in my judgment, has a right to assume that the only test of loyalty to the Tariff Commission is the opinion of the one who may have had opportunity to make the comparison.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. I do.

Mr. McCUMBER. I will not accept a criticism based upon any remarks of mine when the remarks themselves will not and can not under any possible view be construed in the manner in which the critic assumes to construe them.

Mr. CLAPP. For some years I have worked in my humble way to get a tariff commission. When we were considering the Payne-Aldrich tariff bill we secured the adoption of an amendment that gave a proposed tariff board a little authority. In order to reduce that authority to the very minimum, the provision giving the board power to ascertain the difference in the cost of production here and abroad was taken out in conference. In order further to minimize the responsibility of that board and reduce it to the mere level of hired men the word "employed" was used in the creation of the board rather than the word "appointed." From that time on I have labored in season and out of season to get a genuine tariff commission. An amendment to the sundry civil appropriation bill, pending here a day or so ago, provided an appropriation for the Tariff Board, but at the same time in express terms limited its authority to that conferred in the Payne-Aldrich tariff bill. So plainly was that evident that, in order to place that amendment on a parity with the provisions of the appropriation acts of 1910 and 1911, I prepared an amendment and left it with the Senator from Kansas so as to give the Tariff Board the authority conferred upon it not only under that act but under existing law. That provision was incorporated as an amendment before the bill passed.

Mr. President, this measure comes in here and, as I understand, now you see it and now you do not see it; one moment it is the action of the committee, the next moment it is not the action of the committee. It comes in here, in a measure, as a test of party loyalty in following the recommendations of the Tariff Board. This amendment evidently was prepared in June, and some one has had it in his possession since that time. I do not know what success other Senators have had, but it was not until to-day that I, for one, learned of the existence of this proposed amendment, and then, on solicitation, I obtained a copy of it.

The people of my State are vitally interested in woolgrowing. I do not want it to be understood by that that I have any sympathy with that process of "swapping" which was such an essential factor in enacting the Payne-Aldrich tariff bill. Any reduction of the tariff must of necessity operate wherever the particular article affected is the subject of production; but I do insist when the people of a great State are vitally interested in this subject that either their representatives should be sent home and others sent in their place or their present representatives should have an opportunity to examine and consider a measure which so vitally affects their interest.

Mr. President, a word more and I am through, for I do not intend to detain the Senate. We have fallen upon strange times as a party. Three years ago, when the Payne-Aldrich tariff bill was before this body, we could not get a Republican conference; we could not get an opportunity as Republicans to talk over that bill, to present our differences, and, if possible, work out an equation. Time and again the then chairman of the Finance Committee was appealed to to call a conference in order that the Republicans might in a Republican conference present and work out their differences, and, if possible, come to some final settlement.

When the railroad bill of 1910 came in here, bristling with reactionary provisions and it became evident that that bill could not pass in the form in which it had been forced into the Senate, the then chairman of the Committee on Interstate Commerce in charge of that bill was begged time and again to send the bill back to the committee that Republicans might work out if possible their differences without being obliged to work them out upon the floor of the Senate. For three long years it has been impossible for the Republican Members of the Senate to have an opportunity to present their views, to discuss their differences, and, if possible, to produce an equation on any matter except on the open floor of the Senate. Because we have been forced to this extremity there seems to have grown up in certain quarters the thought that no longer is anything necessary except for a few men to formulate among themselves and propose legislation to the Republicans of the Senate.

Mr. SMOOT. Mr. President——

Mr. CLAPP. It may be said that we are no longer Republicans because we do not walk up and adopt every measure that is prepared for us, without any opportunity at all as Republicans before judgment is rendered against us of conferring with each other as Republicans. Is it any wonder that under that system of management our party is upon the verge of bankruptcy? Is it any wonder that men resist movements and operations and conditions of that kind?

Mr. President, there has been abundant time in which Republican Senators, if we are to be confronted with a test of loyalty in connection with the action of the committee, might have been consulted and conferred with upon questions which vitally affect a large proportion of the population of our respective States. That is one of the objections which I make.

I declared in 1903 that I never again would vote for a bill unless I had an opportunity, upon my own motion, to discuss, consider, and study the measure. This amendment may be all right; it may be all wrong. I for one shall not vote for it, nor will I vote for any other vital measure unless an opportunity has been presented to consider it, to study it, and to understand its contents.

Mr. BRISTOW. Mr. President, I have been able to give the amendment some consideration. I am not so much interested in its author as I am in its contents. It makes some very desirable reductions in the rates fixed by the present law, although it does not reduce the duties as much as I think they ought to be reduced. As the matter is presented to me now, it is a question whether I prefer the amendment to the bill which is supported by the minority of the Committee on Finance. I believe that that bill reduces the duties too much; that a number of duties contained therein are too low.

I supported the amendment offered by the Senator from Iowa [Mr. CUMMINS] because it comes nearer conforming to my views as to what the duties in the wool schedule ought to be than the bill which is being supported by Democratic Senators. While the duties in the pending amendment are too high, I am inclined to support it in preference to the Democratic measure; but if I do so I shall take every opportunity to attempt further to reduce those duties, either at this session of Congress or the sessions that are to follow, until they are reduced to the point where I think they ought to be.

I supported at the last session the bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] on this subject. I believe, as he introduced it, it was an equitable and a just measure, and it represented very nearly indeed the views that I had as to what Scheduel K ought to be. The differences between that measure and the amendment introduced by the Senator from Iowa are not very great in the details. There is a difference in the method in which the duties are levied. It is a

question upon which men differ, and there are strong reasons on both sides as to whether or not ad valorem or the specific duties can be more equitably and more justly applied to a schedule of this kind.

I make these remarks in order that my vote when cast may be understood. If I vote for this bill, it will be because I feel that it is better than the Democratic measure. It is safe; it will not injure the industry, while I am afraid that the Democratic measure would.

If it should be passed it does not represent my views, and I shall seek in every way that I can to further reduce those duties when the opportunity comes.

Then, there is another reason why I am inclined to support this measure. It substantially reduces duties. If it could pass the Congress there possibly is some chance for it to meet the approval of the Executive, and thereby we could get some relief from excessive duties, while if the Democratic measure should pass I fear that it would meet the veto, and that the present tariff law would remain until further opportunity comes for its revision. I desired to make these remarks before the vote was taken.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment.

Mr. CLAPP. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President, I have never cast a vote upon the tariff either to help or to hurt a political party. It is a matter of no concern to me so far as this economic question is concerned whether a given measure promotes the welfare of the Democratic Party or promotes the welfare of the Republican Party. I have uttered my sentiments from time to time with what I believe to be candor, and with indifference to their consequences so far as the political field is concerned. I feel that way at this moment. If I could vote for the Democratic measure, I would of course vote against this amendment. I can not vote for the Democratic measure for reasons which I have already stated, and which do not imply any disparagement of that proposed legislation.

Inasmuch as I know that this amendment, if enacted into law, would very materially reduce duties which I believe to be excessive, I intend to vote for the amendment. Possibly I have an advantage over some Members of the Senate with regard to the amendment. I have been studying this subject diligently for a good while, and I have not hesitated to talk with Senators on all sides with regard to it. I know what this amendment is. I saw it, or the substance of it, more than a month ago. I saw another amendment prepared—I think I may say without impropriety—by the Senator from Utah [Mr. SMOOT] some time ago, and I have become familiar with the various propositions that might come before the Senate.

With regard to the amendment now under consideration, I do not think it embodies the teachings of the Tariff Board. I think it too high, and I so declared to those who submitted it to me. I have no hesitation in saying that many of its duties—in fact, nearly all of its duties—are higher than they should be. I concur with the Senator from Kansas [Mr. BRISTOW] when I say if I vote for this amendment, as I expect to do, I shall vote for it for precisely the same reason—and it was a good reason, too—that the Democrats in 1909 voted for the amendment proposed by my then colleague, Mr. Dolliver, because it is a step in the direction in which I desire to go.

This amendment makes little reduction in the duty upon wool, but it does make some reduction in this that the duty laid is upon the clean content of wool, and it may—I do not say it will, but it may—permit the introduction under this duty of certain high-shrinkage wools that have heretofore been denied admission to our ports under the inflexible duty of the Payne-Aldrich law. It does not go far enough, but it goes a step in the direction I desire.

I do not concur with it in regard to the wastes of wool manufacture; I think the duties laid are too high. I do not regard them, however, as very material, because after all no matter what the duty on wool is, no matter what the duty on wool wastes may be, no matter what the duty on tops may be, the real question in which the people of this country are interested is, What is the duty on the cloth that is made into garments? What is the duty on the blankets which we all necessarily use for domestic purposes? If these duties are reduced, then, at least, we have a checking tendency against the undue enhancement of prices lest these things shall be imported from abroad.

Now, in that respect there is a very gratifying thing in this amendment. I say here that I had no idea that it would be presented. I had been led to believe that a majority of the members of the Finance Committee were not in favor of such a measure as this; that they regarded it as too low, just as I regard it as much too high; but when I find it here and know that it takes a step in the direction I intend to go, I intend to vote for it.

I said there was a very gratifying reduction in cloth and in ready-made clothes. That reduction is apparent at a glance, and one does not need a long study in order to determine that, while I agree that the subject, generally speaking, is exceedingly interesting.

The duty on cloth and fabrics of every description in the Payne-Aldrich bill, as I said earlier in the day, if not valued at more than 40 cents a pound, is, first, three times the duty imposed upon unwashed wool of the first class; that is 11 cents, and three times 11 is 33. So that upon every pound of fabric—and I pause to say here that this amendment does not change the Payne-Aldrich law so far as the compensatory duties are concerned—so far as concerns that basis, this proposed amendment still levies the compensatory duties upon the entire weight of fabric, which I consider to be fundamentally wrong, but that is the existing law, and I therefore institute the comparison.

The existing law gives a compensatory duty upon cloth fabrics of the value of not more than 40 cents per pound of 33 cents, and if above 40 cents per pound a compensatory duty of 44 cents per pound, with an ad valorem in either case of 50 per cent, until the value rises above 70 cents a pound, and then an ad valorem of 55 per cent. This amendment begins the valuation of cloth at 20 cents. Of course there is not any woolen cloth—all-woolen cloth—that is not worth more than 20 cents. But it begins at 20 and runs to 30, and the compensatory duty is 16 cents and 30 per cent ad valorem.

Now, we come to the first step in the old law with which to make comparison. Valued at 30 and not more than 40 cents, the compensatory duty is 20 cents per pound, as against 33 cents per pound in the existing law. There is a reduction in that class of commodities of 13 cents per pound, and it is worth something to the people of this country to secure a reduction even in that degree.

Then, as I suggested a moment ago, when you rise above 40 cents a pound under the present law the compensatory duty rises to 44 cents per pound. This amendment provides that if it is valued at more than 40 cents and not more than 50, 24 cents a pound. As to all fabrics coming in that classification, the reduction in the compensatory duty is 20 cents per pound, and the ad valorem in the amendment is 45 per cent, whereas in the existing law it is 50 per cent, and so on.

I will not trespass upon the time of the Senate by reciting the entire comparison. I was astonished, just as was the Senator from Mississippi [Mr. WILLIAMS], to see the amendment here, because I did not suppose the Finance Committee or a majority of its members were willing to make that rate of reduction. I am not imputing any want of good motive, either.

This is a question upon which there can be differences of opinion, and there are differences of opinion. I have mine, and I express it whenever I have an opportunity. But it is most gratifying to me to see the Finance Committee move up to the point indicated in this amendment, and while I shall do all I can do in the days to come to move it still further, I intend to vote for this amendment because I can not vote for the House bill.

Mr. NEWLANDS. I desire to ask the Senator from Iowa whether the duties proposed in the amendment suggested by the Senator from Pennsylvania are higher than those warranted by the facts ascertained by the Tariff Board.

Mr. CUMMINS. The Senator need hardly ask me that question if he had been here to-day. I proposed an amendment, which the Senator from Nevada helped to vote down, very much lower than these duties, and I said that the duties which I proposed were as high as would be justified under the report of the Tariff Board.

Mr. NEWLANDS. Then, as I understand, the amendment proposed by the Senator from Iowa, in its proposed duties, did substantially comply with the findings of the Tariff Board.

Mr. CUMMINS. I refuse to be cross-examined. I have explained my bill fully in detail. I think there are some respects in which it does not comply with the Tariff Board report, in which I corrected the report of the Tariff Board, upon information I believed to be more reliable than that contained in the report. But I do not intend to be cross-examined. If the Senator from Nevada desires to ask me any question in regard to the policy, I shall be very pleased to answer.

Mr. PENROSE. Mr. President——

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

Mr. NEWLANDS. It is not my purpose——

Mr. PENROSE. One moment.

Mr. NEWLANDS. Just a moment.

Mr. PENROSE. I should like to answer the question of the Senator from Nevada, if he will permit me.

Mr. NEWLANDS. Certainly.

Mr. PENROSE. I want to state emphatically that in the opinion of those who have read this amendment it is absolutely based upon the recommendation of the Tariff Board. The greatest care and study were devoted to that voluminous report, and there is not a rate in the amendment which, in the opinion of those responsible for it, is not authorized and justified by the report of the Tariff Board. It may be a question of opinion, and you could frame many different bills under that report, but as far as those who framed the amendment are concerned, they have in good faith endeavored to adhere absolutely and strictly to the recommendations of the board.

Mr. NEWLANDS. It certainly was not my purpose to attempt to cross-examine the Senator from Iowa. I was simply seeking for information regarding an amendment which has been suddenly introduced and concerning the construction of which opinions differ, and I simply wish to know from the Senator from Iowa, who is recognized as an expert on such matters and whose knowledge of the wool schedule is much more accurate than that of most of us, whether he regards the duties fixed by the amendment of the Senator from Pennsylvania as higher than those fixed by the standard of the Tariff Board?

I was aware, of course, that these duties were higher than those contained in the amendment presented by the Senator from Iowa, but I was not informed as to whether the duties fixed by the Senator from Pennsylvania conformed to those which were warranted by the findings of the Tariff Board.

Mr. CUMMINS. If the Senator from Nevada was not here when I explained my amendment——

Mr. NEWLANDS. I heard a portion of the Senator's speech.

Mr. CUMMINS. Then I must withdraw my suggestion that he was trying to cross-examine me.

I stated that I was endeavoring in my amendment to carry into effect the Tariff Board's report, and that I had availed myself of information which that report contained; that upon one or two matters in which I felt the Tariff Board had erred I declined to accept its findings; but upon the whole, my amendment, as I stated repeatedly, was based upon the report of the Tariff Board, and inasmuch as the duties in the amendment before us now are much higher than the duties in the amendment which I proposed, I assumed that the Senator from Nevada could easily conclude that I believed that the duties in the amendment before us are higher than are warranted by the report of the Tariff Board.

Mr. NEWLANDS. I will state to the Senator that I was unfortunately called from the Chamber whilst he was addressing the Senate upon his amendment, and I did not hear that portion of his address regarding the conformity of his bill with the report of the Tariff Board.

Mr. TOWNSEND obtained the floor.

Mr. WILLIAMS. Mr. President——

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

Mr. WILLIAMS. I merely wanted to ask the Senator from Iowa a question before he sat down.

Mr. TOWNSEND. I yield.

Mr. WILLIAMS. I have not had the opportunity to read the amendment at all. I understand that just a few copies have been printed for the committee. But I understood the Senator from Iowa to say that cloths valued at from 20 to 30 cents a pound were taxed 16 cents specific duty plus 35 per cent ad valorem. Is that correct?

Mr. CUMMINS. No. The amendment provides that cloths or fabric that is not more than 20 cents per pound shall be taxed for compensation—I am not including now the ad valorem duty—16 cents a pound. But there is no step of that kind.

Mr. WILLIAMS. What is the ad valorem?

Mr. CUMMINS. The ad valorem is 35 per cent.

Mr. WILLIAMS. What is the tax on cloths between 20 and 30 cents per pound?

Mr. CUMMINS. Between 30 and 40 cents per pound?

Mr. WILLIAMS. Between 20 and 30 cents per pound.

Mr. CUMMINS. From 20 to 30 cents a pound the specific or compensatory duty is 16 cents and the ad valorem or protective duty is 35 per cent.

Mr. WILLIAMS. That is what I wanted to get at.

Mr. CUMMINS. But there is no such division in the existing law.

Mr. WILLIAMS. That is what I want to get at. Now, 16 cents specific duty——

Mr. CLAPP. I think the Senator——

Mr. WILLIAMS. The Senator will pardon me.

Mr. CLAPP. No; it is to correct a mistake.

Mr. WILLIAMS. I beg pardon. As I read it here, it is 12 cents and then 25 per cent ad valorem.

Mr. CUMMINS. I was speaking of the duty on cloth from 20 to 30 cents per pound.

Mr. WILLIAMS. From 20 to 30 cents.

Mr. CLAPP. Oh!

Mr. CUMMINS. I so understood the Senator when I answered, assuming he asked what the duty was on cloth valued at 20 cents per pound.

Mr. WILLIAMS. That is what I was asking. Sixteen cents on 30 cents is five times 16 cents on a dollar. That is 80 cents, and if you add 35 per cent to that you have 115 per cent. I understood the Senator from Utah to say that there was not a single duty that was above 100 per cent.

Mr. SMOOT. I still say so. I defy the Senator to get a piece of cloth at 20 cents a pound.

Mr. WILLIAMS. I did not ask the Senator, when I asked him the question, what cloth sold at. I asked him if under any of the provisions of this amendment, if this bill became a law, there would be left a duty of over 100 per cent, and he replied not one.

Mr. SMOOT. I still insist——

Mr. WILLIAMS. Now, then, here is a provision in the bill for cloths costing between 20 and 30 cents of a specific duty of 16 cents, which is 80 cents on the dollar, plus 35 per cent, which is 35 cents on the dollar; and 80 plus 35 is 115.

Mr. CUMMINS. I will not engage in any controversy with the Senator from Mississippi about that. All I say is that in the existing law the duty on the same cloth would be 33 cents a pound and 50 per cent ad valorem.

Mr. WILLIAMS. I understand that, and there is no difference between us upon that point. I agree with the Senator. It is a right material reduction, considering the source whence the reduction came.

Mr. SMOOT. I wish to say to the Senator that the valuation of more than 20 cents and not more than 30 cents is, as the Senator from Iowa says, a bracket put in this amendment which is not in the present law.

Mr. WILLIAMS. What has that got to do with the fact that it is over 100 per cent?

Mr. SMOOT. It has got this to do with it—that there are no importations of cloth coming into this country of 20 cents a pound.

Mr. WILLIAMS. I reckon not, with a duty of over 100 per cent on it.

Mr. SMOOT. It is not made. The Senator, if he will go anywhere—I do not care where he goes—can not get cloth made for 20 cents a pound.

Mr. WILLIAMS. Nor 30 cents, either.

Mr. SMOOT. Yes; he can get it for 30 cents.

Mr. WILLIAMS. Between 20 and 30 somewhere?

Mr. SMOOT. Between 30 and 40. That is where the bracket has been in the past.

Mr. WILLIAMS. At 23 cents you still have over 100 per cent.

Mr. SMOOT. But there are no importations of less than 30 cents, and that is where the bracket started in the present law, and with 30 cents a pound it is not a hundred per cent.

Mr. WILLIAMS. Now, I will ask the Senator from Utah this question, as a man of common sense and a constructive statesman of a school peculiarly constructive.

Mr. SMOOT. Are there any other adjectives?

Mr. WILLIAMS. If there be no such woolen cloths in the world as between 20 and 30 cents a pound, why did you put a provision covering them in the amendment?

Mr. SMOOT. For this reason: That they wanted to start at less than 30 cents a pound because it is a fact that there may be cloths that were cotton cloths and not woolen cloth, but a little wool in it, which would come within that figure.

Mr. WILLIAMS. Now, one word more, if the Senator will pardon me.

Mr. SMOOT. I do not think myself there will be a pound of cloth coming in at that rate.

Mr. WILLIAMS. Now, we are reaching the "darkey in the woodpile." The Senator confesses that this provision would cover not only woolen cloths but cotton cloths—a 10 per cent mixture or a 5 per cent mixture of them. Am I correct or not?

Mr. SMOOT. No; I did not say that.

This is what the cloth will cost: Mixed fabrics, flannels, felts, and all manufactures of every description, made wholly or in part of wool, not specifically provided for in this section, valued at not more than 20 cents a pound, the duty shall be 12 cents a pound, and, in addition thereto, 25——

Mr. WILLIAMS. I am not talking about less than 20 per cent; I am talking about the difference between 20 and 30. Now, that is in the same language. That language is, "composed in whole or partially of wool." I assert the fact that

there are a whole lot of cloths that sell at 20, 21, 22, and 24 that are mixed with wool and cotton, and this provision would cover cloths which are 9/10 or 95/100 cotton and the other 1/10 or the other 5/100 wool, and that cloth would come in under this provision and would be taxed 115 per cent. The Senator from Utah this morning, being asked the question, replied that there was not a single provision in the bill which carried a duty of over 100 per cent.

Mr. TOWNSEND. Mr. President, I decline to yield further.

Mr. WILLIAMS. I thank the Senator for what he has already done.

The PRESIDENT pro tempore. The Senator from Michigan is entitled to the floor.

Mr. TOWNSEND. The Senator from Iowa has expressed my views in reference to this matter much better than I can do. I do not wish to try to elaborate on the points he has made, but I desire to call attention to one or two things which have occurred to me which I think are of some importance at this particular juncture.

I am very much in accord with the idea of having a Tariff Board. I have voted for it, and I have talked for it. I believe in it. I believe its report comes nearer furnishing us with a rational and authoritative basis upon which to fix a Republican protective tariff than any information which has ever been presented to the Congress. Therefore I am inclined in my limited knowledge to be governed to some extent by the views of that board.

Now, it has been undisputed up to date in this discussion that this proposed amendment does come nearer complying with the requirements of the Tariff Board and that report than existing law. It does make a substantial reduction in the direction of making our duties conform to the difference in the cost of production here and abroad. That being true, I can not understand the position some Senators take when they say they can not support it because it does not go as far as they would like. The only argument I have heard Senators make—and the Senator from Minnesota has made it with a good deal of emphasis—is that he does not propose to vote for a proposition which he has not had time to consider.

I remember sitting in this body something like a year ago when the Senator from Wisconsin [Mr. LA FOLLETTE] presented his substitute to the bill then pending. That substitute had not been printed, at least it had not been distributed, as I was unable to get a copy at that time. It was acted upon and passed as a substitute for that measure; and some of the gentlemen who are now complaining at this hurried action voted for it.

Another thing, that day on the floor of the Senate the Senator from North Carolina [Mr. OVERMAN] presented an amendment in the form of a revision of the entire chemical schedule, which had never been presented to any committee, had never been printed, and the Senator from North Carolina asked that that bill be passed without reading.

So this is not unusual action that we are taking now on some of these same great subjects. Matters have been presented not wisely, as it has seemed to me, because I agree that we ought to have time to consider them; but this proposed bill has been current rumor, at least, before the Senate for some time, the same as the La Follette amendment, so called, something over a year ago.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. With pleasure.

Mr. JONES. I suggest also that my recollection is that when one of the substitute measures was up, presented by the Senator from Wisconsin, that measure was voted down, and then after the Democratic bill had been voted down a motion was made to reconsider, and when it was carried the Senator from Indiana [Mr. KERN] presented a very important amendment to the substitute that no one, so far as I know, had seen, and that was voted into the substitute and adopted.

Mr. TOWNSEND. I recall that very well.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I do.

Mr. LA FOLLETTE. I rise just to make a correction, if the Senator will permit me.

Mr. TOWNSEND. Gladly.

Mr. LA FOLLETTE. The bill which I offered as a substitute was introduced on the 21st day of June, and offered as a substitute on the 27th day of July. It was printed and on the desks of Senators for one month and six days before it was offered.

Mr. TOWNSEND. I beg the Senator's pardon, if that was true. I inquired for the bill at that time, and was unable to obtain one. I know I discussed it at that time, and I had not read the bill. I am glad to correct the statement that it had not been printed.

Mr. LA FOLLETTE. I remember now, since the Senator mentions that fact, that the day the bill passed the Senate as a substitute I requested an additional print of the bill, because I found on that day that the former print had been exhausted.

Mr. TOWNSEND. I am obliged to the Senator, because I know it was impossible for me to obtain a copy when I wanted to look it over and find out what the bill was.

Mr. LA FOLLETTE. If I may trespass just a moment longer, I will say that the amendment which I offered—and I make this statement in correction of the statement made by the Senator from Washington—I offered while the bill was under consideration in Committee of the Whole. It was rejected. The bill was then taken up in the Senate, and I then offered the same bill identically again, after moving a reconsideration of the vote.

Mr. JONES. I beg to say that the point of my suggestion was that the important amendment offered by the Senator from North Carolina had not been considered by anybody, and it was adopted.

Mr. LA FOLLETTE. If the Senator will permit me, I think he is mistaken about that. No amendment was offered by anybody, except the one that I offered.

Mr. JONES. I know that amendment was offered to one bill. It may not have been the bill the Senator has in mind.

Mr. LA FOLLETTE. It may not have been the legislation we are now considering—the wool schedule. I have that very definitely in mind.

Mr. JONES. It may not have been the wool schedule. It was one of the tariff bills on which the same procedure had been followed.

Mr. TOWNSEND. Mr. President, the only object I had in rising at this time was to call attention to the fact that the bill before us is a substantial reduction of duties in the direction of the report made by the Tariff Commission. Therefore, to those of us who believe that we ought to be guided by that and ought to reduce duties to the extent of the difference between the cost of production, it is an improvement; and I can not understand how we can afford to turn this down and have no hope of obtaining anything in its place. The fact I have mentioned that this has not been printed is not the first instance where a tariff bill has been so amended, and without protest as I remember it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. PENROSE], in the nature of a substitute, on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent this evening. If he were present, I should vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to again announce that my colleague [Mr. KERN] is paired with the junior Senator from Tennessee [Mr. SANDERS]. Were my colleague present, he would vote "nay." I will leave this statement stand as to the first part of it.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Were he present I should vote "yea" and he would vote "nay." He not being present I am compelled to withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were present, he would vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent and paired. If he were present, he would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). I again announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. Were the senior Senator from Maryland present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city and is paired with the junior Senator from South Carolina [Mr.

SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If I were at liberty to vote, I would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent on account of illness, and I therefore withhold my vote.

Mr. LIPPITT (when Mr. WETMORE's name was called). My colleague [Mr. WETMORE] is necessarily absent from the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The roll call was concluded.

Mr. BURNHAM. I again announce my pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. BRADLEY (after having voted in the affirmative). A few moments ago I inadvertently voted when paired with the Senator from Maryland [Mr. RAYNER]. I desire to withdraw my vote, and to state that I would vote "yea" if he were present.

Mr. MARTINE of New Jersey. I was requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Borah	Cummins	Lodge	Root
Bourne	du Pont	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smoot
Briggs	Gallinger	Nelson	Stephenson
Bristow	Gronna	Oliver	Sutherland
Burton	Guggenheim	Page	Townsend
Catron	Heyburn	Penrose	Works
Clark, Wyo.	Jones	Perkins	
Crawford	Lippitt	Poindexter	

NAYS—32.

Ashurst	Hitchcock	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	O'Gorman	Smith, Ga.
Bankhead	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Kenyon	Paynter	Stone
Chamberlain	La Follette	Pomerene	Swanson
Clapp	Martin, Va.	Reed	Thornton
Culberson	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	Williams

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. PENROSE's amendment was agreed to.

Mr. NEWLANDS. I do not know whether at this point I can offer an amendment.

The PRESIDENT pro tempore. The Chair will suggest that it will be in order when the bill goes to the Senate, but not now.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. The bill is still in Committee of the Whole?

The PRESIDENT pro tempore. It is still in Committee of the Whole.

Mr. CUMMINS. Is it amendable in its present stage?

The PRESIDENT pro tempore. Not in Committee of the Whole, but it will be amendable when it reaches the Senate.

Mr. CUMMINS. I simply desire to give notice that when the bill reaches the Senate I intend to offer an amendment providing for the creation of a Tariff Commission.

The PRESIDENT pro tempore. Without objection, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The amendment made as in Committee of the Whole will, without objection, be concurred in. The bill is in the Senate and open to amendment.

Mr. CUMMINS. I offer the amendment which I send to the desk, and in connection with it I will say to the Senate that it is the Tariff Commission bill as it passed the Senate in 1910.

It is the bill concerning which there was debate here and some controversy, and which passed over to the other House and was lost there because of the lateness of the hour at which it reached the House. I offer the bill as an amendment, beginning with line 3, as I now send it to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. OVERMAN. If I caught the reading correctly, I wish to call the attention of the Senator from Iowa to the fact that the amendment provides that the board shall be appointed after July 1, 1911. It is a mistake of the reading clerk or a mistake in the bill.

Mr. CUMMINS. Mr. President, I ask that the word "July" be stricken out and that "October" be inserted, and in the year that the word "eleven" be stricken out and "twelve" be inserted.

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

The SECRETARY. On page 1, line 10, it is proposed to strike out the word "July" and insert "October," and in the same line to strike out the word "eleven" and insert the word "twelve," so as to read "nineteen hundred and twelve."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. PENROSE. Mr. President, as I understand from the Senator from Iowa [Mr. CUMMINS] this is the identical measure which passed the Senate during the closing days of the last Congress with practical unanimity. Therefore, so far as I am concerned, I am willing to accept the amendment.

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

Mr. WILLIAMS. Mr. President, one word first. It seems to me that if it be advisable to have a Tariff Board at all, the one which is now in existence is organized, is going ahead, and is doing the identical work which this new Tariff Commission is expected to do. That is one objection which I have to the amendment.

Another objection is somewhat more serious. After the 4th of March next, when there shall be a genuine Democratic tariff-revision President in the White House, a Democratic House of Representatives, and a Democratic tariff-revision Senate, I do not want anybody of any sort to stand as a pretext for the Congress and the President of the United States to take advantage of to hide behind in order to neglect their duty to the American people, which will be to proceed at once to a revision of the tariff downward, as nearly as existing conditions will permit, to the revenue point.

Mr. CUMMINS. Mr. President, I do not understand that there is any tariff commission now in existence. It is true that the President has been authorized to employ certain persons to secure for him, and through him, I assume, for Congress, certain information; but the board as constituted falls so far short of the instrumentality that I think we ought to have that I am sure its existence ought not to stand in the way of the establishment of the commission provided for in the amendment which I have offered. If this becomes a law, of course the other becomes obsolete, and there is no appropriation as yet for it, anyway.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. REED. 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 again announce my pair with the junior Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. SANDERS (when his name was called). On account of my pair with the junior Senator from Indiana [Mr. KERN] I withhold my vote; otherwise I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called.) I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I will say that upon all votes which may follow on this subject I shall stand paired with that Senator.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent. He is paired with the Senator from South Carolina [Mr. SMITH]. If he had been present and free to vote, he would have voted "yea." I understand, however, that, as stated by the Senator from South Carolina, the pair has been transferred to the Senator from Maine [Mr. GARDNER].

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If he were present, I should vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the remainder of the day. I vote "yea."

Mr. MARTINE of New Jersey. I again announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the rest of the evening.

Mr. BAILEY. I announce my pair with the Senator from Montana [Mr. DIXON], and I desire this announcement to cover all the votes for the day.

The result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Borah	Crawford	Lippitt	Poindexter
Bourne	Cummins	Lodge	Pomerene
Brandegee	du Pont	McLean	Root
Briggs	Fall	Massey	Smith, Mich.
Bristow	Gallinger	Nelson	Smoot
Burton	Gronna	Newlands	Stephenson
Catron	Guggenheim	Oliver	Sutherland
Chamberlain	Jones	Page	Thornton
Clapp	Kenyon	Penrose	Townsend
Clark, Wyo.	La Follette	Perkins	Works

NAYS—26.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnson, Me.	Paynter	Stone
Bankhead	Johnston, Ala.	Reed	Swanson
Bryan	Martin, Va.	Shively	Watson
Culberson	Martine, N. J.	Simmons	Williams
Fletcher	Myers	Smith, Ariz.	
Heyburn	O'Gorman	Smith, Ga.	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the amendment of Mr. CUMMINS was agreed to.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk, to come in as an additional section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

Mr. NEWLANDS. Mr. President, we are now considering a Republican bill upon which the stalwart and the insurgent Republicans have practically united. Lest this bill should become a law, it is my desire to perfect it so far as that can be done. The bill thus far relates to one of 13 schedules, the wool schedule, and makes a reduction in the duties covered by that schedule. The purpose of the amendment is to make a gradual reduction in all the other schedules of the tariff, commencing with the reduction of 10 per cent the first year and imposing a reduction of 5 per cent per annum for four years thereafter, until a total reduction of 30 per cent is attained.

Now, I wish to call attention to the fact that the adoption of this amendment will not prevent contemporaneous reductions at this session of Congress to a greater degree upon the general duties of the tariff. The amendment provides that the reduction shall not apply to duties which are specifically reduced at this session of Congress, and it shall not apply to duties which are hereafter specifically reduced. It is simply a dragnet which will cover every duty not specifically reduced either at this session of Congress or at subsequent sessions of Congress.

I say that in reply to the suggestion made by the Senator from Missouri yesterday, that my amendment would not apply to those prohibitory and extortionate duties ranging as high as 100 per cent and higher, upon which it is desirable that greater reductions should be made in the near future.

This amendment will not prevent such reductions, and the reductions called for by this amendment will not apply to any duty which is specifically reduced at this session or which may hereafter be specifically reduced.

Now, the next suggestion is that this is a blanket amendment, providing for the reduction of all duties not specifically reduced, and that some of these duties may be and probably are now revenue duties—duties which would meet the requirement of the Democratic platform and of Democratic principles and that it would not be desirable to reduce those duties even in this gradual way.

It may also be suggested that after this reduction has commenced the reduction may bring foreign goods to the importing level, and that if further persisted in it may result in a flood of foreign importations injurious to or destructive of American industries.

I wish to say in that connection that whilst the Republican Party proposes to guard against that contingency, with a view to maintaining a protective tariff, the Democratic Party also proposes to guard against that contingency, for it has pledged itself in its platform to conduct these reductions in such a way as to bring it to such an ultimate conclusion as will not injure or destroy any legitimate American industry. So the platforms of both parties require, where a gradual reduction is made, that a brake shall be provided which will prevent excessive foreign importations to the injury of American workmen or the injury of an American industry. The Democratic Party wishes it turned into a revenue tariff. It is safe to say that any tariff which will permit the introduction into this country in the way of importations of one-tenth of the total domestic consumption will be a revenue tariff, for such a tariff applied to the present dutiable schedule would yield us a revenue of at least $300,000,000 a year.

Mr. CLAPP. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. CLAPP. If I understand the Senator's amendment, it would apply to any duty now existing which is not changed by legislation at this session or by subsequent legislation.

Mr. NEWLANDS. It would not apply to any duty which is specifically reduced at this session or any duty which is specifically reduced hereafter.

Mr. CLAPP. Yes. Then my question is correct. It would apply to any duty which is not changed at this session or by subsequent legislation.

Mr. NEWLANDS. Yes; that is true.

Mr CLAPP. Has the Senator figured out the effect of this proposed reduction in many cases upon raw material as fixed in the Payne-Aldrich tariff bill.

Mr. NEWLANDS. I have not figured it out. I simply assume that it is perfectly safe for every American industry to have one-tenth of the articles consumed in this country brought from abroad, and just as soon as we reach that importing level this amendment stops the reduction upon that article, so as to prevent any importations beyond one-tenth.

Mr. CLAPP. Many of us were opposed to the Payne-Aldrich bill because, while it was framed under the guise of protection, it sacrificed many interests in this country as ruthlessly as it raised exorbitantly the tariff upon other things, and especially is that true, as I recall, with reference to raw material in many instances.

Now, I am in sympathy with the idea of a gradual reduction in the tariff, but for the same reason that I would not vote for the amendment last proposed without opportunity to study and understand its effect, I, for one, could not vote for the Senator's amendment without knowing what effect it would have upon those raw materials, which in some instances, I believe, were ruthlessly sacrificed and in other instances brought to the very verge of sacrifice under the Payne-Aldrich tariff bill.

Mr. NEWLANDS. I regret very much to hear the Senator announce that he can not vote for this amendment, for I thought it would meet his views. I know that he objected to certain provisions of the Payne-Aldrich bill upon the grounds which he asserts. But I suggest that there is no danger at all, even from his standpoint, in voting for this amendment, for he should recollect that it will not apply to any raw material, one-tenth of the consumption of which is now imported, for that raw material is now producing revenue and the duty imposed upon it is a revenue duty, and I imagine there is not a single raw material of which to-day one-tenth of the total domestic consumption is not imported from abroad.

But we will assume that none of these raw materials is imported from abroad. Is there any danger at all to the occupations that produce those raw materials in this country in permitting one-tenth of the total domestic consumption to come from abroad? Can such an invasion of foreign goods or foreign products be in the least degree destructive? The brake is applied just as soon as the importations equal one-tenth of the total domestic consumption. Nine-tenths, therefore, of the American market is secured to the American producer and only one-tenth of the foreign goods come in as competitive regulators. Under this amendment every prohibitory duty in the tariff will be gradually changed into a revenue duty; under this amendment every excessive duty will be gradually diminished until it reaches a revenue basis.

Under this amendment there can be no sudden invasion of foreign goods dislocating our enterprises and depriving American workingmen of employment, and both parties profess to be solicitous not only for the American workingmen but for American industries, the Democratic Party pledging to conduct this reduction in such a way as not to injure or destroy any legitimate American industry.

Now, I wish to say a word to my Democratic friends upon this subject. This bill may pass this body, though I hope it will be displaced by one which I understand is to be introduced later on as a substitute for it and which will make a greater reduction.

But this bill may pass, and if it does pass it will probably be the only tariff bill that will pass at this session of Congress, with the exception perhaps of the sugar tariff bill. We have the opportunity now to force a reduction which will ultimately reach 30 per cent upon over 3,000 articles enumerated in the different paragraphs of the Payne-Aldrich Act. Shall we not avail ourselves of that opportunity? If we come into power we can make further reductions if we deem them wise. We may take hold of the prohibitory duties and the highly excessive duties and reduce them in much greater degree than is called for by this amendment. It will not at all interfere with our freedom of movement or freedom of action if we come into power, and if we should not come into power we would have forced upon a Republican tariff bill a principle which within five years would accomplish a reduction in the present tariff of 30 per cent.

Were we in power it would be wise to pass such an amendment as this, because it would create alarm nowhere, and the Democratic Party must recollect that it has been defeated every time by the fears of the workingmen—the men employed in the protected industries—whose affiliations are naturally with our party. If we are defeated in the coming campaign it will be because our opponents are able to arouse the alarm not only of the manufacturers, but their employees, by the familiar dinner-pail argument addressed to the question of the daily bread of the laboring classes. Think how many of these men, whose affiliations with us are their natural affiliations, are employed in these protected industries—nearly 3,000,000, I am told, in the steel industry alone.

Would we put it in the hands of their employers to go to them and say, "The Democratic Party proposes such a radical reduction in the tariff as not only to imperil us as manufacturers, but to imperil your employment"? They have been moved by such considerations before, and it has been the scare created among the employees of protected industries in every campaign that has defeated the Democratic Party.

I urge, therefore, upon the Democrats of this body to support this amendment, because it gives an immediate relief, because it procures that relief through the adoption of the Democratic amendment on a Republican measure, because it is a substantial compliance with the pledge of our platform, and because it entirely robs the manufacturers of this country of their familiar argument that the incoming of the Democratic Party will bring destruction to the employees of the protected industries.

But it may be said that when you apply this rate it is a protective rate and Democrats can not in any case vote for protection. I deny that, in the sense that it is an indorsement of the protective policy. The Democratic Party refuses to indorse the protective policy, but it can not ignore the fact that our platform states that a protective policy has existed for years and that the industries of the country have become interwoven with it. Realizing that you can not in a moment destroy the entire protective tariff and bring down these protected industries in ruin upon our heads, we declared in our platform that we proposed to consider the fact that the industries of the country have been interwoven with the protective tariff and we propose to tear them apart gradually and in such a way so as not to injure or destroy any legitimate American industry.

Why did we put that plank in our platform if we did not recognize the fact of protection whilst repudiating the principle of protection? Why did we put that plank in the platform unless we intended in good faith to carry it out and to bring about ultimately a tariff for revenue only, without dislocating American industries?

So, Mr. President, this is an amendment which can be supported by every man who really wants a reduction of the tariff. The Republicans want it. They so declare. The President wants it. He so declares. The Democrats want it. They so declare, and they want it all along the line. Whilst there is a difference in the degree of the reduction, they all unite in demanding a reduction.

Now, here we are in Congress with these three forces opposed to each other—the Democrats, the stalwart Republicans, and

the insurgent Republicans—each having different theories as to the amount of reduction, but all of them favoring a reduction. Here we have a political condition in which the House is of one political complexion, the Senate of another, and the President allied to the Senate in political affiliation. It is utterly impossible to carry any measure without the consent of these three parties, these parties who act as the agents of the people with a view to carrying out their demands upon an economic question; and are we to stand in the face of the American people and say that men of intelligence, men of patriotism, in these two bodies and in the executive department can not get together upon any reduction, though all declare themselves in favor of some reduction?

If we assume that position, will not the people be justified in the suspicion and distrust which they now entertain of their public servants? That suspicion and distrust are manifesting themselves now in efforts to take away from representative government the powers delegated and restoring them to the people themselves. Can a body of intelligence like this before the American people confess its inability to join with the President of the United States and the House of Representatives, both of them in favor of substantial reductions in the tariff, and say to the American people we are powerless to do anything? The American people will not say you are powerless to do anything; they will say you lack the sincerity which enables you to carry out your professions. Your action will simply increase the distrust now entertained of representative government.

Mr. President, I will ask for a quorum.

The PRESIDENT pro tempore. The Senator from Nevada makes the point that there is no quorum. The roll will be called.

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

Ashurst	du Pont	Massey	Smith, Ariz.
Bacon	Fall	Myers	Smith, Ga.
Bankhead	Fletcher	Nelson	Smith, Mich.
Borah	Gallinger	Newlands	Smith, S. C.
Bourne	Gronna	O'Gorman	Smoot
Bradley	Guggenheim	Oliver	Stephenson
Brandegee	Hitchcock	Overman	Stone
Briggs	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Paynter	Swanson
Bryan	Jones	Penrose	Thornton
Burnham	Kenyon	Perkins	Townsend
Burton	La Follette	Poindexter	Warren
Catron	Lippitt	Pomerene	Watson
Chamberlain	Lodge	Reed	Williams
Clapp	McCumber	Root	Works
Clark, Wyo.	McLean	Sanders	
Crawford	Martin, Va.	Shively	
Dillingham	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment submitted by the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The amendment was rejected.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment.

Mr. LA FOLLETTE. Mr. President, I move to strike out all after the enacting clause and insert what I send to the desk as an amendment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wisconsin will be read.

The SECRETARY. Strike out all after the enacting clause and insert the following:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the three following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wools of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per centum ad valorem.

370. Woolen rags, mungo, and flocks, 25 per centum ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per centum ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per centum ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per centum ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per centum ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per centum ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 forms the component material of chief value, shall be subject to a duty of 30 per cent ad valorem.

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act, and no other duty, upon the entry or the withdrawal thereof.

That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1912.

Mr. LODGE. I move to amend the substitute just offered by inserting the amendment which I send to the desk, to come in before the repealing clause. It need not be read again. It is the Tariff Commission act which the Senate has just adopted.

The SECRETARY. At the end of section 2, it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of October, A. D. 1912, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the

member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress, now in force or hereafter enacted, are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purpose of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

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

Mr. LA FOLLETTE. Mr. President, I wish to change one word in the amendment which I offered in order to perfect it. I have not the copy before me, but I wish to change the last word in the amendment offered from "twelve" to "thirteen," so that it will read that it will go into effect "January, 1913," instead of "January, 1912."

The PRESIDENT pro tempore. The Senator has a right to modify his amendment.

Mr. LA FOLLETTE. The print of the bill which I have was offered as an amendment on the 27th day of July, 1911. I will say to the Senate that the amendment as now offered is exactly in the same form in which it was adopted on the 27th day of July, 1911—not one word or figure is changed in the bill as it was then adopted excepting the change which I have just now suggested.

Mr. STONE. I was out of the Chamber for a while during the reading of the amendment. Some one has said that the provisions contained in the amendment authorize the appointment of a tariff board.

Mr. LA FOLLETTE. I will say that the Senator has been misinformed. This amendment is identical with the bill which was passed by the Senate on the 27th day of July, 1911.

Mr. SIMMONS. But, if the Senator from Wisconsin will permit me, as I understand the Senator from Missouri, he means that an amendment has been offered to the substitute creating a tariff board.

Mr. LA FOLLETTE. I understand that the Senator from Massachusetts [Mr. LODGE] has offered an amendment to the amendment which I have proposed, but that has not yet been adopted. The amendment as I propose it is in exactly the same form in which it passed the Senate on the 27th of July, 1911.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CLAPP. 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 make the same announcement as before with reference to my pair.

Mr. DILLINGHAM (when his name was called). Because of my pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote; otherwise I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent and paired, as stated, with the Senator from North Dakota [Mr. McCUMBER]. If my colleague were present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is not in the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SANDERS (when his name was called). I would vote "yea" were it not for my pair with the junior Senator from Indiana [Mr. KERN].

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER], but for which I should vote "yea."

Mr. SMITH of South Carolina (after having voted in the negative). I inadvertently voted. I wish to announce that I am paired with the Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Maine [Mr. GARDNER] and will allow my vote to stand.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31.

Borah	du Pont	McLean	Root
Bourne	Fall	Massey	Smith, Mich.
Brandegee	Gallinger	Nelson	Smoot
Briggs	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Sutherland
Catron	Lippitt	Penrose	Thornton
Clark, Wyo.	Lodge	Perkins	Townsend
Cummins	McCumber	Pomerene	

NAYS—35.

Ashurst	Fletcher	Myers	Smith, Ariz.
Bacon	Gronna	Newlands	Smith, Ga.
Bankhead	Hitchcock	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Stone
Bryan	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kenyon	Poindexter	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works
Culberson	Martine, N. J.	Simmons	

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NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. LODGE's amendment to Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I offer the amendment which I send to the desk to be inserted at the end of the substitute.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

Mr. CLAPP. Mr. President, I have not kept advised as to the result of the conference upon the previous tariff bill. As I understand, a similar amendment was added to one of the tariff bills. Is not that so?

Mr. STONE. To the steel bill.

Mr. CLAPP. It was added to the steel bill. I ask if that bill has yet been reported from the conference?

Mr. PENROSE. For various reasons the conferees on that bill have not yet met. In order to make this very praiseworthy amendment absolutely secure, I would urge its being added to this bill.

Mr. CLAPP. I certainly commend the interest of the Senator from Pennsylvania in repealing the so-called Canadian tariff bill. Half of that effort last year would have prevented its passage.

Mr. SIMMONS. Mr. President, I have always voted against reciprocity; but I am satisfied that this amendment is offered for the purpose, or if not for the purpose it might have the effect, of defeating the bill which the Senate may pass to-night. For that reason I shall vote agains it.

Mr. McCUMBER. If the Senator would look at the amendment he would see that notice was given over a month ago that it would be offered as an amendment to the wool bill, so that it is not an amendment merely urged at this particular moment.

Mr. SIMMONS. It is offered here to embarrass this bill, and I shall vote against it.

Mr. McCUMBER. If it would embarrass your bill I think it would operate very well, indeed, and I should be very glad to see it adopted for that purpose.

Mr. SIMMONS. I have no doubt the Senator thinks that way.

Mr. THORNTON. Mr. President, like the Senator from North Carolina [Mr. SIMMONS], who has just spoken, I also have always voted against Canadian reciprocity, and last year I set forth my reasons very fully for doing so. I have done so because in my opinion it is a most unjustifiable discrimination against the agriculturists of this country, forcing them to sell their products in a free market and then to buy everything they use in a protected market. For that reason I voted against it, and unlike the Senator from North Carolina, I shall continue to vote against it just as long as I can stand up.

Mr. CLAPP. Mr. President, while there may be such a thing as future punishment for those who are gifted with immortality—that is, the human race—I do not think it pertains to a tariff bill. I do not believe in pounding a dog after it has been killed. So far as the Senate is concerned, we have already passed an amendment repealing the Canadian tariff bill. It is asserted, as a great many things during the last three years have been asserted, that the measure containing that amendment will be vetoed. If that is true, this measure also will be vetoed if it contains that amendment, and, as I believe, we should try to get some reduction from the tariff bill of 1909, having already voted to repeal the Canadian tariff bill which no man ever heard me mischaracterize as "reciprocity"—we might as well call a one-handled jug a pair of apothecary's scales as to call the Canadian tariff bill reciprocity. I shall vote against embarrassing this bill by putting that amendment upon it.

Mr. McCUMBER. If the Senator is very certain that this bill as it will be passed is going to be vetoed and is certain that the other will be vetoed also, why can not the Senator vote his sentiments against reciprocity on this bill the same as on any other?

Mr. CLAPP. Mr. President, the Senator in his zeal has fallen into the habit of being incorrect. My suggestion was that this bill might be vetoed if it contained the amendment repealing the Canadian tariff bill.

Mr. McCUMBER. I can assure the Senator that I do not believe it will be vetoed for that reason, though it may be vetoed for other reasons.

Mr. CLAPP. Oh, Mr. President, a new light dawns upon the situation.

Mr. McCUMBER. I hope if there is a new light the Senator will follow that light.

Mr. CLAPP. Then we do have authority as to what the President will do with these tariff bills.

Mr. McCUMBER. I am very certain that this tariff bill will not be vetoed, because it contains a repeal of the reciprocity law which now stands as an offer to Canada.

Mr. REED. Mr. President, I merely wish to remark that it is refreshing to find some gentleman who can speak with authority as to the inner consciousness of the President.

Mr. NEWLANDS. Mr. President, I am not willing to vote for any amendment that will embarrass this bill. With that view, whilst I have always favored a tariff board, I vote against an amendment providing for a tariff board in this bill, assuming that if a tariff board amendment were attached to this bill it would fail to receive a good deal of support it would otherwise receive.

Mr. McCUMBER. I ask for the yeas and nays on my amendment.

Mr. SMITH of Michigan. Mr. President, so long as the reciprocity measure remains as it is to-day, it is within the power of Canada to adopt it and make it effective as an international regulation, and in view of the unanimity with which this measure is condemned on both sides of the Chamber and in the agricultural communities of the United States it looks a little like trifling with a very dangerous question to leave entirely in the hands of a foreign government the right to give effect to a measure that is so generally repudiated in this Chamber and throughout the country.

A few days ago in some of the northern Provinces of Canada, notably Saskatchewan, they again voted their approval of the reciprocity arrangement of the Laurier government with the United States, and we can not tell when that people may determine to give effect to this law; and to leave it lingering on the statute books where vitality may be given to it at any moment by a foreign people surprises me greatly, especially when the sentiment on both sides of this Chamber is against it. For one I shall never lose an opportunity to recall that measure and to invalidate that act.

Mr. CLAPP. Mr. President, so far as it is proper within the rules of senatorial discussion, I will say I am surprised that those who have already voted to reduce the tariff should seek to embarrass a real substantial reduction by trying to force men into the false attitude of voting against the Canadian tariff bill. I for one will not be driven into any such position, and as long as we have already passed an amendment denouncing the Canadian tariff bill, and that is already in conference, I am not going to be deterred from an effort to get a fair, substantial reduction upon a schedule that has been denounced by men in both parties, by the effort to throw me into the false attitude of voting against the Canadian tariff bill.

I believe if ever there was a wrong committed it was in forcing that bill through the Senate, a measure which in 1904 had been denounced in the Republican textbook as a Democratic fraud, and yet a Republican President, with all the vainful lure of patronage, forced that measure through the Congress with a Republican Senate a year ago. No threat, no intimation, no suggestion, and no effort by those who are not really in earnest in a fair tariff reduction for which the people are looking, having appealed to the Senate for a relaxation and a lessening of the burdens of the wool schedule, will deter me from unmasking at this time the efforts to embarrass this measure now pending by attempting to throw Senators into the attitude of being hostile to the repeal of the Canadian tariff bill.

Mr. WILLIAMS. Mr. President, to lapse into southern dialect for a minute, "it is mighty pore policy and pore ethics to beat the devil round the stump."

Mr. CLAPP. That is right.

Mr. WILLIAMS. Gentlemen need not rise here and attempt to fool the country, they need not even attempt to fool themselves, with the pretense that the object in offering this amendment is to secure the repeal of the Canadian reciprocity law. They know, we all know, and the most ignorant human being in the United States will know, that the object in offering this amendment is to prevent the measure to which this is sought to be attached from becoming a law, to prevent, if possible, its passage through the House of Representatives.

It is mighty good policy and mighty good ethics to be honest with one another and to be honest with the country. There is not a man within the sound of my voice who does not know that the object in offering this amendment and the object in supporting it is not the amendment itself, but to embarrass the measure upon which it is proposed that it shall be ingrafted.

Mr. THORNTON. As one Member of the Senate, I deny the correctness of that statement as applied to myself.

Mr. WILLIAMS. There may be now and then somebody so innocent as to be totally ignorant of the transaction, but that is the transaction. That will be the effect of this transaction. Every man in the world is charged with knowledge of the natural consequences of his own act, and when it is offered here at this particular juncture, and when it is voted for at this par-

ticular juncture, that is the natural and necessary consequence in the opinion of almost everybody, to wit, to prevent the passage of this measure through the House, and therefore to prevent its going to the White House.

The President vetoed a similar bill that came from the conference, upon the ground that the Tariff Board had not had time or opportunity to report; upon the ground that he did not possess the information, without the aid of the Tariff Board, upon which he could base his action. The Tariff Board has reported, and this bill can not, in my opinion, be pronounced by anybody to be in conflict with their final report.

The last pretext, therefore, that the President has for vetoing this bill has passed into history and out of sight. If he be sincere in desiring to get the advice of a Tariff Board, the benefit of its investigation and its judgment, those will now be before him, although they were not before him when the bill was last passed, and he will have to take the responsibility before the country, or else he will have to confess that the pretext of being guided by the Tariff Board was a pretext and is a pretext.

Mr. CUMMINS. Mr. President, I suppose there is not a Senator here who opposed the reciprocity measure more than I, and there is no Senator here who desires more earnestly to see it repealed and removed from the law of the Nation, but it seems to me unnecessary to attach its repeal to every measure that may come before the Senate. We have already attached it to one measure, and I think I am violating no confidence when I say that before this debate shall have come to an end—I mean the debate upon the three measures covered by the unanimous-consent agreement—there will be another opportunity for Senators to vote for the repeal of the reciprocity act, and for that reason I do not intend to vote to attach it to this bill.

Mr. McCUMBER. Mr. President, the devil seems to be chasing himself around the stump without anybody getting after him. I first find the Senator from Minnesota [Mr. CLAPP] objecting to this proposition because he is afraid that the President will veto the bill. Then I find another chasing him around under the proposition that it is introduced for the purpose of preventing the bill passing the House.

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

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLAPP. I have at no time in this debate or any other debate suggested that the President would veto a bill. To me it is a matter of no consideration. His is the function to sign or veto; mine to vote for or against the measure. What I said was if he was going to veto another bill because it contained this amendment, the same argument would apply to this bill with the amendment attached.

Mr. McCUMBER. Then we have another one chasing him in the same direction and suggesting another reason why the bill in which the provision repealing the reciprocity act had already been inserted will be vetoed. Very well; if it will be vetoed in that bill, then there is no excuse for not putting it on another bill, and that is all there is to it.

Mr. CLAPP. It would embarrass this bill.

Mr. McCUMBER. It will embarrass this bill? If the Senate and House are in favor of the repeal of that reciprocity provision, there is an opportunity now to put it through both Houses; and if the Senator would not vote for a proposition, no matter what the President would do or what the other House would do, then he should not talk about embarrassing this bill. He should vote according to his own conscience and his own judgment as to whether it is a proper measure in either instance, and let the House take care of itself. I would vote for this bill and this proposition if I stood alone. I am not in favor of the bill as it now comes before the Senate because I think it is a little too low; that is all. I do not think it gives adequate protection. The Senator who introduced it thinks that it does. Neither of us believes that the Democratic measure gives the adequate protection.

I hope the Senators will give every one the same credit for trying to act according to his own judgment in matters of this kind. I am perfectly free to say that I would hope that the bill would be defeated in the House; but whether it should be defeated or not, I shall vote for the repeal of this reciprocity provision on every bill to which it can properly be attached, and if it fails in one it may stand a chance of passing through in the other. That is all there is to it.

When it was voted on before the Senator who then offered it, although it had been offered in the Senate before, declared that he would move it upon every tariff bill that came before the Senate. I did what he stated he would do—move it upon each one, or one that was similar to it. I am willing to vote for it. Undoubtedly the majority is against putting it on this bill, but I do not think that the motive of any Senator ought to be challenged.

Mr. FLETCHER. May I ask the Senator if he will vote for the measure now pending if the amendment he proposed is attached to it?

Mr. McCUMBER. I would not vote for it if I thought it was wrong. If I thought it was wrong, then I would make it just as near right as I could. If there is any other good feature that I could attach to it I would do it.

Mr. FLETCHER. That is the question I was asking, whether he would or would not. He knows whether it is right or wrong now, I presume.

Mr. McCUMBER. I thought I made it quite plain that I believed the amendment was a little too low, and as such I was not in favor of it. I do not think that it is anywhere near as low as the Democratic bill.

Mr. SMOOT. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] made the statement that no one could say but that the bill under consideration was not in conformity with the Tariff Board report. I say that the Tariff Board report not only once but more than once denounces the ad valorem duties of a wool tariff bill, and I will read from just one part of the report in relation to the ad valorem duties which the proposed bill carries. On page 394 of the report the board says:

> The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

Specifically disagreeing to any kind of plan of an ad valorem duty upon the woolen schedule. That is only one of the many instances in this report where the board takes that same position.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded on agreeing to the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again state my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "yea" if I were at liberty to vote.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote with reference to my pair with the Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my pair with the Senator from South Carolina [Mr. TILLMAN], as already announced, I withhold my vote. If I were not paired I would vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and the transfer of that pair to the senior Senator from Washington [Mr. JONES]. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). I again announce that my colleague [Mr. PERCY] is absent on emergent business; that he is paired with the Senator from Wyoming [Mr. WARREN]; and that if my colleague were present and not paired he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. KERN]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I beg to announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. TOWNSEND. The senior Senator from Washington [Mr. JONES], who has been here all day and all the evening, was necessarily called from the Chamber. For that reason he did not answer to his name.

The result was announced—yeas 30, nays 36, as follows:

YEAS—30.

Borah	Fall	McLean	Smith, Mich.
Bourne	Gallinger	Massey	Smoot
Brandegee	Gronna	Nelson	Stephenson
Briggs	Guggenheim	Oliver	Sutherland
Burton	Heyburn	Page	Thornton
Catron	Lippitt	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	
du Pont	McCumber	Root	

NAYS—36.

Ashurst	Cummins	Myers	Simmons
Bacon	Fletcher	Newlands	Smith, Ariz.
Bankhead	Hitchcock	O'Gorman	Smith, Ga.
Bristow	Johnson, Me.	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Paynter	Stone
Chamberlain	Kenyon	Poindexter	Swanson
Clapp	La Follette	Pomerene	Watson
Crawford	Martin, Va.	Reed	Williams
Culberson	Martine, N. J.	Shively	Works

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. McCUMBER's amendment to Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if I were not paired.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote of my pair with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON]. If he were present he would vote "yea." He is paired with the Senator from Illinois [Mr. CULLOM].

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of my pair, as already announced, with the Senator from South Carolina [Mr. TILLMAN]. I would vote "nay" if he were present.

Mr. McCUMBER (when his name was called). Again announcing my pair with the senior Senator from Mississippi [Mr. PERCY], I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I again announce the pair of the senior Senator from Oklahoma [Mr. OWEN] with the senior Senator from Nebraska [Mr. BROWN].

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the Senator from Indiana [Mr. KERN]. I would vote "nay" if not paired.

Mr. SMITH of South Carolina (when his name was called). I again announce the transfer of my pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Maine [Mr. GARDNER]. I vote "yea."

The roll call having been concluded, the result was announced—yeas 39, nays 27, as follows:

YEAS—39.

Ashurst	Cummins	Myers	Smith, Ariz.
Bacon	Fletcher	Newlands	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, S. C.
Borah	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon.	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works.
Culberson	Martine, N. J.	Simmons	

NAYS—27.

Bourne	Fall	McLean	Root
Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. LA FOLLETTE's amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment. If there be no further amendments proposed, the question is, Shall the amendment be engrossed and the bill be read a third time?

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

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. WARREN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I make the same statement as before regarding my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if he were present.

Mr. BURNHAM (when his name was called). I withhold my vote for the reason before stated, being paired with the Senator from Maryland [Mr. SMITH].

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably detained from the Chamber. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present, he would vote "nay."

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the pair already announced. Otherwise I would vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). I again announce the unavoidable absence of my colleague [Mr. KERN]. If he were present, he would vote "yea." He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN]. The senior Senator from that State advises me that his colleague would vote "yea" if present. So I am obliged to withhold my vote. Otherwise I would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and the transfer as before to the Senator from Maine [Mr. GARDNER]. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I withhold my vote in his absence.

The roll call having been concluded, the result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Ashurst	Culberson	Martine, N. J.	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works

NAYS—26.

Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	
Fall	McLean	Root	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm, in which it requested the concurrence of the Senate.

RAVAGES OF ARMY WORM.

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm, was read twice by its title.

Mr. SMITH of South Carolina. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read as follows:

Resolved, etc., That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various sections of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

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

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

Mr. SMITH of South Carolina. Mr. President, I should like to state in that connection that the Secretary of Agriculture wanted a larger amount, but in view of the fact that the joint resolution had passed the other House and come over here, he said he could use the amount thus proposed to be appropriated. I have supplemented the amount in a joint resolution I now present as a separate measure, and I ask the attention of other Senators to it. I ask that the joint resolution I now introduce be read twice by its title and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 125) making appropriation for checking ravages of the army worm was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 25, 1912.*

The House met at 12 o'clock noon.

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

O Thou God and Father of us all, whose essence is love, to whom discord, sin, and iniquity are abhorrent, teach us the art of living together in peace and harmony that we may reflect Thy love in the home, in society, in the affairs of state, and be worthy of the gifts Thou hast bestowed upon us, Thy care and protection, boundless love and good will. That Thy kingdom may come and Thy will be done in earth as it is in heaven. Amen.

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

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1062) ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

ROBERT W. ARCHBALD.

Mr. FITZGERALD, from the Committee on Appropriations, reported Senate joint resolution 122, providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1063) ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and I ask unanimous consent to disagree to the Senate amendments on the bill and——

Mr. MANN. I hope the gentleman will defer his report until later. We have a special order.

Mr. STEPHENS of Texas. I will withdraw the request for the present.

The SPEAKER. We will attend to this as soon as the gentleman from Nebraska gets through with his speech. Under the special order of yesterday the gentleman from Nebraska [Mr. NORRIS] is recognized for one hour, or so much thereof as he desires to use.

DELEGATES TO CHICAGO CONVENTION.

Mr. NORRIS. Mr. Speaker, when the House adjourned yesterday I was talking about the Federal officeholders in the Southern States in relation to their activity in trying to control the delegation and the policies of the Republican Party. I had just finished, I believe, giving a list of delegates to the Republican national convention from Mississippi, together with their salaries. I want to continue briefly the consideration of the subject in a continuation of delegates from the Southern States to the national convention. I have, Mr. Speaker, a list of the Republican State central committee of the State of Alabama for last year. This was the committee that conducted the campaign, as far as the Taft Republicans were concerned, for the selection of delegates to the national Republican convention at Chicago. Upon that State committee there were 49 members—46, I believe—and there were not to exceed 6 private citizens on that committee, and I think only 5. I have tried to find out the salary of the different members of that committee, but have been unable to get the salary of all of them; but as near as I can reach a conclusion the salary list of that committee of that State alone amounts to somewhere in the neighborhood of $50,000. I have examined the list of the Republican delegates and alternates to the Chicago convention from the State of Georgia. Georgia had 26 delegates in that convention, and every man knows there was and will be no possibility of the nominee of that convention or any other Republican convention that will have any show in getting the electoral vote from the State of Georgia. Every white man on that delegation with the exception of one was a Federal officeholder. The combined salaries of the delegates and alternates alone amounted to $52,000. So I might go on through all the Southern States, with results about the same. If we investigate the salary list of delegates and alternates of Republican committeemen in those States, where in reality there is no Republican Party, it would amount to somewhere in the neighborhood of a million dollars, in my judgment. That is more than these organizations down there are worth either to the country or to the Republican Party.

Let us see what the average Republican delegate to a national convention costs the country. If you will take the delegates from that portion of the South where there is in reality no Republican Party you will find that, on an average, practically every delegate is drawing out of the Treasury of the United States between two thousand and twenty-five hundred dollars per annum. Since the national convention meets only once in four years, this would make the average delegate from this particular section cost the country in the neighborhood of $10,000. When we consider that under our political methods we can not elect a President of the United States until he is first nominated, we can get some kind of an idea of what must be the power of the political machine that can control this patronage. More than 200 delegates in the Chicago convention were absolutely controlled in this way. We complain against the use of money in politics, and rightly so. We pass laws to prevent it, and rightly so. What would be the outcry if some aspirant for the Republican nomination would boldly announce in the public press that he was willing to pay $10,000 a vote for delegates coming from this section of the country? And yet, under our system, the man or the machine in control of the party in these States can practically offer that amount for the votes of delegates in the national convention, the only difference being that the payment of the money must be made by the taxpayers through the Federal Treasury.

Mr. AUSTIN. Will the gentleman permit an interruption?

Mr. NORRIS. I will.

Mr. AUSTIN. Speaking about the delegates from the Southern States, does the gentleman mean to include in that statement the delegates from the State of Tennessee?

Mr. NORRIS. No; I do not.

Mr. AUSTIN. I hope, then, he will make the exception.

Mr. NORRIS. I have made no investigation with regard to the Tennessee delegation, and I make no reference to it. Now, the gentleman from Wyoming [Mr. MONDELL], in his speech here yesterday—and you must remember I am going over this subject somewhat at length in answer to what he said yesterday—made the claim that the postmasters and Federal officeholders in Texas were in league to defeat the renomination of President Taft. If there was a Federal officeholder in the State of Texas who had the courage and the nerve to come out in the open and assert his independence and be against the renomination of President Taft, he ought to have a chromo at least, and perhaps a pension.

I want to take up the Texas situation again, with reference to Federal patronage. The manager of the Taft Republicans in Texas, as I have stated, was H. F. MacGregor, and I am going to read from some of his letters that have been printed, and I will read extracts from them as they were printed in Collier's Weekly. Mr. MacGregor had charge of the Taft campaign in Texas. I hear gentlemen around me make some re-

marks about Collier's Weekly not being good authority, but these letters have been published, these particular ones in this particular publication were published on the 8th day of June, 1912, and I have never yet heard them disputed. Why, if the gentleman wants to take the word of Mr. MacGregor, if he will go down and examine the Texas papers, he will find an advertisement inserted in those papers in Texas during that campaign, signed by MacGregor—inserted with his authority—stating in effect that Lyon, the national committeeman, would not be considered any longer as a dispenser of patronage in Washington, and that as soon as President Taft was triumphantly reelected, other men would have charge of the distribution of the political pie.

We forget sometimes that the Republican Party in a good portion of some of the Southern States is only an organization of men holding Federal appointments. Now, this Mr. MacGregor wrote a letter to the postmasters, and I am going to read you an extract of a letter that he wrote to one of them down there. He told him in the beginning of the letter that the postmaster's personal interest, as well as his political interest, was with the Taft Republicans. He says:

> I am going to look to you for the result in your precinct particularly, and, as far as your influence extends, to the county convention as well. And I wish you to send to me a list of those that support you in your efforts who may be entitled to special credit.

Would a Texas postmaster know what that meant? Is there any doubt in any reasonable man's mind as to the meaning of that language? But let us consider for a moment the activity of Mr. Brush, who, as I have already explained, was one of the trio who had charge of the Taft campaign in Texas. Remember that the gentleman from Wyoming [Mr. MONDELL] complained of the activity of the Federal officeholders in Texas. See what this man Brush writes to one of the faithful:

> Those who are factors in assisting us are the ones that will be recognized when the time comes to shake the "plum tree."

There is no doubt about that language. Federal patronage in Texas being used against the renomination of President Taft? In the same letter he uses this language:

> Lyon and the Federal officials have the "fleshpots," and it is up to us to capture them; then we will have some of the good things.

That is significant. Even a Taft Texas Republican would understand that. Let us now see how Mr. James W. A. Clark, the other member of the Taft trio carries on his part of the fight. In a letter written to Mr. Yates, of Forney, Tex., Mr. Clark says:

> You, therefore, on receipt of this, proceed to organize your county, appoint precinct chairmen, for the purpose of going into the conventions when called and capture them.

Now, listen:

> If you can not capture them, withdraw and hold a convention and elect delegates to county convention, contesting the others, and from county convention to State convention on same lines. Capture, if you can, but do not be captured.

Talk about the holding out of Federal patronage as a reward for political activity! It seems to me that it is demonstrated even in Texas, and every man whether he was a Federal officeholder or not, who was opposing the renomination of President Taft in Chicago, from Texas, was taking his political existence in his hands and jeopardizing it, as these things clearly show.

Patronage in the control of political conventions is one of the great evils of our country, and in this connection in further answer to the gentleman from Wyoming [Mr. MONDELL], I want to refer briefly to the State of Ohio. And in referring to Ohio I want to take it up in connection with Massachusetts. In Massachusetts, where the Roosevelt delegates were elected by a small majority, but where the State went for Taft by a small majority, we found Mr. Roosevelt the next day in an open statement to the effect that in his judgment those delegates ought to comply with the expressed wishes of the Republicans of Massachusetts and vote for Mr. Taft in the convention.

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

Mr. NORRIS. I will, in just a moment.

Following soon after the primaries in Massachusetts came the primaries in Ohio, and Roosevelt was ahead of Taft there by a plurality of 47,000. And then came the State convention, and we find Mr. Taft sending a dispatch to his manager in Ohio, Mr. Vorys:

> I hope my friends will not consider for a moment the suggestion of a compromise in the State convention.

That is the first sentence. I will print the entire dispatch of both of these gentlemen, and I hope I will be able to have them printed in parallel columns, so that every man can read. But the President winds up:

> I hope, therefore, that you and my friends will press the contest to the end of the State convention.

Boiled down this means: "The primary defeated me by 47,000, but capture the convention and get the delegates." In Massachusetts the delegates were technically for Roosevelt, and the dispatch comes:

> The vote of the Republicans is in favor of Taft, and you ought to be for Taft.

Now, I yield to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Does the gentleman know the circumstances of the election in Massachusetts when those delegates were chosen?

Mr. NORRIS. I am not going into that. I know what was stated in the newspapers at the time, and have a general idea, the same as I presume anybody else has.

Mr. GREENE of Massachusetts. Let me ask another question. Did those delegates retire from the contest or did they attend the convention and go for Roosevelt?

Mr. NORRIS. They did not retire from the contest; they did not vote for Roosevelt in the convention.

Mr. GREENE of Massachusetts. Did they do anything else in the convention?

Mr. NORRIS. If I had been one of them—if Roosevelt and every other man in the United States had said to me, "Vote for Taft in that convention," I would have disregarded Roosevelt's advice after what happened in Ohio, and said to the Ohio delegates, "I will carry out the wish of the people as expressed in their preferential vote in Massachusetts if you will lay down your machine methods in Ohio and do the same."

This advice Mr. Taft sent to Ohio had good effect. The workers went to work. They went into the convention, and by a small majority, I think, of twenty and something, they captured it and got the delegates for Mr. Taft, and they voted for him and were counted. But what happened? The plum tree that the Texas man spoke of was shaken in Ohio not long ago, and, at least, a portion of these men that were following the commands that emanated from the White House have already received their reward. And the country, in the payment of the salaries, is footing the bill.

Here are the two statements, one from Roosevelt and one from Taft:

STATEMENT OF MR. TAFT AFTER OHIO PRIMARIES HAD GONE AGAINST HIM BY 47,000 PLURALITY.

I hope my friends will not consider for a moment the suggestion of a compromise in the State convention. The votes involved are not necessary to my nomination. I can stand their loss and am content to be beaten in Ohio, but I can not yield my votes by agreement.

The principles that we represent are too important to the country to lose anything by our voluntary concession. I hope, therefore, that you and my friends will press the contest to the end of the State convention.

STATEMENT OF MR. ROOSEVELT AFTER MASSACHUSETTS HAD VOTED FOR TAFT BY A SMALL MAJORITY.

In Massachusetts the ballot contained the names of eight candidates for delegate at large, with printed under each the words, "Pledged to vote for Theodore Roosevelt," and also contained a column in which the voter was to express his preference as to whether I or Mr. Taft should be nominated as President. It would seem unlikely that a majority of the voters would both vote for the delegates pledged to me and at the same time express a preference for Mr. Taft, but apparently this is what has happened. Such being the case, and on the assumption that the preferential vote is for Mr. Taft, I hereby announce that I shall expect these delegates at large to disregard the pledge to support me and support Mr. Taft; and if any one of them hesitates so to do I shall immediately write him and urge him with all the emphasis and insistence in my power to take the course indicated and support Mr. Taft in the convention.

In this fight I am standing for certain great principles which I regard as vital to the present and future welfare of this Nation. My success is of value only as an incident to securing the triumph of these principles. Foremost among these principles is the right of the people to rule and the duty of their representatives really to represent them in nominating conventions no less than in executive or legislative offices. If the majority of the rank and file of the Republican Party do not wish me nominated, then most certainly I do not wish to be nominated.

My aim has been to get the genuine expression of their genuine desire, precisely as, if nominated, I should desire to get at the polls the genuine expression of the majority of the whole people, because my only purpose in being elected President would be to put into effect certain principles and policies in which I ardently believe and which I could not possibly put into effect unless I had behind me the hearty support of the majority of our citizens.

THEODORE ROOSEVELT.

New Mexico furnishes us another illustration of the power of Federal patronage. New Mexico was entitled to eight delegates in the convention. I am informed by Mr. CURRY, the Republican Member of this House from New Mexico, that he attended the State convention of that State, called for the purpose of selecting these eight delegates. The convention was divided between the adherents of Mr. Taft and Mr. Roosevelt. They consulted together and decided to compromise the fight, and they therefore made an agreement that there should be four delegates from New Mexico for Roosevelt and four delegates for Mr. Taft. With this understanding eight delegates were elected, and, while no instructions were given, it was supposed that the understanding by which this compromise had been agreed upon would be carried out in good faith. I have no personal knowledge of this matter. As I have said, I have my information from the New Mexico Representative, who is a Member of this House, and who is now present in the Hall. What happened in Chicago? New Mexico cast seven votes for the renomination of Mr. Taft. Three of the Roosevelt delegates, for some reason, voted for his renomination. It is a peculiar coincidence that since the adjournment of the Chicago convention a relative of one of these Roosevelt delegates who voted for Taft has been appointed United States marshal of that State. It is also interesting to note that another one of these Roosevelt delegates who voted for Taft has himself been appointed receiver of a land office, and is now drawing the salary of that position. Of course, I suppose when Mr. Taft made these appointments he had no knowledge that these men were even members of the Chicago convention. He appointed them very likely entirely upon their merits, but the common ordinary person, like myself, can not help but connect these incidents I have related and reach the conclusion that there may be a possibility that they have some connection with each other.

WASHINGTON STATE CONVENTION.

Now, in connection with this patronage proposition that the gentleman from Wyoming [Mr. MONDELL] has raised, I want to go back again to the State of Washington. Yesterday in my remarks I did not discuss the State convention in Washington to any great extent. I discussed the different county conventions and primaries and meetings of different committees that were held, and I am not going over that part of it again.

The chairman of the Republican State committee of Washington was a lawyer, and I judge from my investigations that he was a bright one, too. His name was Beverly W. Coiner. When the delegates commenced to come in at Aberdeen, Wash., there was considerable anxiety, on account, as I explained yesterday, of the Roosevelt fellows, even according to the Taft figures, coming within three of controlling the convention, and something desperate had to be done. This man Coiner was equal to the emergency. From his brain there emanated a rule that he put through the State committee, a rule that provided for the control of the convention—something that has never been done before in a Republican State convention in Washington; and one of the provisions of that rule was that no man should be admitted to the hall unless he had a ticket signed by Beverly W. Coiner. They got possession of the hall, took down the fire escapes, closed the doors, with the exception of one, and stationed policemen there, and admitted no one who did not bear a card with this man's signature on it.

Delegates went there and presented their credentials, and were refused admission and thrown into the street by the police. Few of the Roosevelt delegates knew anything about this rule. No publicity had been given to it. They knew nothing about the issuing of cards. They did not know where to get them, anyway. But the leaders of the party in that State, including the governor, came there that morning and tried to get the two factions to harmonize the difficulty. Finally the men representing the Roosevelt faction, and Coiner, representing the Taft faction, made an agreement that the State convention, which was called to meet at 10 o'clock in the forenoon, should not meet until 1 o'clock in the afternoon, and in the meantime they would try to harmonize these differences.

Notwithstanding that agreement, the Coiner fellows went into the hall under the conditions that I have narrated and held their convention, and nominated delegates and instructed them for Mr. Taft. As I showed you yesterday, there were at least four counties where, in my judgment, there could be no possibility of doubt but that the Roosevelt delegates were legally elected, and any one of those counties would, according to Coiner's own figures, give the Roosevelt delegates control of the convention.

Beverly W. Coiner did well. Let us see what he wanted in the way of patronage. There had been a vacancy in the office of the United States district attorney for the western district of Washington for six or nine months prior to this time. That was one of the pecularities of this campaign. Appointments to fill vacancies were held up until after the Chicago convention, when, as the Texas man said, "The plum tree could be shook." This man Coiner was a candidate for appointment to fill that vacancy. He had a duty to perform. It was a difficult task. He had to overcome the expressed will of the Republicans of the State of Washington, expressed by an overwhelming majority. But he made good in his difficult position; the Chicago convention was held, and Washington delegates lawfully elected were thrown out, and the Coiner delegates put in their places.

In furtherance of this particular thing I am going to read you just a little from the CONGRESSIONAL RECORD. I read from the RECORD of July 23, 1912, page 9491 at the top of the first column. It is from the proceedings of the Senate, showing the nominations for office sent by the President of the United States, and I find this:

United States attorneys: * * * Beverly W. Coiner, of Washington, to be United States attorney for the western district of Washington.

Another "plum tree shook." Another man received his reward for his work in the campaign.

Gentlemen, there was a serious crisis at Chicago. The Republican primaries over the country had been going against the President. The machine was determined that he should be renominated, and the bosses were in desperate straits. Something had to be done, and this man Coiner, through the ingenuity of his fertile brain, coined one of the links in the chain that made possible the stealing of the delegates at Chicago.

Now he has received at the hands of the man for whom he did the work the pay for the job, and the taxpayers of the United States have to foot the bill in the payment of several thousand dollars a year for his salary.

These men at Chicago, the machine politicians and the bosses, saw the handwriting on the wall. They knew that something had to be done. They saw the torn and shattered fragments of their political machine wafted and washed upon the rocks and shoals of disaster and defeat by the maddening waves of an outraged public opinion [applause], and they knew that they had to do something to save their own bacon. Coiner helped to carry out the deal, and Coiner has received his reward.

Patronage, as I have said, is one of the great evils. The gentleman from Wyoming [Mr. MONDELL] can not distract the attention of the public from the real party who has the stolen goods by his cry of "Stop thief," directed to the officeholders of Texas. I believe that the time will come—God grant that it may come soon—when the man who controls a convention or a nomination by the bribery of patronage will be held in the estimation of the American people to be just as guilty as the man who bribes by the payment of the cold cash. [Applause.] When that time comes the political boss will be standing upon his political St. Helena, looking across the sad waves at disappearing worlds that once were his and whose people formerly bowed down before his throne in humility and submission.

The activity of Federal officeholders on behalf of the renomination of President Taft has been no secret. They were active everywhere, and used their influence everywhere, but in some localities in the South they completely dominated and controlled the situation. The evil of political control by patronage is not confined alone to the officeholders themselves. Many of the political bosses do not occupy public positions. They get their pay not directly from the Federal Treasury but by the control of appointments; they receive their compensation in thousands of devious ways by the favor extended to them through public officials who hold official positions on account of their recommendation. Political machines could not live over night were it not for the wonderful power of patronage. The use of patronage to bring about the renomination of President Taft was known of all men. Its evils smelled to Heaven. I know, the gentleman from Wyoming knows, the Speaker knows, the House knows, the country knows, and God knows that without the power of political patronage the renomination of President Taft at Chicago would have been as impossible as the passing of a camel through a needle's eye.

REGULARITY.

But it is said by the gentleman from Wyoming and others that all these things were regular. Well, there was a regularity in the stealing of delegations in Chicago that was remarkable and amazing. [Applause.]

But regularity of that kind is bound to bring destruction and defeat to any party that permits it to be practiced in its name. [Applause on the Democratic side.]

Great Britain in Revolutionary days passed laws against the colonists of America, which laws were perfectly regular, but our forefathers refused to submit to them. Slavery before the war was regular, but Abraham Lincoln issued his Emancipation Proclamation just the same. The money changers in the temple at Jerusalem were regular, but Christ drove them out. Regularity of that kind can have no proper place in the history of

our country or in the history of any party. It is a sad example to set before the rising generation. Its effect will be detrimental to the preservation of liberty and of government.

Mr. Speaker, I want to take up the State of Arizona; but before I do that I want to offer just a little more evidence in the Washington case.

WASHINGTON AGAIN.

In the city of Spokane, Wash., is published the Spokesman-Review, one of the leading daily papers of our country, perhaps the paper of largest circulation in the State of Washington. It has been an ardent admirer and supporter of President Taft. It stood with him all the way through until the work at Chicago got so raw that it could not stand for it. It might be interesting to Members and to the country to know what a paper like that, a friend of Taft, that had always been his supporter, had to say of the proceedings where delegates were stolen in one of the largest cities of the State of Washington.

On May 13, which was just before the State convention, that paper editorially said:

The duty of the State Republican convention on contesting delegations is clear—no hand-picked delegation must be recognized.

The so-called Taft delegation from King County must not be seated. Here is a delegation of 121 men, headed by ex-Senator John L. Wilson, Richard A. Ballinger, and ex-Senator Piles, selected by a King County Republican committee. No small body of men in any party should be allowed to say who shall be the delegates from any county to determine at the State convention the presidential candidate favored by the State of Washington. The party machinery provides for a primary vote, and such a vote was taken by the properly constituted central committee of the Republican Party in King County. The King County Republicans in that primary plainly expressed their preference for Col. Roosevelt as the presidential nominee, and in the face of such an expression it would be an outrage to seat the Taft hand-picked delegation.

This editorial is all along the same line—a warning to that Republican convention that no Republican could stand for what it seemed was the intention of this man Coiner to do, backed by the State committee. This editorial closes with these words:

The great thinking body of Washington Republicans having declared for Col. Roosevelt, the duty of the Republican convention on Wednesday at Aberdeen is plain—the State must send to the national convention a delegation instructed for Col. Roosevelt.

All talk of compromise emanating from the Taft forces is puerile. There is nothing to compromise. Col. Roosevelt has carried the State; he is entitled to the fruits of his victory.

That same paper in its edition of May 16, 1912, used this language editorially:

The holding of two State Republican conventions in Aberdeen yesterday was not unexpected. The position taken by the State Republican committee left no alternative, and the policy pursued by the Roosevelt delegates will be commended by all fair-minded members of the Republican Party in this State. It should also receive the indorsement of the Republican national committee when it meets in Chicago in June.

Again, in its issue of May 18, editorially it uses this language:

A great responsibility has been placed on the Republican national committee. This committee, when it meets in Chicago next month, will have the very existence of the Republican Party in its hands. To date there are contested delegations to the national convention from 18 States. These delegations include that of Washington, the contest over which the people of the State are familiar, and in its final adjudication are acutely interested.

It is evident from the tenor of the feeling prevalent over the high-handedness of the Washington Republican committee that the mass of Republicans are not going to sit supinely and allow the political burglary of its delegation to be consummated before the Republican national committee. No halfway solution will be satisfactory.

The Taft machine leaders will, of course, be quite satisfied if the two delegations from Washington are seated in the national convention with one-half a vote each.

Now I will read from an editorial in the same paper dated May 19, 1912:

The Spokesman-Review has not changed its opinion respecting President Taft. It believes him to be an honest, capable, conscientious man and a fearless official. His one weak point is in his judgment of men, and some of his advisers have fooled him.

The President is at the parting of the ways, because on the action of the Republican national committee—the headpiece of the party machinery of the Nation—will depend his reelection if he secures a renomination.

The candidate nominated in the Chicago convention must have the backing of the votes of Republicans. Hand-picked delegations by central committees must not be given preference over delegates elected at properly constituted primaries.

ARIZONA.

As I said, the State committee of Arizona met and issued a call for a State convention. Arizona was entitled to six delegates in the national convention, and that call provided that those delegates to the State convention might be selected in any one of three different ways that were named in the call, as follows:

1. Selection by the county committee.

2. The county committee might provide for a primary, at which delegates were to be selected to the county convention, which in turn should select delegates to the State convention.

3. The selection by direct primaries of the delegates to the State convention.

MARICOPA COUNTY.

As the gentleman from Wyoming [Mr. MONDELL] has said, the contest in this State depended mainly upon the contest from Maricopa County. It had been the custom of the Republicans of Maricopa County for 20 years to call primary elections, and this committee had met, according to the call, for the purpose of determining what action they should take.

As the gentleman from Wyoming [Mr. MONDELL] said, there were first a contest over some proxies. The Taft men objected to proxies, and they had considerable trouble over it, but in the end the proxies were eliminated. The Taft men had their way, and that committee, by a very close vote on a roll call, 22 to 19, decided to hold a primary. They held that primary under that call, and there were cast at that primary 951 votes for Roosevelt and 11 for Taft. The vote in that primary was 80 per cent of the highest vote that had ever been cast in that county at a Republican primary. There were men who were kept away without doubt. I do not deny that. I believe that is true, because the Taft men persuaded men to stay away from the primaries. That is common with that faction in the Republican Party. They do not like primaries, and they know as a rule they get the worst of it when they get into primaries. That is the way the Roosevelt delegates were selected from that county.

Let us see how the Taft delegates were selected. They were picked in a closed room, at a meeting of a minority of the county committee, which was conclusively proven before the committee on credentials at Chicago, to which was presented a statement of 30 members of that committee, constituting a large majority of the committee—a written statement—that none of them had attended that secret meeting and none of them had given a proxy to any other man to attend that meeting. But, notwithstanding that, the State committee of Arizona, controlled by the Taft influences, threw out the Roosevelt delegation and made up a temporary roll—another thing they had never done in that State. They met in advance and made up a temporary roll, and put these Taft delegates from Maricopa on it, and they voted on the organization of the convention and on everything else that came before the convention.

COCHISE COUNTY.

But there was another contested delegation in the Arizona State convention. It came from Cochise County. This county had a membership of 80. In this county the committee decided to select the delegates, which, it will be remembered, was allowable under the call issued by the State committee. At this meeting of Cochise County committee there were 69 members present, either in person or by proxy. Thirty-three Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members holding proxies.

The Taft men bolted from the committee. This meeting was held on the 15th day of May, being the day that was specifically provided in the State call, that the committee should first meet and decide how it should select its delegates. This call of the State committee provided that if on that day the committee decided that the delegates should be selected by the committee, then the committee should adjourn until the 25th of May, upon which day it should reassemble and select the delegates. The committee of this county decided to pursue that course, and on the 25th day of May they reassembled. At this meeting there were 47 members of the committee present, either in person or by proxy, and they elected Roosevelt delegates to the State convention. The Taft members who had bolted at the previous meeting of the committee selected Taft delegates to the State convention.

ARIZONA STATE CONVENTION.

The State committee, without any authority, as I have before stated in reference to Maricopa County, made up a temporary roll, and they decided that from Cochise County both the Taft delegates and the Roosevelt delegates should be seated and that each delegate should have one-half vote. In the State convention there was a split, the Roosevelt delegates insisting that the action of the State committee in throwing out the delegates elected at the primary in Maricopa County was illegal and that the Roosevelt delegates from that county were entitled to seats in the convention. There were two conventions held in the same hall, at the same time, each having a chairman on the same platform. The Taft faction elected Taft delegates; the Roosevelt faction elected Roosevelt delegates. In the convention, under the State call, there were 96 delegates entitled to seats. If we give to the Roosevelt faction the delegates from Maricopa County—as I believe any fair-minded man must admit we ought—then there were 54 Roosevelt delegates in the convention and 42 Taft delegates. Notwithstanding this state of facts, the national committee, following its usual custom, seated the Taft delegates.

THIRTEENTH INDIANA.

I now come to the thirteenth Indiana, and there is a peculiar condition of affairs. The gentleman from Wyoming [Mr. MONDELL] said that he believes a majority of that convention were Roosevelt delegates and in favor of selecting Roosevelt delegates to the national convention; but he said there was so much noise and disturbance there that the chairman had to conduct the proceedings through a megaphone. The chairman was a Taft man. Both sides agree to that and both sides agree that a majority of the convention were in favor of Roosevelt. Both sides agree there was a good deal of turmoil and disturbance. Let us see. The Roosevelt men lost out because they made so much noise they could not do business. What a reasonable proposition! Men in the majority in a convention bringing in brass bands, yelling and whooping and making noise so that no business could be done, so that the other fellows could win out! That is a reasonable proposition. The gentleman from Wyoming says that he went on that committee, and when he got to the thirteenth Indiana he thought "Here is a place where I can do something for Roosevelt"; but it seems his courage failed him, as usual. The facts are that this chairman, when the motion was made to elect a certain set of Taft delegates, through his megaphone—the band being under his control—put the question and some voted aye and some voted no. He then declared it carried. The Roosevelt men were demanding and urging and calling for a roll call, but the chairman paid no attention to that. The band was making too much noise. The majority of the convention were disturbing him too much. Then that motion was followed by a motion to adjourn, and the chairman put that. He paid no attention to the demands for a roll call made by Roosevelt delegates, and he declared the motion carried and, with his Taft adherents, walked out of the hall. That is what happened in the thirteenth Indiana.

There was a statement presented to the committee by ex-Senator Beveridge, signed by a majority of the delegates to that convention, in which they stated that upon that motion to elect Taft delegates they all voted no. The Roosevelt delegates refused to submit to this arbitrary action, and remained in the hall and elected two delegates and instructed them for Roosevelt.

Mr. Speaker, I might go on with several others, but I am going to make a few observations during the balance of my time and try to close within my limit.

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

Mr. NORRIS. Certainly.

Mr. COOPER. I have just been discussing with the gentleman from North Dakota [Mr. HELGESEN] the statement of the gentleman from Nebraska as to the vote in that county in Arizona—Maricopa. Do I understand the gentleman to say that there were 900 votes cast there for Roosevelt?

Mr. NORRIS. Nine hundred and fifty-one votes for Roosevelt and 11 for Taft.

Mr. COOPER. And what percentage of the Republican vote ever cast in that county was the 951?

Mr. NORRIS. It was over 80 per cent of any Republican primary that had ever been held in the county, and they had been holding them for 20 years.

The gentleman from Wyoming [Mr. MONDELL] took considerable time to explain how prejudiced he was in favor of Roosevelt. Those of us who have served with him here in the House for the last 10 years had to smile when he made that observation. We all know that from the time Mr. Roosevelt, who was then President, promulgated his so-called conservation policy and theories the CONGRESSIONAL RECORD has been full of criticisms of the worst kind administered to Mr. Roosevelt by the gentleman from Wyoming. If Col. Roosevelt has many such friends as the gentleman from Wyoming, God help him.

The gentleman in an outburst of enthusiasm said yesterday, in speaking of the contests where the Roosevelt men had demanded a little more time, "They had as much time as we did." Think of that from a judge on the bench! Oh, upright judge; oh, unprejudiced chancellor, who, while he is a judge in the case, unintentionally gives expression to a sentiment which strongly indicates that he is a bitterly biased advocate of one side rather than a judge of unbiased temperament.

KING COUNTY AGAIN.

I want to call attention to what the gentleman from Wyoming, in revising his speech, printed in the RECORD regarding the primaries in King County, Wash. In substance, he stated in his address that one of the reasons why the primary in King County should not be recognized was that no one knew for a long time how many votes had been cast. There seemed to be, according to his idea, something mysterious about the primary, and he argued that because of this the primary was therefore fraudulent. He did not even claim that a single solitary fraudulent vote was cast. The statement he printed in the RECORD was from a Taft paper, and which was very bitter against the primary. This primary was held on Saturday. The polls did not close until 8 o'clock at night. The extract from this paper was from its Sunday edition, and we learn that up to the time it went to press, which could have been only a few hours after the polls closed, the returns at that early hour showed not only that the gentleman from Wyoming was wrong in trying to convey the idea that very few people participated, but that he was also wrong in trying to convey the idea that there was anything concealed or mysterious about the primary. If you will take the figures from this very statement in this unfriendly paper, you will find that within these few hours after the closing of the polls nearly half of the precincts had reported and that the public knew what the result was, and if the vote from the precincts that had not reported at that hour compared in number with those that had reported, you must reach the conclusion that even from the statement of this unfriendly paper there were as many votes cast as I have claimed.

CONCLUSION.

I have now gone over the contests involving the seats of 46 delegates in the national convention at Chicago. I have not, however, exhausted the subject. There are a few other cases as plain as these that I have gone over. Then there are between 20 and 30 cases not as plain, but in which I am firmly convinced and believe any unbiased mind, upon investigation, would be convinced that the vast preponderance of the evidence is in favor of the Roosevelt delegates. But I will not weary the House with further details. It was only necessary to show that 19 Taft delegates were illegally seated in order to demonstrate that his pretended title to this alleged nomination is absolutely null and void. I have already gone much further than that. It logically follows, therefore, that no Republican is under any party obligations whatever to support Mr. Taft for President.

Mr. Speaker, I believe that a majority of the delegates to Chicago were in favor of the nomination of Mr. Roosevelt, and I believe that it was a majority of the delegates that afterwards met in Orchestra Hall and placed him in nomination, and that he is the only legal and lawful nominee of the Republican Party to-day. I shall print in the RECORD a copy of the resolution that was adopted placing him in nomination.

I have not sought this contest, Mr. Speaker. I would have been very glad to have avoided this responsibility or to have had it placed on other shoulders than my own. I had no disposition to air this controversy, and I regret it as much as any man in the House that the gentleman from Wyoming saw fit to open it up. As he said, he was urged to do so by others. There is no doubt he was selected to place before the country the Taft side of the proposition; and, considering the case that he has, he did remarkably well. I would not have opened up this sore; but since it was opened up I was in favor of cleaning it out. I realize that what I have said and the course I have taken will bring down upon my head a great deal of criticism and censure.

It has been an unpleasant task for me for the last two or three years in this House to often be arrayed against the leaders of my own party. I have been opposed to political machines, to boss control, and to caucus rule, and it seemed to me it was my duty to proclaim what I believed to be right and to expose what I believed to be wrong just as quick when I find it in my party as though I found it in some other party. I want to say it has been sometimes a discouraging proposition. I know that I have lost many friendships, both on the floor of the House and in my State, but I would rather go down to defeat and into oblivion than to ride forever on the wave of victory with a guilty consciousness of having even by my silence given approval to what happened in Chicago, when in my heart I honestly believe it to be one of the worst political highway robberies that has ever been committed in this country. [Applause.] I want to close by expressing my sentiments and my feelings by using the words of the immortal Lincoln:

> I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody who stands right, stand with him while he is right and part from him when he goes wrong.

[Loud applause.]

As stated in my remarks, I file herewith, to be printed in the RECORD, the resolution nominating Mr. Roosevelt as the Republican candidate for President, passed at the Orchestra Hall meeting in Chicago. Said resolution is as follows:

> We, delegates and alternates to the Republican national convention, representing a clear majority of the voters of the Republican Party in the Nation, and representing a clear majority of the delegates and alternates legally elected to the convention, in meeting assembled, make the following declaration:

DEEM IT DUTY TO ACT.

We were delegated by a majority of the Republican voters of our respective districts and States to nominate Theodore Roosevelt in the Republican convention as the candidate of our party for President and thereby carry out the will of the voters as expressed at the primaries. We have earnestly and conscientiously striven to execute the commission intrusted to us by the party voters.

For five days we have been denied justice in the national convention. This result has been accomplished by the action of the now defunct national committee in placing upon the preliminary roll of the convention and thereby seating upon the floor of the convention a sufficient number of fraudulently elected delegates to control the proceedings of the convention. These fraudulent delegates have by concerted action with one another put themselves upon the permanent roll, where they constitute an influence sufficient to control the convention and defeat the will of the party as expressed at the primaries.

We have exhausted every known method to head off this conspiracy and to prevent this fraud upon the popular will, but without success.

"WE'RE DENIED JUSTICE."

We were sent to this convention bearing the most specific instructions to place Theodore Roosevelt in nomination as the candidate of our party for President, and we therefore deem it to be our duty to carry out those instructions in the only practical and feasible way remaining open to us: Therefore, be it

Resolved, That we, representing the majority of the voters of the Republican Party and of the delegates and alternates legally elected to the national Republican convention, in compliance with our instructions from the party voters, hereby nominate Theodore Roosevelt as the candidate of our party for the office of President of the United States; and we call upon him to accept such nomination in compliance with the will of the party voters; and be it further

Resolved, That a committee be appointed by the Chair to forthwith notify Col. Roosevelt of the action here taken, and request him to appear before us in this hall as soon as convenient.

I ask to have printed also in the RECORD a statement of several of the contest cases which I have discussed, prepared by Hon. H. E. Sackett, of Nebraska, who was a member of the committee on credentials at the Chicago convention, as follows:

THE ARIZONA CONTEST.

The Arizona contest turns on the outcome of the election held in Maricopa and Cochise Counties.

The State committee of Arizona issued a call for the State convention to be held in Tucson on June 3, 1912, for the purpose of selecting six delegates to the Republican national convention at Chicago.

This call provided three methods of choosing county delegates to the convention:

First. The selection by the county committee.

Second. The county committee might provide for a primary, at which delegates were to be selected before the county convention, which in turn should select delegates to the State convention.

Third. The selection by direct primaries of the delegates to the State convention.

The choice of methods was left with each county for itself, the State call providing that the county committees should meet on May 15, and severally to determine what method they should adopt; if by appointment by a committee, appointment would be made at a meeting of the committee to be held on the 25th of May; if the selection was to be by primaries, the primaries would be held on the 25th of May.

AN OLD RULE.

It has been the custom and rule for 20 years of the Republicans of Maricopa County to select their delegates by primaries. On the 15th of May the county committee duly and the credentials committee duly and legally appointed threw out all proxies offered by both sides, for the reason that some were disputed, others conflicting, and one had gotten into the hands of a person to whom it was not directed. The committee meeting was therefore confined to the committeemen actually present, and representing a large majority of the total membership of the committee. This committee by a vote of 20 to 19 ordered primaries to be held, appointed a committee to arrange therefor; the votes were all by roll call, and all of the minority voted and two members of the committee favorable to President Taft joined with the Roosevelt forces in voting for the primaries.

The primary election thus ordered was conducted with the greatest care and regularity and resulted in a vote of 951 for Roosevelt and 11 for Taft. The total vote cast was 80 per cent of the maximum vote ever cast in Maricopa County at a Republican primary election and resulted in the election of 20 delegates to the State convention instructed for Roosevelt by the vote above stated.

PICKED IN CLOSED ROOM.

The alleged Taft delegates from Maricopa County were picked in a closed room at a meeting of a minority of the county committee, which was conclusively proven before the credentials committee at Chicago, to whom there was presented a signed statement of 30 members of the county committee of Maricopa County, a strong majority of that committee, that they did not attend the so-called committee meeting that selected the alleged Taft delegates either in person or by proxy.

In Cochise County the facts as presented were as follows: A county committee met on the 15th of May, 69 members present out of a total membership of 80 either in person or by proxy. Of this number 33 Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members present by proxy.

The chairman and secretary, both Taft men, after the meeting had been legally opened, bolted, taking with them 7 Taft committeemen and 14 proxies. The remaining committeemen, constituting a majority of the committee, went on with the meeting in regular order, elected a chairman and secretary and resolved that the delegates to be selected to the State convention at a meeting to be held on the 25th of May, be elected as provided in method No. 1, as authorized by the call of the State committee.

At a meeting held on the 25th of May 47 members of the county committee were present in person or by proxy and constituted more than a majority of the membership of the committee and unanimously elected 16 Roosevelt delegates to the State convention. The Taft minority committeemen who bolted the first meeting did not attend the second meeting of the committee.

DOMINATED BY TAFT MEN.

We now come to the State convention of Arizona, at which the delegates to the Republican national convention were selected. The executive committee of the State central committee was completely dominated by Taft men, and shortly before the State convention this executive committee gave notice that it would meet on the 1st of June (the State convention to meet on the 3d of June); that credentials should be filed with it, and it would determine contests for the purpose of preparing a roll call for use in effecting a temporary organization of the State convention.

The evidence shows that the action on the part of the committee was unprecedented and wholly beyond the authority and power of the committee, either by law, custom, or rule of the State committee.

The Roosevelt delegates to the State convention, of course, refused to submit the question of the regularity and fact of their selection to a body wholly without authority to act in the matter. It was also proven that the State committee of Arizona had never before assumed such power.

When the chairman of the State committee called the convention to order on June 3 he proceeded to read a roll of those whom the State committee, without authority, had determined should take part in the temporary organization, and arbitrarily disqualified the Roosevelt delegates elected in the primaries from Maricopa County and seated the Taft delegates, who had been appointed by a minority of the Maricopa County committee, and gave a half vote each to the Roosevelt and Taft delegates from Cochise County, who had been elected in the manner herein set forth, and thus attempted to secure control of the State convention.

DELEGATION IS SPLIT.

The Roosevelt delegates naturally refused to submit to this illegal action, and the State convention split in two factions, each faction holding conventions simultaneously in the same hall, with their presiding officers on the same platform. The total membership in the State convention was 96, of which 49 was a majority.

There were present 54 delegates favoring Col. Roosevelt who were regularly and legally elected, constituting a majority of the State convention, who elected to the national convention 6 Roosevelt delegates who, upon a contest by the Taft forces, were unseated by the national committee and the credentials committee and Taft delegates seated in their stead and placed upon the temporary roll of the national convention.

Notwithstanding these facts which were presented to the national committee and also to the credentials committee, the evidence was ignored and the Taft delegates seated in the convention.

THE FACTS IN CALIFORNIA CASE.

On December 12, 1911, the Republican national committee issued a call for the Republican national convention to be held at Chicago, Ill., June 18, 1912.

In January, 1912, the Legislature of the State of California passed a direct primary law which, in substance, provides, among other things, that delegates to the national convention of political parties should all be elected at large. This law was unanimously passed by both branches of the legislature and was accepted by all parties; all of the candidates ran under the provisions of this law, and all votes were cast in accordance therewith. The Taft faction accepted its provisions and made no objection to entering into the contest under this law. Neither did the Taft people make any attempt to conduct a primary in any other manner, and made no protest against the law.

The undisputed evidence before the credentials committee shows that the law for the election of all the delegates to the national convention, at large, was expressly accepted in writing by the Taft organization.

The primary was held on the date specified in the call and strictly according to the law, and resulted in the election of all of the Roosevelt delegates, 26 in number, by majorities averaging over 76,000, and Taft newspapers and Taft candidates accepted the results of this election.

Certificates of election were issued to the Roosevelt delegates by the secretary of state, and were the only certificates issued to or presented to any delegates from California.

After the primary election was held and the certificates of election issued the Roosevelt delegates, by the proper authority and without objection by the Taft representatives, a contest was filed against 2 of the 26 delegates, before the national committee, which committee unseated 2 Roosevelt delegates, and placed in their stead 2 Taft delegates (who resided in the city of San Francisco, of which the fourth congressional district is a part, the boundaries of the fourth congressional district being uncertain, overlapping another district), on the pretext that the Taft delegates had received a majority of the votes in that district.

The evidence before the credentials committee disclosed that this congressional district in question was a new district which cut through the middle of 14 precincts of an old district. In these 14 precincts 1,685 Republican votes were cast, the 3 Roosevelt candidates for delegates, who resided in this district, received 701 votes, and the highest vote received by any 1 of the 3 Taft candidates was 685 votes, giving in these precincts a majority of 16 votes to the Roosevelt delegates.

Affidavits from the registrar of votes and the secretary of state of California were presented before the credentials committee, stating that it was impossible to determine which delegate received a majority of the votes cast within the boundaries of the fourth district, because of the overlapping of the precincts.

In the vote in the whole city of San Francisco, which comprises the fourth and fifth congressional districts, the Roosevelt candidates received an average of 21,500 and the Taft candidates 18,250.

Notwithstanding the facts as thus presented, the national committee arrogated unto itself the power to nullify the law enacted by the California Legislature, and to set aside the decision of the voters of the State of California under said law by an expressed majority of over 76,000.

The California law as enacted by the legislature was prepared before the call of the national committee was issued, and was passed before an official copy of that call was received in California. The primary law of the State of California regularly enacted by its legally authorized officers and approved by the people of California was deliberately set aside without a scintilla of evidence or authority of law. If such action is permitted to stand it will operate as a nullification of the right of the people by direct vote to determine party nomination by the vote of party members.

THE TEXAS CASE.

The law of the State of Texas relating to elections and conventions as applied to the selection of delegates to national conventions provides, in substance, that "any political party desiring to elect delegates to a national convention shall hold a State convention at such place as may be designated by the State executive committee of said party on the fourth Tuesday of May, 1908, and every four years thereafter. Said convention shall be comprised of delegates duly elected by the voters of said political party in the several counties of the State at primary conventions to be held on the first Saturday in May, 1908, and every four years thereafter."

The evidence introduced before the credentials committee was that the State executive committee met on March 28, 1912, and in compliance with the State law issued a call providing for the holding of primary elections and conventions on the 4th day of the following May, to elect delegates to county conventions, to be held on the 17th of May, the county conventions to elect delegates to the State and congressional conventions. The State convention, to be held at Fort Worth on May 28, to elect delegates to the national convention at Chicago. Primary elections and conventions were held on May 4, as specified by law, and delegates elected to the county conventions. The county conventions were held on May 17, and, in accordance with the call, elected delegates to the State and congressional conventions. Notice of these elections and conventions was given as required by law.

The Republican State committee convened on May 27, one day before the State convention, as required in the call, to hear and pass upon contests and to prepare the temporary roll of the convention. Credentials of delegates claiming seats in the State convention were all submitted to the committee from 208 of the 249 counties in the State. (The original credentials were introduced before the credentials committee of the national convention and were shown to be properly attested and sworn to by the chairmen and secretaries of the various county conventions.) The 41 counties which were not represented were those not organized under the State law or not organized under the rules of the State executive committee or failed to present credentials properly attested. Out of the 249 counties contests were shown to have been made in only 17 counties.

The State committee, on which were both Taft and Roosevelt men, by a unanimous vote referred these contests to four subcommittees, each composed of both Roosevelt and Taft representatives, and assigned for hearing to three of said subcommittees four counties each, and to the other five counties, and then took an adjournment for three hours to permit these committees to hear the contests. The subcommittees, after hearing the evidence in the contests, reported in due course to the State committee. The report of three of said committees was unanimous, and in the other one a Taft member presented a minority report differing from the finding of the majority of said committees on only two counties. The reports of these committees were signed by the members of the subcommittees and were attested by the secretary of the State committee.

Of the 17 contests considered by the subcommittees, the entire Taft delegations were seated from four counties and one-half of the Taft delegation and one-half of the Roosevelt delegations from four counties and the Roosevelt delegates from nine counties. The State committee, by a vote of 28 to 2, accepted the regular credentials filed with said committee and adopted a temporary roll call, as provided by the State committee, 3 of the 28 constituting the majority being Taft men. Two members of the State committee gave notice that they would present to the State convention a minority report. No evidence was introduced by either side before the credentials committee of the national convention that said minority report was ever presented to the State convention. The State convention, in accordance with the call, convened at the Savoy Theater in the city of Fort Worth at the time and place designated therein for the holding of the convention. The report of the majority of the State executive committee, which included the three Taft members, was unanimously adopted by the convention on a roll call.

Out of 249 counties in the State, 27 were instructed for President Taft; 12 of these counties were represented and took part in the convention. The State convention, thus organized, elected delegates to the national convention instructed for Roosevelt by a vote of 162⅔ to 13⅓. It might be of interest to here state that an uncontested district delegate and a Taft delegate was present before the credentials committee and made a statement in support of the facts presented by the Roosevelt delegates. It was further established before the committee on credentials that all of the proceedings leading up to the State convention and the selection of the delegates to the national convention which were instructed for Roosevelt were strictly in accordance with the State laws of Texas and the call for the convention.

The only evidence introduced on behalf of the Taft delegates was that some of the Taft delegates to the State convention held a meeting in a room in Fort Worth other than the place designated in the call; that but a small minority of the counties of the State were represented—it should be remembered that 13 of the 27 counties instructed for President Taft were present and took part in the regular convention at which the Roosevelt delegates were elected. It was claimed that the reason for the meeting was because they did not agree with the action of the State committee, as it was controlled by the national committeeman from that State and that he had used his influence for Roosevelt. It did not appear that any notice of any kind of the time or place of this meeting was ever given or published, credentials filed, or roll call of the counties presented. It was at this meeting that the delegates for President Taft to the national convention were elected and on the proceedings and actions of which they asserted their rights to seats in the national convention. It was upon the evidence as herein stated that a majority report of the credentials committee at Chicago to seat the Taft delegates at large was adopted.

In the matter of the district contests from Texas the facts were very brief and as presented before the credentials committee are substantially as follows:

The seventh congressional district comprises eight countries; six of these counties were carried by Roosevelt and two for Taft. At the meeting of the congressional executive committee the chairman refused to recognize four Roosevelt members of said committee. No reason was given for his action. These members whom he refused to recognize had been elected as original members of the committee or appointed to fill vacancies, as provided by law. Regardless of the action of the chairman, the delegates from six out of the eight counties held a convention and elected Roosevelt delegates to the national convention. The Roosevelt delegates had a clear majority. They were unseated by the credentials committee.

The fifth district is composed of five counties. There were five members of the congressional committee, three of whom were Taft men. The committee thus constituted seated the Roosevelt delegates from three counties at the district convention. The delegates who were unseated from two of these counties organized a separate convention and elected Taft delegates. One of the counties regularly instructed for Taft took part in the regular convention which elected the Roosevelt delegates. The national committee and credentials committee unseated the two Roosevelt delegates from this district.

The eighth district comprises nine counties. Six of the nine were carried for Roosevelt. Two of the counties which were for Taft bolted the regular convention and held a separate convention, electing Taft delegates. The regular convention, which was legally called and held according to call, and in which seven counties participated, elected Roosevelt delegates. Upon this evidence the national committee and credentials committee unseated the Roosevelt delegates and seated the Taft delegates.

The fourth district is composed of five counties. At a meeting of the congressional committee on May 17, 1912, there were two contests presented by delegations from two precincts, which had been refused admission to the county convention of their respective counties. The congressional committee refused to sustain their contest. The convention was then organized, and four out of five counties participated. Roosevelt delegates were elected.

At another time and place, subsequent to the regular convention as above set forth, the one county which did not take part in the regular convention, together with the delegates from the two precincts which were denied admission on their contest to the regular convention, held a convention and elected Taft delegates. It did not appear that any of the Taft delegates to the regular county convention bolted or made any objection at the time the regular convention was held; but the credentials committee, following its usual custom, in the face of the evidence, seated the Taft delegates.

In the ninth district the regular congressional chairman of the district called the convention in the regular way, and a majority of the delegates in the district took part in the convention and was recognized by the executive committee of the district as regular. Roosevelt delegates were elected at this convention. Another convention was called by a chairman of one of the counties in the district, who had no authority for his act. Taft delegates were elected. Regardless of such gross irregularity and in the face of such flimsy pretext, the credentials committee seated the Taft delegates.

The tenth district comprises 8 counties. The congressional convention was regularly called, was participated in by all counties in the district. A Taft man, member of the State committee, took part. Roosevelt delegates were elected. The delegates from 2½ counties bolted and held a convention. The Taft delegates elected at this latter convention were seated by the credentials committee.

There are 14 counties in the fourteenth district. The congressional executive committee, 1 from each county, had only 1 contest brought before it. This was from Bear County. Both the Roosevelt and Taft delegates were seated. Each delegate had one-half vote. The Taft delegation from this county, together with the delegates from 2 other counties of the 14, bolted the regular convention and elected Taft delegates. The other 11½ counties held a convention under the call of the congressional committee and at the time and place designated held the regular convention. Roosevelt delegates were elected. On the evidence thus presented the credentials committee, with due deliberation but with customary certainty, seated the Taft delegates. As a sidelight on the deliberations of the committee on the Texas case, we consider the following incident both of interest and instructive. The regular member of the committee from New York did not sit on the committee during the presentation of the evidence but was represented by another member from his State as his proxy, who after hearing the evidence signified his intention of voting to seat the Roosevelt delegates in the convention. This unusual condition of mind was discovered by the Taft leaders in the committee and the original member of the committee hurriedly called, and without having heard the evidence promptly voted to seat the Taft delegates.

FIFTH DISTRICT OF ARKANSAS.

The counties in the fifth district held conventions to select delegates to the district convention, which selected 2 delegates to the national convention. The contest hinged upon the methods used in the selection of county delegates to the district convention. The Roosevelt representatives showed that they had been kept out of the convention halls by police and prevented from participating in the deliberations of the conventions.

Evidence also was produced that they had a majority of the delegates to these conventions in more than a majority of the counties representing a majority of the delegates to the district convention.

In Pulaski County, the largest in the State, the Roosevelt forces were in the majority, but the Taft representatives obtained possession of the hall and refused admittance to the Roosevelt delegates, organized the county convention, and elected Taft delegates to the district convention.

The Taft men, by seating the Taft delegation from Pulaski County, gained control of the district convention and elected Taft delegates to the national convention. The Roosevelt men held a convention, including the Pulaski County delegation, which had been by force prevented from taking part in the county convention, and elected delegates to the national convention.

The Roosevelt organization gave the required legal notice for the holding of the convention, by publishing the regular call therefor, copies were exhibited to the committee, but the Taft delegates were seated in the convention by the credentials committee.

ELEVENTH DISTRICT OF KENTUCKY.

The regularity of the proceedings leading up to the holding of the district convention was not questioned by the Taft representatives. It was shown that all steps had been taken as required by the call and the law.

The district convention was controlled by the Roosevelt men, and a credentials committee of five was appointed by the chairman. Contests were filed against 123 delegates, which were passed upon by the committee.

The convention when organized was in the complete control of the Roosevelt men by a large majority, and delegates to the national convention were elected for Roosevelt.

The Taft men claimed that the credentials committee was irregularly organized from each county in the district. This, however, did not appear to have been the custom in past conventions, the chairman of the committee usually appointing the credentials committee. The Taft delegates, who were in the minority, had a bolting convention and chose Taft delegates.

The committee seated one Taft and one Roosevelt delegate in the convention. From the evidence submitted both Roosevelt men should have been seated. In the seventh and eighth districts of Kentucky the evidence in support of the Roosevelt delegates was equally as cogent and convincing as that of the eleventh district, but the Taft delegates were seated by the credentials committee.

THIRD DISTRICT OF OKLAHOMA.

This district is composed of 19 counties. It was admitted by the Taft men that the chairman of the committee, who was for Roosevelt, has been deposed and that six other Roosevelt men had been barred because the Taft men did not consider their proxies acceptable.

This action resulted in two conventions held at Tulsa. Sixteen of the nineteen counties were represented by regular delegates in the Roosevelt convention and elected Roosevelt delegates to the national convention. The committee seated the Taft delegates.

THIRTEENTH DISTRICT OF INDIANA.

In the Indiana thirteenth district contest the facts, as related before the committee, established that the convention was regularly called, and was held at Warsaw, Ind., on April 2, 1912, the date and place specified in the call. That Fred Woodward, district chairman, called the convention to order; that two candidates for permanent chairman were placed in nomination. A. C. Graham was the Taft candidate and Aaron Jones was the Roosevelt candidate.

It was shown that in taking the vote there was a great deal of confusion. Mr. Graham was declared elected by one-half of one vote and took the chair. A credentials committee was selected and reported to the convention, overruling the six contests filed by the Taft adherents and the two filed by the Roosevelt people.

The convention then proceeded to the selection of two delegates to the national convention. Nominations were made by both the Taft and Roosevelt forces. The chairman then proceeded to call for a viva voce vote on these two sets of candidates, those for the Taft delegates voting "aye," and the Roosevelt delegates "no." Members of the convention protested against this manner of procedure and demanded a roll call, but the chairman refused their request and declared that the "aye" vote carried and the Taft delegates elected.

A motion to adjourn was made, which the chairman declared carried, while the protest against the unusual manner of electing delegates was being made by the Roosevelt representatives. The Roosevelt delegates, after this action of the chairman as above stated, continued in the meeting and elected two Roosevelt delegates, and in the contest before the credentials committee Senator Beveridge produced in evidence the signed statement of a majority of the delegates to the district convention that on the motion to elect delegates, which the chairman had declared carried by the Taft delegates, they had voted for the Roosevelt delegates. This evidence was not controverted by the Taft representatives before the committee, but regardless of the evidence of a majority of the delegates to the district convention the credentials committee seated the Taft delegates.

THE WASHINGTON CASE.

February 29, 1912, the Republican State committee of Washington issued a call for the State convention to be held on May 15 in the city of Aberdeen, at which time all delegates to the national convention were chosen. The district delegates by the delegation from each district sitting separately, and the delegates at large by the entire convention as a whole. The call recommended the selection of delegates to both State and county conventions.

The State committee is composed of 39 members, 1 from each of the 39 counties of the State. A majority of this committee were adherents of President Taft. In a majority of the 39 counties, county conventions were called to elect delegates to the State convention. In King County, in which is located the city of Seattle; Pierce County, in which is situated the city of Tacoma; and Spokane County the county committees elected to hold primary elections in their respective counties. The call provided for delegates to the State convention to the number of 668. There were 263 uncontested delegates to the State convention favorable to Roosevelt and 97 uncontested delegates favorable to President Taft.

Twelve counties had contests, involving 304 delegates. Of this number 121 delegates were from King County, 69 from the counties of Pierce and Clallam. The remaining 114 contested delegates were from 9 other counties.

The importance of getting the delegation from King County by either side in the contest will be understood when it is realized that the number of delegates from this county added to the uncontested Roosevelt strength would give the Roosevelt people a substantial majority of the State convention.

It is therefore important that the facts and evidence relating to the contest of King County should be given in detail. The county committee of King County numbered about 250 members, to which had been added 151 members from as many new precincts which had been created by the municipal authorities of the city of Seattle.

On April 13, 1912, the county committee met for the purpose of deciding the manner of electing delegates to the county convention. At this meeting the committee passed a resolution providing for the holding of a primary election to elect delegates to the county convention to be held on April 27. In this same meeting the county committee discharged from further service a subcommittee of 22 men which had been appointed to act as an examining committee to facilitate the conduct of the campaign of 1910, which when closed terminated the duties of this subcommittee. Notice of the primary was duly published and the primary held, at which 6,900 Republican votes were cast, of which the Roosevelt representatives received 6,400 and the Taft representatives 500. Roosevelt delegates were then elected to attend the State convention.

After the meeting of the county convention above mentioned, at which primaries were ordered, 14 Taft men, members of the old subcommittee of 22, which had been discharged by the county committee without notice to the other members of the committee, met and selected 121 men as Taft delegates to the State convention. Among this number thus selected was ex-Secretary R. A. Ballinger. The Taft men controlled the State committee of 39 members by a vote of 25 to 14.

It appears from the evidence that at prior State conventions the convention itself had always arranged and provided for the hearing of contests. In this particular instance, the State committee devised a different method, and its chairman, a Mr. Coiner, on May 2 called a meeting of the State committee at Aberdeen to be held on May 14, the day preceding the State convention, for the purpose of passing upon the credentials of delegates to the State convention. This call so issued also provided that this method of passing upon credentials by the committee was pursuant to the rules and custom of the national organization of the Republican Party, but was not pursuant to the custom of the Republican organization of the State of Washington.

An examination of the statutes of the State of Washington disclosed that the committee is given power to call the convention, but nowhere does it provide that said committee shall have the power to organize the convention. This action on the part of the State committee was a plain usurpation of the rights of the convention. It was alleged by the Roosevelt representatives, and evidence presented to substantiate the allegation, that on the night before the meeting of the State committee on the 14th, 21 of the 39 State committeemen met in a caucus and resolved to vote as a unit for the seating of a sufficient number of Taft delegates to control that State convention.

TAFT MEN SEATED.

At the meeting of the State committee on the 14th all contests were decided in favor of the Taft people, including King County, except the two counties of Pierce and Clallam, representing 69 delegates, which were decided for the Roosevelt people. At this meeting, on the 14th, it was shown that the committee, without any precedent therefor, adopted a set of rules placing the temporary organization of the convention in the hands of the chairman of the State committee, and further provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. Evidence was submitted that no such requirement for delegates to have tickets had ever been made in any previous convention in the State of Washington. These rules were not printed or given out so that the Roosevelt members of the committee could secure or see them.

It further appears that on the 14th, efforts were put forth by the opposing forces to reach a harmonious understanding as to the organization of the convention, and for the disposing of the contests by the convention. A committee was appointed by each side to take up and carry on the negotiations along this line, with the result that on the 15th an understanding was reached for the disposition by the convention of certain of the contests where the merits were plain, and where doubt existed, half of the delegation should be given to each faction. In order to secure further time for these committees to submit to the convention their agreement for ratification, it was agreed by mutual consent that the time for the meeting of the convention would be postponed from 10 o'clock a. m., to 1 o'clock p. m. of the same day.

Evidence further shows that shortly after 10 o'clock on the morning of the 15th, the Roosevelt delegates discovered that, regardless of the agreement to postpone the meeting hour of the convention to 1 o'clock, the Taft delegates had entered the hall and were acting as a convention. The Roosevelt delegates then went to the hall. None of them had been given tickets of admission, nor had they been notified where tickets could be obtained, and few, if any, knew of the unusual rule providing for delegates to have tickets. When they arrived at the convention hall they found the doors of the hall locked, except the main door, which was guarded by a policeman. The windows were barred and the fire escapes removed. The Roosevelt delegates offered their credentials at the main entrance, but were refused by those in charge because they had no tickets. Neither were they informed as to where tickets could be obtained. They then persisted in an attempt to be admitted to the hall, but were forcibly prevented by the police and those in charge of the hall, and were ordered back in the street.

The delegates representing Roosevelt after having been denied admission to the convention, as above related, met in another hall and organized a convention, and elected Roosevelt delegates to the national convention.

It is of interest at this point to relate the facts pertaining to contests in two other counties of the State, namely, Ascotin and Chelan. In the first mentioned county the facts related show that the precinct committeemen had the authority through the county organization to call conventions and to elect delegates for the purpose of electing delegates to the State convention, or, they could themselves elect the delegates. There are 11 precincts in Ascotin County, 3 of the 11 precinct committeemen met without notice, and with other men who possessed no credentials or authority of any kind, named the Taft delegates to the State convention.

The citizens and electorate of this county, pursuant to a call, held a convention and elected Roosevelt delegates to the State convention. In the county of Chelan the county convention met in regular manner and order. It was made up of both Taft and Roosevelt delegates. A Roosevelt man was elected chairman of the temporary organization by a vote of 31 to 22. A committee on credentials was appointed to pass on the three precinct contests. The convention adjourned until 1 o'clock p. m. of the same day to give the committee time to hear a report of these contests. In all the proceedings, up to and including the adjournment, the Taft men took part. After the adjournment and before the reconvening of the convention at 1 o'clock the Taft men, constituting a minority of the committee, met in another hall and organized and elected Taft delegates to the State convention.

ROOSEVELT MEN OUSTED.

At 1 o'clock of the same day, as provided in the adjournment, the regular organization reconvened and in a regular manner elected Roosevelt delegates to the State convention. The State committee, controlled by a majority of Taft adherents, as set forth herein, threw out the Roosevelt delegates in both these counties.

In the State convention held by the Taft people in the hall where the meeting was called, after the exclusion of the Roosevelt delegates as hereinbefore set forth, there were present 401 men, of whom but 97 were uncontested delegates, and 304 contested delegates. In these contested delegates were included the 69 Taft delegates from Pierce and Clallam Counties which had been unseated by the State committee in its session the day before the convention. There were also included in these 304 contested delegates the 121 delegates selected by the Taft members on the subcommittee of King County, as hereinbefore related, and which had no legal claim whatever to a seat in any convention.

In the convention of the Roosevelt delegates held after being prevented from entering the convention, as herein stated, there were present 567 men, of whom 263 were uncontested delegates and the 69 delegates from Pierce and Clallum Counties whose credentials had been approved by the State committee; and there were also present the 121 delegates from King County who had been selected at a public primary by a majority of 6,400 votes, as herein stated. These 567 delegates out of the 668 of which the State convention was composed elected the Roosevelt delegates to the national convention. The national committee and the credentials committee seated the entire Taft delegation from the State of Washington.

I file herewith also, to be printed in the RECORD, a statement covering the contest cases from the State of Washington. This

statement was prepared by the Hon. MILES POINDEXTER, United States Senator from that State:

STATEMENT OF ESSENTIAL FACTS AS TO THE CHOICE OF REPUBLICAN DELEGATES FROM THE STATE OF WASHINGTON TO THE CHICAGO CONVENTION, JUNE 18, 1912.

[By Hon. MILES POINDEXTER, United States Senator from the State of Washington.]

This delegation was to be chosen by a State Republican convention called to meet in the city of Aberdeen, Wash., May 15, 1912. The authorized membership of this convention was 668. Of this number there were 264 Roosevelt delegates uncontested. In addition to these there were authorized Roosevelt delegates entitled to sit in the convention against whom unfounded contests were instituted by the Taft faction, as follows:

"Pierce County, 61; Clallam County, 8; Chelan County, 10; King County, 121; Mason County, 8."

This gave Roosevelt 472 out of the 668 delegates. In addition to this there were Roosevelt delegates duly chosen from several other counties against whom unfounded contests were instituted by the Taft faction, which would have made his majority in the convention much larger. But for the purposes of brevity we will consider the facts in the above specially mentioned cases only.

The State committee was presided over by B. W. Coiner, an active candidate for appointment by Mr. Taft as district attorney for the western district of Washington. Cooperating with him was Mr. S. A. Perkins, of Takoma, proprietor of several newspapers in western Washington and nominally a member of the national committee from the State of Washington. Incidentally it may be said that the State committee consists of 39 members, 1 from each of the 39 counties of the State; that Mr. Perkins was chosen national committeeman at a meeting at which the sole attendants were 3 members of this committee of 39, namely; Mr. B. W. Coiner, of Pierce County; W. W. Hopkins, of Thurston County; Richard Condon, of Kitsap County. In addition to these Mr. B. W. Coiner claimed to hold a proxy from A. D. Sloan, of Yakima County.

There were no other members nor proxies present, and Mr. Perkins's sole claim to his position as national committeeman from the State of Washington rests upon this meeting, which manifestly was without any authority whatever to act for the State committee of Washington which, under the rules, was entitled to select the national committeeman. Mr. S. A. Perkins had visited the city of Washington during the past winter and had assured Mr. McKinley, manager of the Taft campaign and Mr. Taft himself that a Taft delegation would be sent from the State of Washington. There is indubitable evidence that instructions and suggestions as to manner of proceeding were given to the State committee of Washington by the Taft national campaign committee. Cooperating with Mr. Perkins and Mr. Coiner in their illegal proceedings were Messrs. W. T. Dovell and Howard Cosgrove, attorneys, of Seattle; Mr. Ed. Benn, of Aberdeen; and Mr. T. P. Fisk.

The plan of these men was, after having instituted flimsy and unfounded contests against the Roosevelt delegations from the several counties, that the State committee which they controlled should meet at Aberdeen preceding the date fixed for the State convention and should assume the authority, for which there was no precedent in the State, to pass upon the credentials of delegates to the State convention and make out a temporary roll, to eliminate a sufficient number of Roosevelt delegates to give Taft control of the convention, to seize the convention hall and hold it by force, and to admit to it none except such delegates and visitors as they approved.

Acting in pursuance of this plan, the State committee met at Aberdeen preceding the convention and adopted a set of rules for its guidance, including the control of the State convention, the latter a matter which the State committee had no authority under party practice in the State to do. There is ample evidence, which it is not necessary or essential to go into at this point, that the plan to capture by any means that might be necessary the delegation from the State of Washington had been carefully agreed upon beforehand by the leaders named above and others cooperating with them, and that they would carry it out was thoroughly understood and was stated by a number of prominent Taft men in the State preceding the meeting of the State convention.

After adopting the rules aforesaid, an agreement was made between 21 members of the State committee to vote as a unit on every question as to credentials of delegates to the State convention. Thereupon this "cabal" proceeded to go through the form of deciding the contests which had been previously instituted in pursuance of the plan named above and to decide a sufficient number of them in favor of the Taft contestants to give them control of the convention by a narrow margin. They then, with the assistance of Benn and his local influence in the city of Aberdeen, placed 15 policemen in charge of the convention hall the night before the day fixed for the meeting of the convention, barred the windows and other entrances to the hall except the one guarded by the police, arranged the fire hose as an additional means, to be used, if necessary, in addition to the police in preventing by force the entrance into the convention hall of any delegates or other persons not approved by the "cabal" of the State committee under the plan stated above. Instructions were given to the doorkeepers to admit no one into the hall not bearing a card signed by B. W. Coiner, chairman of the committee. Such proceedings were unheard of in the State of Washington, and undoubtedly were a part of the advice given to the conspirators named above by the managers of the Taft national committee.

On the morning of the 15th, delegations arriving in Aberdeen for the convention, even those whose credentials had been approved by the State committee and who were entitled to cards of admission under the rules made by the State committee, were unable to secure such cards of admission as they did not know where to go to obtain them and none had been supplied to them. In the meanwhile, the Taft faction had gathered in the hall, guarded as stated above, and were proceeding hurriedly to go through the form of transacting the business of the State convention.

The facts stated above had led, of course, to a tense and excited feeling between the Taft and Roosevelt men gathering in Aberdeen for the convention. The governor of the State had been called to Aberdeen in order that his assistance might be obtained to prevent violence and to bring about, if possible, some just arrangement for the proceedings of the convention. Conferences between committees representing the Taft and the Roosevelt factions were held at 9 o'clock a. m., May 15, 1912, an agreement was made between these committees and signed by B. W. Coiner, Taft leader, and chairman of the State committee, that the two meetings consisting one of the Taft delegates, and the other of the Roosevelt delegates, would adjourn until 1 o'clock in the afternoon. In violation of this agreement, at 10 o'clock the Taft delegates proceeded in the manner stated to go through the form of holding a State convention and disposed of the business before them in a hurried manner, adjourning in a little over an hour.

This gathering of Taft adherents, purporting to be a State convention, elected a full Taft delegation of 14 to the Chicago convention, and this illegal delegation was seated by the national committee and voted throughout the proceedings of that convention.

The Taft State committee by eliminating the Roosevelt delegation of 121 from King County, of 10 from Chelan County, of 8 from Mason County, and eliminating contested Roosevelt delegations from 8 other counties and substituting in their places an equal number of Taft delegates, made up a temporary roll for the State committee in which Taft had 336 delegates. After all of this arbitrary and illegal unseating of Roosevelt delegates Taft was only left with a majority of two in the State convention, which consisted of 668 members. Of course this margin was narrow, but in view of the fact, as stated above, that great numbers of even those Roosevelt delegates, who were entitled to sit in the convention even by the ruling of the Taft State committee, could not gain admission because they had no cards of admission and did not know where to obtain them (the proceedings of the Taft convention meanwhile going rapidly forward) this margin was sufficient for all practical purposes for the Taft contingent.

Being excluded from the convention hall, which had been seized and held by force by the State committee, 567 Roosevelt delegates met in a separate hall and, constituting a large majority of the delegates to the State convention, proceeded to choose delegates to the national convention at Chicago.

The Taft State committee held that the Roosevelt delegates from Pierce and Clallam Counties were entitled to seats in the State convention.

As will be seen from the numbers given above it was necessary for them to exclude the Roosevelt delegates from every other county in which the Taft people had instituted contests—11 in all—in order that the Taft people should obtain control of the State convention.

As to the illegality of the proceedings of this State committee, it will be sufficient to review briefly the facts as to the county delegations from King, Chelan, Mason, and Asotin Counties—in view of the fact that it is perfectly clear that the Taft delegates which the State committee seated from these counties had no just claim as delegates to the convention; and the unseating of the Taft delegation from either one of these counties or from either one of the other contested counties where Taft delegations were seated would have given Roosevelt a majority of the convention, even on the temporary roll as made up by the Taft State committee.

Under the law the State of Washington has no original statutory primary for electing delegates to a national convention or to a State convention. The manner of choosing delegates to the convention was largely in the discretion of the State and county committees. The State committee directed that the State convention be called at Aberdeen with 668 members, which convention in turn should choose delegates to the national convention at Chicago. As to the selection of delegates to the State convention, the State committee directed that the county committee in each county should choose the method of so doing. Under the authority of the State committee each county committee could, if it saw fit, itself choose the delegation from the county to the State convention, or it could call a county convention which in turn should choose the delegation to the State convention; and when it called a county convention it had the authority of submitting the election of delegates to the county convention to the people at a primary; or it could submit the election of delegates to the State convention to a primary. Such primaries, if called, were held under the direction of the county committee, as there was no statute governing the same.

Under this authority some of the county delegates to the Aberdeen convention were chosen by the county committees, and some were chosen by county conventions selected by primaries ordered by the county committees. Either method was authorized by the law and by the party rules.

In Spokane County an opportunity was had to test popular sentiment as between Roosevelt and Taft at a primary called by the county committee to elect a county convention in which the votes cast were about eight for Roosevelt to one for Taft. Primaries were also held in Pierce, Clallam, King, and other counties, showing an overwhelming Roosevelt sentiment as opposed to Taft in the State.

In King County, in pursuance of its authority, the county committee, consisting of some 400 members, met and, over the opposition of the Taft minority in the committee, directed the calling of a county convention to choose delegates to the State convention at Aberdeen, and directed a primary in the county to be held to elect delegates to the county convention, providing the form of ballot and other details of the primary. This primary was held in pursuance of this order; 6,900 votes were cast at it, of which all but some 500 were for Roosevelt and LA FOLLETTE, giving the progressives overwhelming control of the King County convention. There is no contention that this primary election was not perfectly free and open and honestly conducted. The right of the 121 Roosevelt delegates to the Aberdeen convention is based upon this regular and popular proceeding. The Taft people claim that the county committee was improperly constituted, because its chairman had appointed members of the committee from precincts in which there were vacancies. The chairman, however, had such authority both by the rules of the committee and by an express resolution of the committee, which resolution was presented on the hearing before the national committee. The Taft people also claim that the primary was not in technical accordance with the provision of a certain statute. This statute, however, has no application to such primaries, and relates only to voluntary primaries for the election of delegates to nominating conventions. A strenuous effort had been made to secure either a statute or a rule of the State committee for such a primary for the election of delegates to the nominating convention at Chicago, but the governor refused to call a session of the legislature for that purpose and the Taft State committee refused to make such a rule, and no such primary could be held, notwithstanding the earnest efforts of the Roosevelt people throughout the State. These flimsy pretexts were the only objections which the Taft people could devise to the Roosevelt delegation from King County. On the other hand, the Taft delegation from that county which was seated in the State convention at Aberdeen by the Taft State committee rested its claims upon the pretended appointment made by 14 Taft members of the King County committee after the King County committee had directed the primary for the selection of delegates, as stated above.

Of course these 14 men had no authority to make such appointment. They claimed to be acting as an executive committee of the county

committee. In the first place, this executive committee had been discharged by the full county committee and had no existence at the time; its authority had been revoked and another method, namely, the primary and the county convention, had been directed by the county committee for the selection of delegates to the State convention at Aberdeen. Among other methods used by the Taft party in Seattle in pursuance of their determination to secure, by fair means or foul, the delegations from King County to the State convention, and thereby the State delegation to the national convention, was the attempt to bribe outright the chairman of the King County committee and the alteration and forgery of proxies for seats in the county committee, conclusive proof of which, in documentary form, was presented to the national committee and the credentials committee at Chicago, and ignored by them, although not disputed.

Under these circumstances it is perfectly manifest that the so-called Taft delegation from King County, which did not claim to have any other authority than this appointment by the 12 or 14 members of the King County committee, had no authority whatever to represent King County in the Aberdeen convention. The action of the Taft State committee could not create any such authority for it, and the arbitrary seating of this illegal delegation of 121 in the Aberdeen convention, by which seating the Taft people gave themselves a majority of 2 on the temporary roll, upon which authority they selected 14 delegates to the national convention, vitiated and made wholly illegal this purported Taft delegation to Chicago.

The acceptance of this unauthorized delegation from the State of Washington by the national committee was equally without validity.

When the temporary roll of the Chicago convention, including these 14 delegates, had been made up by the national committee in this arbitrary and illegal manner the 14 delegates themselves practically voted to retain themselves in the convention by voting upon the temporary chairmanship and temporary organization of the convention, thereby, together with other illegal delegations similarly situated, selecting their own credentials committee and voting upon their own unfounded and unmeritorious cases.

In Chelan County a county convention was held to elect delegates to the State convention. No question was raised as to the validity of this county convention. It met in the forenoon and proceeded to ballot upon the election of a temporary chairman. The membership of the convention was 55. On the vote for temporary chairman 31 votes were cast for D. D. Olds, the Roosevelt candidate, and 22 for Cohler, the Taft candidate. After perfecting this temporary organization the convention adjourned and awaited the report of its committee on credentials, having adopted a resolution that it would reconvene at 1 o'clock in the afternoon. Between this adjournment and the hour of 1 o'clock the minority of Taft delegates held a separate meeting and went through the form of choosing delegates to the State convention. They did not return to the convention at 1 o'clock in the afternoon. This wholly unauthorized Taft delegation of 10, appointed by a bolting minority of the county convention, was seated in the State convention by the State committee, and the regularly elected delegation, which was for Roosevelt, was excluded. Leaving out of consideration King County and every other county in which the Roosevelt delegations were excluded, the seating of the Roosevelt delegation from Chelan County would have given Roosevelt control of the State convention. The illegal unseating of this delegation also vitiated the action of the State convention and rendered invalid and unauthorized the Taft delegation from the State of Washington.

So likewise in Mason County. The State committee seated a Taft delegation of 8 from that county which had no other authority whatever than a pretended appointment by two precinct committeemen. The county committee of Mason County consisted of 21 precinct committeemen. It is perfectly clear that two of these had no authority whatever to appoint the delegates to the State convention. On the other hand, the Roosevelt delegation from Mason County was appointed by 11 precinct committeemen present at a meeting, constituting a majority and a quorum of the county committee and fuly authorized to make the appointment. This authorized delegation was refused seats in the convention by the Taft State committee. It was not contended either before the national committee or the credentials committee of the Chicago convention that this action was valid in any way whatever, and yet it was decisive of the entire action of the State convention at Aberdeen, so far as the Taft control was concerned, and the unseating of this Roosevelt delegation from Mason County rendered invalid the entire proceedings of the so-called Taft State convention and the Taft delegation from Washington.

Likewise, in Asotin County the 6 Taft delegates seated by the State committee from that county were necessary to give Taft the majority of 2, which the State committee worked out upon the temporary roll. The only authority which these 6 Taft delegates from Asotin County had was the pretended appointment of 5 persons purporting to act as members of the county committee. The county committee consisted of 11. Only 3 of the 5 persons referred to were members of the committee; the other 2 were not members and had no proxies. They so admitted, and the fact was not disputed. The action of these 3 members of the committee and 2 persons without any claim of right whatever acting with them in appointing the Taft delegation from Asotin County was purely arbitrary, unauthorized, and illegal. The seating of these illegal 6 delegates by the State committee being necessary to give them their majority of 2 rendered invalid the action of the entire convention, invalidated the delegation of 14 to the national convention, and in view of the fact that this 14 and a few other delegates similarly stolen were necessary to give Mr. Taft his slender majority it rendered illegal entirely his nomination at the Chicago convention.

Likewise, the seating of the Roosevelt delegation from either one of the six other contested counties, as they were entitled to be seated, would have given Roosevelt control of the State convention. But in view of the clear cases of the counties especially described in the foregoing, either one of which if the rights of the Roosevelt delegation had been recognized would have destroyed the small Taft majority of two upon the temporary roll of the State convention made up by the Taft State committee, it is not necessary to go into the details of the other counties.

The call of the State committee provided that 8 delegates were to be chosen from the State at large by the State convention and 2 delegates from each one of the three congressional districts, making 14 in all. The 2 delegates from each district were to be chosen by a district convention which was to consist of the delegates from that district to the State convention, which delegates should meet separately pending the State convention at Aberdeen, and as a district convention choose the 2 delegates from the district. Each of the three districts in the State had an overwhelming majority of Roosevelt delegates, but the case of the third district is especially conspicuous because of the almost entire absence of Taft sentiment in that district, which consists of the eastern part of the State. Over 200 of the 245 delegates to Aberdeen were Roosevelt delegates.

In only two counties were there contests involving in all 16 delegates, and yet under the proceedings of the State committee Taft delegates were sent from this district as from the other districts and from the State at large to Chicago, their contention being that the Roosevelt delegates from the district did not attend the State convention and were not entitled to be recognized. As a matter of fact, Roosevelt delegates from the district did attend the State convention as stated above, but met in a separate hall from the Taft delegates, on account of the hall being forcibly seized by the State committee, and legitimate Roosevelt delegates from Chelan, King, and other counties excluded by force and violence, as stated above.

A further matter which ought not to be overlooked in considering the action of the Chicago convention is the fact that only a mere pretense at an investigation of these contested cases was made by the national committee, or by the credentials committee, or by the Chicago convention itself. In the Washington cases, after some difficulty, 45 minutes was secured for presenting the cases on behalf of the Roosevelt delegation before the national committee. The terms laid down by the committee were that the Roosevelt case would be stated first, occupying the entire 45 minutes, and that the Taft case should then be stated, occupying its 45 minutes, and that no time should be allowed for rebuttal. Under this arrangement oral statements were made and representatives of the Taft delegation in their oral statement made a great many statements of fact which were claimed by the Roosevelt representatives to be wholly unfounded and false. Attempts were made at frequent intervals to gain permission to correct or contradict these false statements, but every such attempt was prevented and every opportunity of making any corrections of the same was cut off. Vehement protests were made by Taft members of the committee against any interruption of the Taft speakers, and at the conclusion of the oral statement orders were given that the representatives of the two sides should collect their papers and immediately leave the committee room—which, with the officious assistance of the sergeant at arms, was done. On disputed points a vast mass of original and documentary evidence was offered on behalf of the Roosevelt delegation. None of this was examined by the committee nor was any attention paid to it whatever. The case, after the oral statements above referred to, was decided instantaneously by the committee without consideration or examination of evidence. The writer of this, who assisted in presenting the Roosevelt case to the committee, left the room immediately at the conclusion of the oral statements and proceeded directly to the outer door of the committee rooms. But before he reached the outer door a messenger from the committee room passed him on his way to the telegraph office announcing as he passed that the case had been decided against the Roosevelt delegation.

Likewise the proceedings before the credentials committee of the temporary organization was a travesty upon a hearing and investigation for the purpose of eliciting the truth and making a just decision. Angry and vehement protests were made by Taft members of the committee against the efforts on the part of other members of the committee who sought to question the representatives of the Taft delegation in order to elicit the truth; and, being sustained by the chairman, under this gag every attempt on the part either of the representatives of the Roosevelt delegation or of members of the committee who sought to bring out the facts was cut off and entirely suppressed. In fact, throughout the hearings, both before the national committee and the credentials committee, indifference was indicated by the majority of these committees as to the hearings—their decisions undoubtedly having ben made in advance upon a partisan basis and such decision and fact having been announced previously by members of the committee.

When it is considered that the credentials committee referred to consisted in part of the very illegal delegates whose cases were to be tried before the committee the absurdity of the system is manifest.

Likewise it may be repeated—it can not be repeated too often—that the national committee, which was the source of the arbitrary power of the convention and of its temporary roll, which in turn chose its temporary organization, which in turn chose its permanent organization, and which controlled every question decided by the convention, was a hold-over committee of politicians selected by party machinery four years ago, when neither the issues nor the candidates of this campaign were before them or before the people; that, in the meanwhile, many of the members of the committee had been supplanted by the election of their successors of opposite views in regard to candidates and policies of the party; that the majority of the members who assumed to act upon these cases had been directly and emphatically repudiated by the party in their States at free primaries where large party votes were cast; that acting with them and going to make up the majority of the committee were members from Territories which have no electoral vote and from Southern States which have no substantial Republican Party; and that not a single Republican State in this year's preconvention campaign where a free vote of the membership of the party had been allowed was in harmony with the majority of this national committee, which controlled the convention and all its actions. The latter circumstances are mentioned, not for the purpose of going here into a discussion of the iniquities of the system involved, but merely as bearing upon the merits of the decision rendered by the tribunal referred to.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that I have 20 minutes to-morrow morning immediately after the reading of the Journal to reply to some statements made by the gentleman from Nebraska.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that immediately after the reading of the Journal to-morrow he be allowed 20 minutes in which to reply to some remarks made by the gentleman from Nebraska.

Mr. FITZGERALD. Mr. Speaker, I want to call up the general deficiency bill——

Mr. MANN. The gentleman will have the right to speak in general debate.

Mr. FITZGERALD. I desire to get into my bill, and the gentleman can then get time.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to address the House for 20 minutes after the reading of the Journal. Is there objection?

Mr. WARBURTON. Mr. Speaker, reserving the right to object——

Mr. HUMPHREY of Washington. I want to modify the request and change it to immediately after the calling up of the general deficiency bill.

Mr. FITZGERALD. I ask the gentleman to withdraw his request on the statement that I intend to call up the general deficiency bill, and that I desire to pass the bill before the end of this week, and we will accommodate the gentleman if 20 minutes or a half an hour will suffice.

Mr. HUMPHREY of Washington. All right, with that understanding——

The SPEAKER. Does the gentleman withdraw his request?

Mr. HUMPHREY of Washington. Yes; I withdraw my request.

FILLING OF VACANCIES ON COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I desire to fill some vacancies on committees. I move that Mr. SWEET, of Michigan, be elected to fill the vacancy on the Committee on Accounts made vacant by the resignation of Mr. RODDENBERY, of Georgia.

The SPEAKER. The gentleman from Alabama moves that Mr. SWEET, of Michigan, be elected as a member of the Committee on Accounts to fill a vacancy. Is there any other nomination?

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

Mr. MANN. Mr. Speaker, I am authorized by the gentleman from Wyoming [Mr. MONDELL] to present his resignation from the Committee on Public Lands.

Mr. UNDERWOOD. We have not reached that point yet.

The SPEAKER. Is there any other nomination for this vacancy?

Mr. MANN. I ask that the resignation of Mr. MONDELL from the Committee on Public Lands be accepted.

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

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], I move the election of the following gentlemen to fill vacancies on the minority end of the following committees:

Hon. FRANK W. MONDELL, of Wyoming, on the Committee on Appropriations to succeed Mr. MALBY, deceased; Hon. ELMER A. MORSE, of Wisconsin, to the Committee on Public Lands, to succeed Mr. MONDELL, resigned; Hon. WILLIAM F. VARE, of Pennsylvania, on the Committee on Insular Affairs, to succeed Mr. HUBBARD, deceased; Hon. MARTIN B. MADDEN, of Illinois, on the Committee on Expenditures in the Department of Agriculture, to succeed Mr. FRENCH, resigned; Hon. JOHN A. STERLING, of Illinois, on the Committee on Expenditures in the Department of Justice.

The SPEAKER. Are there any other nominations?

The question was taken, and the nominations were agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOOHER, for 12 days, on account of illness in family.

To Mr. SLEMP, for 3 days, on account of important business.

To Mr. CARY, for 10 days, on account of illness.

ARMY WORM.

Mr. HEFLIN. Mr. Speaker, I have here a House joint resolution asking for an appropriation of $5,000 to be used in the Southern States in the fight on the cotton or army worm. The Secretary of Agriculture, I will state to the House, came before the Committee on Agriculture yesterday and said that it was absolutely necessary to have this amount of money, and to have it now, to meet the conditions which have recently arisen in the cotton States. The resolution was favorably considered, and I was requested to report it to the House. It is now on the calendar, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the resolution which the Clerk will report.

Mr. MANN. I suggest that the gentleman ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. HEFLIN. I make that request, Mr. Speaker.

The SPEAKER. The request carries the further request that it be considered in the House as in the Committee of the Whole. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm.

Resolved, etc., That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various section of the United States.

Also the following committee amendment was read:

On line 3, strike out the word "fifteen" and insert in lieu thereof the word "five."

The SPEAKER. Is there objection to the present consideration of this resolution in the House as in the Committee of the Whole?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama if this pest has made itself known anywhere outside of the State of Alabama.

Mr. HEFLIN. This worm has appeared in many Southern States—South Carolina, North Carolina, Georgia, and Alabama. In fact, it has appeared in nearly all of the cotton-growing States. I will say to the gentleman I read a newspaper report the other day of the operations and ravages of the worm in Georgia. It stated that they crossed a railroad track in such large numbers that they stopped the train. The worms being crushed made the track so slippery that they stopped the train and they had to put sand on the rails in order to travel.

Mr. MOORE of Pennsylvania. I would suggest to the gentleman that that is an easy way of suppressing a corporation. But I want to know from the gentleman whether this request for an appropriation of Federal money arises in his own district and in his own State, or whether it is due to complaints that are general throughout the Southern States?

Mr. HEFLIN. The complaints are general, I will say to the gentleman from Pennsylvania. The resolution was introduced by the gentleman from South Carolina [Mr. AIKEN], and the Agricultural Department has already sent one or two men down to instruct these people how to fight the worm and destroy it; and the Secretary of Agriculture came before the Committee on Agriculture yesterday and said that he did not have a dollar with which to proceed, and that with $5,000 he believed he could meet this emergency and that it was necessary to get this money now.

Mr. MOORE of Pennsylvania. I do not want to raise a question as between the States, but I call the gentleman's attention to the fact that there are numerous pests throughout the United States that ought to be suppressed. There are certain pests in horticulture and arboriculture. There is a chestnut-tree blight which is now pervading a number of the States of the Union.

Mr. MANN. We made an appropriation for the investigation of that, I think.

Mr. MOORE of Pennsylvania. I think not.

Mr. LEVER. Let me say to the gentleman from Pennsylvania [Mr. MOORE] that the Senate has put in the agricultural bill $80,000 for the chestnut blight, and the House conferees in the first reading agreed that that sum should be left in the bill, and I presume the conferees of the House will not object any further.

Mr. ADAMSON. Will the gentleman yield?

Mr. HEFLIN. I will yield.

Mr. ADAMSON. I would like to say to the gentleman from Pennsylvania [Mr. MOORE] that unfortunately these worms do not limit their diet to corporations. I am a personal witness to the fact that their operations are not limited to getting on railroad tracks and obstructing trains. I have just returned from Georgia, and I have witnessed myself the ravages of these worms there. While there I sent a telegram to the Secretary of Agriculture, telling him of their ravages in Georgia and eastern Alabama—parts of the country I knew about. He replied that they had no funds. My town held a meeting and raised the funds and sent men over the county with the ingredients which kill these worms. That is limited, of course. Yesterday I was informed by the Department of Agriculture that if this provision was made as reported by the committee a man would be sent there to help those people.

Mr. MOORE of Pennsylvania. Still reserving the right to object, it is a rather interesting fact that these worms to which the gentleman refers are eating up the very valuable ties that come from chestnut trees, which are preferable, as I understand, to any other wooden ties that are in use in the Southern States, and the chestnut trees are subject to the blight.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving further the right to object, I want to ask the gentleman one more question. I should like to know——

Mr. ADAMSON. Speaking of chestnuts, I do not want to use any chestnuts, but I want the gentleman to understand that we have never resisted any proper efforts to aid in relieving him or any of his people in any part of the country in any emergency affecting chestnuts, old chestnuts, or chestnut trees, or anything else.

Mr. MANN. You defeated an amendment to the appropriation bill to make an appropriation for the chestnut blight.

Mr. ADAMSON. Not I.

Mr. MOORE of Pennsylvania. Has the State of Alabama made any appropriation for the extermination of this worm?

Mr. HEFLIN. The legislature in our State is not in session. The worm made its appearance in our State last year for the first time, I believe, in about 20 years, and this year the worm is appearing in greater numbers in all the States than before, and this appropriation is to meet an emergency now, because the appropriation bill will not pass in time to relieve the situation in the South, and the Secretary of Agriculture submitted to us telegrams yesterday asking for aid. So acute and distressing is the situation the gentleman from South Carolina [Mr. AIKEN] contributed to a sum to pay the expenses of one expert to be sent to South Carolina. They simply have not a dollar to meet this emergency. These worms, undisturbed in a cotton field of 20 acres, can destroy it in three or four days.

Mr. MOORE of Pennsylvania. They are also eating up the chestnut railroad ties. I shall not object.

Mr. MANN. The understanding is that the committee amendment is to be agreed to, reducing the amount?

Mr. HEFLIN. Yes; to $5,000.

Mr. MANN. Is this reimbursable?

Mr. HEFLIN. No, sir.

Mr. MANN. Is this an additional appropriation over what is carried in the appropriation bill when it becomes a law?

Mr. HEFLIN. Yes, sir; to meet an emergency.

Mr. MANN. I agree with the gentleman. I can remember seeing the army worms so thick in a field that you could not step without treading on a dozen of them at a time.

Mr. HOBSON. I reserve the right to object.

Mr. HEFLIN. I yield to the gentleman.

Mr. MANN. And I withdraw my reservation of the right to object.

Mr. ADAMSON. And I withdraw mine.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the right to object when I get the opportunity.

Mr. HOBSON. Mr. Speaker, I wish to say that this experience with the army worm is very widespread. The worm is now in my district. It came last year, and it came again this year very suddenly, and it does not give time for preparation. We have to have mass meetings in order to meet the situation. The whole county of Tuscaloosa, for instance, was ravaged last year within a very few days.

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

The SPEAKER. Does the gentleman from Alabama yield?

Mr. HOBSON. Yes.

Mr. MOORE of Pennsylvania. I would like to see the worm exterminated in the gentleman's district, but last year we suffered in my section of the country from the ravages of the chestnut blight. I understand it is now advancing down into the Southern States and is there threatening the gentleman's territory. All I ask is that Congress shall give consideration also to this matter of the chestnut blight. We have already made an appropriation in Pennsylvania—a very ample appropriation of $275,000—but we have no authority to go beyond the boundaries of our own State.

Mr. HOBSON. I wish that steps had been taken in that direction, as suggested by the gentleman, several years ago. I can say to the gentleman that the chestnut trees in my district are almost wholly destroyed by the chestnut blight. But the need of meeting this army worm pest is very urgent, and it should be met within a very few weeks. Owing to the spread of this worm, the need for its extermination is liable to become very wide, and if the situation is not promptly met to-day it can not be treated successfully two weeks hence.

I believe it would be a wise matter to leave the expenditure of the original amount carried in the discretion of the Secretary of Agriculture. Then he would not be compelled to expend all that he has unless it is desirable, and later on if he should find it important to expend all the money he would then have it available.

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

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from South Carolina?

Mr. HOBSON. I do.

Mr. LEVER. Let me say to the gentleman from Alabama that the Secretary of Agriculture informed the committee yesterday that this sum of $5,000 would be sufficient to carry him over the emergency that is now existing, until the agricultural appropriation bill could be brought out of conference. We have the statement of the Secretary of Agriculture to the effect that that would be sufficient.

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

Mr. LEVER. Yes.

Mr. FITZGERALD. The gentleman from South Carolina states that this appropriation will be sufficient to tide over this emergency until the agricultural appropriation bill is agreed to. Why can not the funds now at the disposal of the department be used for this purpose?

Mr. LEVER. We understand from the statement of the Secretary of Agriculture that he has no funds at his disposal at this time which he might devote to this purpose.

Mr. HEFLIN. Not one dollar.

Mr. FITZGERALD. I would like to ask the gentleman where will he get it in the appropriation bill if it is agreed to? What fund would it be paid from?

Mr. LEVER. It would be paid from the general fund covering all cases of this kind.

Mr. FITZGERALD. For the month of July the Secretary of Agriculture has had, under the joint resolution that was passed, one-twelfth of that fund for application to this work, and if the appropriation bill had become a law prior to the 1st of July he could have expended in the month of July only one-twelfth of the sum appropriated.

Mr. LEVER. I assume, Mr. Speaker, that the Secretary of Agriculture at this time has his men engaged in their regular projects, and that the only way he can send extra men down there to meet this emergency would be through this emergency appropriation. That was the impression the Secretary gave to the committee yesterday.

Mr. FITZGERALD. That would be the fact after the general appropriation bill becomes a general law, and inasmuch as there is no extraordinary increase in the appropriation, there will be no opportunity to send additional men out. The Secretary of Agriculture is pretty smooth. It is not all so easy in these matters. What do these men propose to do? Do they propose to tell the people how to spray the plants with some solution?

Mr. HEFLIN. That is one of the things they would do. The expert men will go down to these infected parts of the States and call the people together and instruct them how to get rid of these worms.

Mr. FITZGERALD. They could mail that information to the people much more quickly.

Mr. HEFLIN. There is nothing like going among them and showing them how to do it.

Mr. FITZGERALD. I suppose they would send out and have meetings called and conduct their meetings and have speeches and demonstrations, and in the meantime the army worm will have got in his work, when its ravages could be more speedily prevented by the prompt transmission of information as to how the pest could be exterminated. The method which the gentleman from Alabama suggests is not a very practical way of doing the business.

Mr. LEVER. I will say that from the information we have the process is simple. But I want the gentleman to understand that this is the second year in my experience for the visitation of the army worm in my State. Last year it came to the State during the fall. It reached our cotton fields just about the time the best part of the cotton had matured, and it was really a blessing to us. But now it is coming to the State at a time when, if it gets into the cotton fields, it is bound to work absolute destruction not only to the cotton, but to corn and even grass.

Mr. SIMS. The gentleman is speaking of the worm, not the cotton-boll weevil?

Mr. LEVER. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire of the gentleman if there is a special appropriation in the agricultural appropriation bill for this purpose?

Mr. LEVER. No. They have been handling the situation heretofore under a general fund.

Mr. HEFLIN. I will state to the gentleman that we did not have the worm until last year in anything like the number that we have now. As my friend from South Carolina [Mr. LEVER] has stated, the worm attacked the cotton then when the bolls were nearly grown, and only ate the leaves. Now the worms attack the limbs and the little bolls, and they absolutely destroy the tender plants.

Mr. SIMS. I understand that they are eating corn and everything else down in that section. Hundreds of acres are depleted of corn and cotton and everything else. I was talking with Senator PERCY, of Mississippi, about it yesterday.

Mr. SAMUEL W. SMITH. I am not opposed to this, but I should like to have the gentleman explain how far $5,000 will go toward exterminating this worm in several States.

Mr. HEFLIN. It will pay the expenses of experts, who will go down there and explain to the people how to deal with the worm.

Mr. SAMUEL W. SMITH. That is how this money is to be used?

Mr. LEVER. Entirely so, to pay the expenses of these men.

Mr. HEFLIN. Yes.

Mr. SHERLEY. I am not opposed to this appropriation, but I want to learn something about the habits of the Department of Agriculture, and this is a very good time to learn it. That department has had a fund to deal with epidemics of this sort. Recently, by a joint resolution, they have been authorized to expend one-twelfth of the amount that was appropriated for the last year. The gentleman now says he is of the impression that the Agricultural Department has already allotted all of that fund. What I am trying to find out is this: Does that department allot all of that emergency fund without having any reserve at all for an emergency, and did the gentleman cross-examine the department officials to ascertain the facts?

Mr. LEVER. In reply to the gentleman from Kentucky permit me to say that the department has its various lines of work blocked out, so many dollars for one item, so many dollars for another line of work.

Mr. SHERLEY. They did not have any blocked out for this.

Mr. LEVER. Under a general provision in the agricultural bill we permit them a leeway of 10 per cent from one fund to another. Now, I take it, from the statement of the Secretary of Agriculture yesterday, that he is carrying on his projects which have been marked out, and that his men have been designated to do the work under these appropriations. I take it that the department has sent out its available experts to carry out the projects that have been mapped out for this year's work.

Mr. SHERLEY. I should like to know what the policy of the department is. In the first place, did they use any of this fund last year for the purpose of fighting this particular pest?

Mr. LEVER. As far as I know, they did not, because the army worm got into operation last year too late to do any serious damage. They have been studying the problem, and they have worked out a method of destroying the army worm. What this appropriation proposes to do is to send a few experts into the South and pay their expenses, to show the people how to fight the worm.

Mr. SHERLEY. Last year they knew about this worm.

Mr. LEVER. They have known about it for 35 years.

Mr. SHERLEY. They have a general fund to cover these matters this year. Does the gentleman know whether they have allotted any of the one-twelfth authorized for this year to this purpose?

Mr. LEVER. I really could not tell the gentleman. The truth is, as I said a moment ago, that the department has worked out a complete remedy for the army worm, and it is nothing more than the using of a little arsenic and flour on these little devils to kill them. But this appropriation here is asked for the purpose of permitting the department to send a few of its men into these various communities to show the folks there how to use this instrument of destruction.

Mr. HEFLIN. And this money is to be used to pay their expenses.

Mr. SHERLEY. This month is pretty nearly out. They have had one-twelfth of the total appropriation, which is a considerable sum—more than $5,000. Does the gentleman know or has he inquired how much has been spent, or how much has been allotted for purposes of this kind, or anything in this connection?

The reason I ask this question is this: My experience is that the Department of Agriculture, as well as certain other departments, gets certain general funds for the doing of work in anticipation of just such situations as this, and then when a particular emergency comes, instead of using the general fund that has been provided in anticipation of that, they take the particular emergency as a means to bring pressure upon Congress to force additional appropriations.

Mr. LEVER. In reply to that suggestion, let me say to the gentleman that I take it that inasmuch as the month is nearly up, whatever allotment has been made for this month has been practically exhausted, and therefore the necessity of this appropriation.

Mr. SHERLEY. Does not the gentleman think it is up to the department to show what the facts are? We have nothing here—no statement at all—as to how much money they have on hand or what they can expend it for.

Mr. LEVER. I think it is quite reasonable to assume that if they have allotted a certain fund for the present month, which is practically out, that certain fund has been exhausted. I think that is the logic of that situation.

The SPEAKER. Is there objection?

Mr. HILL. Mr. Speaker, I do not wish to object, for I am in favor of the bill, but I should like about five minutes in which to speak on it.

Mr. MANN. Why not first ascertain if there is objection?

The SPEAKER. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the House for five minutes.

Mr. MANN. Let us find out if there is objection to the consideration of the bill first. Then the gentleman can get the time.

The SPEAKER. Is there objection to the present consideration of this bill in the House as in Committee of the Whole?

There was no objection.

Mr. HILL. Mr. Speaker, I am in favor of this proposition, because I happen to know of the necessity for immediate and speedy action, and I am in favor of some propositions of this kind, but I happen to have in my hand some fundamental doctrine in regard to the making of appropriations, coming from a Democrat, a gentleman by the name of Woodrow Wilson. [Applause.] I will take the time to read it in order that the Members of the House on both sides may understand his position in regard to matters of this kind and also indirectly in regard to another Democratic proposition now attached to the Post Office appropriation bill, by which the United States Government will be compelled to pay $20,000,000 a year rent for the use of the public highways on which rural free-delivery carriers are now delivering mails for the benefit of the people. I read from Woodrow Wilson's "Congressional Government," in the introductory thereto, at page 29, written in 1900. He was then writing in regard to making congressional appropriations, which is what is being done now. He says:

> Hardly less significant and real, for instance, are its moral effects in rendering State administrations less self-reliant and efficient, less prudent and thrifty, by accustoming them to accept subsidies for internal improvements from the Federal coffers; to depending upon the national revenues, rather than upon their own energy and enterprise, for means of developing those resources which it should be the special province of State administrations to make available and profitable.

[Applause on the Democratic side.]

That is good doctrine. We believe in that in New England. To continue:

> There can, I suppose, be little doubt that it is due to the moral influences of this policy that the States are now turning to the common Government for aid in such things as education. Expecting to be helped, they will not help themselves. Certain it is that there is more than one State which, though abundantly able to pay for an educational system of the greatest efficiency, fails to do so, and contents itself with imperfect, temporary makeshifts because there are immense surpluses every year in the National Treasury, which rumor and unauthorized promises say may be distributed among the States in aid of education. If the Federal Government were more careful to keep apart from every strictly local scheme of improvement—

And I commend this to the wise chairman of the Committee on Appropriations—

> If the Federal Government were more careful to keep apart from every strictly local scheme of improvement, this culpable and demoralizing State policy could scarcely live. States would cease to wish, because they would cease to hope to be stipendiaries of the Union, and would address themselves to their proper duties with much benefit both to themselves and to the Federal system.

I commend that to the majority. [Applause on the Democratic side.]

Mr. MANN. The Democrats are in favor of the principles enunciated, but not in favor of their application.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. CLAYTON. Mr. Speaker, on behalf of the majority, I want to say to the gentleman that that is the best speech he ever made.

Mr. FITZGERALD. I understood the gentleman from Connecticut to say that he believed in that doctrine, or that the New England States did.

Mr. HILL. Certainly.

Mr. FITZGERALD. Is that why they have so persistently obtained appropriations to exterminate the gypsy moth up in New England?

Mr. HILL. There has been no appropriation asked for by the State which I have the honor in part to represent.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Speaker, I ask unanimous consent to proceed for two or three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, as supplementary to what I have read, in view of the fact that that has thoroughly met the approval of gentlemen on the other side of the House, I shall read another extract, direct and apt to this occasion, for I

am watching with great interest the developments of the future.

Mr. CLAYTON. Let us print the whole book.

Mr. HILL. Very well. I think very likely that will be done.

Mr. CLAYTON. It will be the best contribution the gentleman has ever made to congressional literature. [Laughter.]

Mr. HILL. I shall read another thing which I think is worthy of consideration. I refer to another extract from the distinguished gentleman's writings, in which he discusses presidential candidates. It is found in the introductory to "Congressional Government," on page 43. He is discussing presidential conventions and candidates, and he says:

When the presidential candidate came to be chosen it was recognized as imperatively necessary that he should have as short a political record as possible and that he should wear a clean and irreproachable insignificance.

[Laughter.]

"Gentlemen," said a distinguished American public man, "I would make an excellent President, but a very poor candidate." A decisive career which gives a man a well-understood place in public estimation constitutes a positive disability for the Presidency, because candidacy must precede election, and the shoals of candidacy can be passed only by a light boat, which carries little freight—

[Laughter.]

and can be turned readily about to suit the intricacies of the passage.

[Laughter.]

I doubt if he ever expected to be a candidate himself when he wrote that.

Mr. HEFLIN. Mr. Speaker, I do not wish to consume any more of the time of the House, and I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment to the House joint resolution.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution as amended.

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

On motion of Mr. HEFLIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following request for leave of absence, which the Clerk will report.

The Clerk read as follows:

Mr. SWITZER requests leave of absence, for five days, on account of important business.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Alabama that he commence to object on his own side first.

Mr. UNDERWOOD. Mr. Speaker, I will give notice that, as far as I am concerned, on account of the condition of business in the House and the necessity of a quorum being present, I shall hereafter object to any request for unanimous consent for leave of absence on account of business. If a man is sick or there is sickness in his family, that may be a legitimate excuse, but the important business of a man who holds a commission from a constituency to represent them on the floor of this House is for him to attend here and to be present at this time.

The SPEAKER. Does the gentleman from Alabama insist upon his objection?

Mr. MANN. Mr. Speaker, I fully agree with the gentleman, but I do not think he ought to make any objection without first giving notice.

Mr. BUTLER. Because we will see that there is a quorum here every minute. I am able to do that.

Mr. UNDERWOOD. The gentleman need not do that. We will bring a quorum here and have brought one here, and it has not come from that side of the House. I have no desire to reflect upon the application of any gentleman upon that side of the House, to begin with, and, therefore, as the leader of the minority asks me to give notice I will accept his proposition and withdraw objection to this particular request. I should not withdraw it, however, had the request come from this side of the House. I do give notice now that under the present congested condition of business and the necessity for a quorum being present, no leave of absence which is asked for on account of business shall be granted in the future, until the condition of business in the House is cleared up.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A 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.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I would suggest to the gentleman that the gentleman change his request and have the sundry civil bill printed, showing the Senate amendments, because until I can see the Senate amendments——

Mr. FITZGERALD. I would be glad to do that, and will make the request that the bill be printed with Senate amendments numbered.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to disagree to the Senate amendments——

Mr. MANN. If the gentleman insists upon doing that, I said I would not be willing to give consent until the Members of the House had an opportunity to examine the bill.

The SPEAKER. The Chair understood what the gentleman from Illinois said, and the gentleman from New York said it was agreeable, so the Chair was putting the whole request at once.

Mr. MANN. I was trying to save time, because the gentleman knows otherwise I would have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. FITZGERALD. I ask unanimous consent that the sundry civil bill be printed with Senate amendments numbered and that the bill remain on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be printed with Senate amendments numbered and that it remain on the Speaker's table.

Mr. MANN. It does not require unanimous consent to remain on the Speaker's table.

The SPEAKER. Well, that may be superfluous. Is there objection?

Mr. COOPER. The Speaker just put the motion. The request of the gentleman from Illinois is to have the bill printed. Does that mean printed in the RECORD?

Mr. FITZGERALD. No; to have it printed with the Senate amendments numbered and in italics.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to renew my motion to take up the bill H. R. 20728, the Indian appropriation bill, to disagree to the Senate amendments, and ask for a conference thereon.

Mr. RUCKER of Colorado. Mr. Speaker, reserving the right to object, I would like to ask the chairman if he will not make an exception in this case, on page 35, to the amendment in regard to John West's claim and concur in the Senate amendment in reference to that claim?

Mr. STEPHENS of Texas. Mr. Speaker, I do not think in a conference of this kind either the Senate or the House conferees ought to be bound in any respect, but that there ought to be a free conference, and as to this claim the matter is now pending before this House on a report from the committee. It is a separate bill which has been put on as an amendment on the Indian appropriation bill, and it should not be there. These claims of this character ought not to be placed on appropriation bills, and as the bill is now upon the calendar here if it can not be passed this session it can be passed the next. This claim is 70 years old, and I do not think it will suffer any by remaining over until next winter, even if we can not reach it this session. It is on the calendar now, and the gentleman can call it up any time under the rule, and let the matter be discussed before this House, and pass it in a proper and orderly way.

Mr. RUCKER of Colorado. I wish to say, Mr. Speaker, just one word more. I only asked the chairman to do this because this bill is one of the gentleman's original bills, introduced in 1909, and therefore, having passed this committee of which the gentleman is chairman by a clear majority, and the bill being in this House represented by a majority, of course the gentleman knows, by reason of seniority upon the committee, he will have upon that committee those who represent the minority in the report, and consequently unless the gentleman will make an exception in this case, knowing, as I said, who the conferees will be, I shall have to object.

The SPEAKER. The gentleman objects.

DAM ACROSS WHITE RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I ask to take from the Speaker's table two conference reports.

The SPEAKER. Which one does the gentleman desire taken up first?

Mr. ADAMSON. I do not care which. One is aids to navigation and the other is a bill to construct a dam.

The SPEAKER. The Clerk will report the bills.

The Clerk read as follows:

A bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

Mr. ADAMSON. I ask that the report be read, as it is shorter than the statement.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1059).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

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

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The bill adopted by the House originally granted the consent of Congress for the construction of a dam in accordance with the general dam act. The Senate amendment was explained by its author and by the managers on the part of the Senate to be rendered appropriate and necessary by local conditions. While the amendment is unusual and considered by the managers on the part of the House as of doubtful necessity, we consented to recede from our disagreement to the amendment and accept same with the distinct understanding that it is not to be accepted as a precedent for adding to individual bills particular statements of detailed legislation, but stands upon its own particular facts and is agreed to for the reason aforesaid.

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

Mr. MANN. Mr. Speaker, I ask that the Senate amendment be reported.

The Senate amendment was reported.

Mr. MANN. Mr. Speaker, the Committee on Interstate and Foreign Commerce has reported to the House this session a number of bills providing for the construction of a number of dams across navigable waters, to be constructed, maintained, and operated in accordance with the provisions of the general dam law governing such matters. This bill, I believe, is the only one which has passed recently. The other day a number of bills were upon the Unanimous Consent Calendar and were all stricken off on the objection of my colleague from Illinois [Mr. RAINEY], whom I regret does not happen to be present at this time. Of course, agreeing to the conference report upon this bill is practically enacting it into law, and this bill, outside of the Senate amendment, stands upon all fours with the other special dam bills which have been reported. Personally I have reached the conclusion that in the present condition of legislation that it is entirely proper for Congress to pass bills authorizing the construction of dams for the generation of electric power, to be governed by the provisions of the general law upon the subject.

Whether any changes can be made in the existing law I do not undertake to say, but that law, rather restrictive in its provisions, contains the additional provision, without any liability on the part of the Government for any damages caused, that it may at any time repeal, alter, or amend not only the general law but any special law that is passed providing for the construction of any special dam. I believe that it is highly desirable that as far as may be practicable we shall utilize the water power of the country now going to waste, reserving to the Government the complete power at any time in the future to extend its jurisdiction and authority over any of the dams which are constructed or over any of the companies which own or operate those dams. And when the House passes this bill or agrees to this conference report, in my judgment, it is practically, if they do that, a settlement of its policy upon the subject at this time. The House ought not to say to one company at one place, "We grant you this privilege there," and not say to another company at another place, under practically similar conditions, "We will not grant it there." This dam is to be constructed in Arkansas, but if it were in Tennessee, in the district of my friend [Mr. AUSTIN], it ought to receive the same consideration that it does when the dam happens to be located in a Democratic district.

Mr. ADAMSON. Mr. Speaker, I am ready for a vote.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr FOSTER. I wanted to say just a word in reference to this conference report and the policy of granting rights to build dams for power purposes. I disagree with my colleague [Mr. MANN] in the fact that if this conference report on the bill, which is somewhat different, possibly, from other bills granting the right of constructing dams, should go through, this is the fixed policy of the Government in reference to what should be done in the near future in granting rights to water-power companies.

Mr. MANN. I did not say it was the fixed policy.

Mr. FOSTER. I mean the policy at this session of Congress.

Mr. MANN. If this bill passes and this conference report is agreed to, that ought to settle the question, because if any of them are to be rejected, this is one that ought to be rejected. I think we ought to grant the privilege where the committee has reported that there are no unusual circumstances.

Mr. FOSTER. But I want to further disagree with the gentleman from Illinois in his idea that we should commence on Members on this side of the House who have bills for water-power sites and dams. I want to call to his mind that one of the first bills that went over on the Unanimous Consent Calendar was introduced by a Member on this side of the House.

Mr. MANN. I hope the gentleman does not think that I meant my colleague from Illinois [Mr. FOSTER] objected because the bill was introduced by a Republican?

Mr. FOSTER. But I understood from the gentleman's remarks that we ought not to permit one from this side to go through at this time.

Mr. MANN. Here is the bill. Are you going to permit it to go through?

Mr. FOSTER. I will say to the gentleman that this bill is much better than any of the bills that have gone through for a good while in that it does restrict the powers of this company to sell its power to consumers.

Mr. MANN. This bill, with the Senate amendment, is the worst bill we have ever had reported in the House on the subject.

Mr. FOSTER. That is the gentleman's opinion, to which I do not agree.

Mr. MANN. And it is the opinion of nearly everybody else who has examined it.

Mr. FOSTER. I will say to the gentleman that I have some ideas as to regulations in reference to granting sites for water power, and, so far as I am individually concerned, it is not my intention to obstruct legislation to grant rights of individuals or firms or corporations to build dams to create water power. But I do believe, and I expect to exercise my right as an individual Member of this House in all future cases that may come up here, that proper restrictions shall be placed in all these bills, if I am able to do so, in order that the people of this country may have some protection against what, in my mind, may lead to the control of all the water power of our rivers. I think in a few States that practically all the water power has gone into the hands of a few individuals—possibly one or two companies.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. And I am opposed to that, and I think my colleague is just as much opposed to it.

Mr. MANN. Quite. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. The gentleman does not mean, of course, that is true as to any dams which have been constructed in accordance with the general dam law?

Mr. FOSTER. Well, I do not know whether they have all been constructed under the terms of the general dam act or not.

Mr. MANN. Then, I will give the gentleman the information. They have not.

Mr. FOSTER. But, however that may be, I do not consider that the general dam act goes far enough, and I think my colleague agrees with me that there ought to be additional legislation along those lines.

Mr. MANN. I will say to my colleague from Illinois, the general dam act does not go as far as I would have had it go or as he would have it go. I do not believe that Congress or the majority of people agree with my views upon that subject, and meanwhile I am not in favor of withholding the right to construct dams because my own views have not been enacted into legislation. As long as there remains the authority in the General Government, Congress at any time can enact views as strong as my views, and as strong as the views of my colleague are, into law and make it applicable to all these bills that have passed. And that is the case.

Mr. FOSTER. I observe that under the terms of the general dam act and under these bills that usually go through the Senate and House, or at least through the House, the right to alter, amend, or repeal is expressly reserved. I think that under that section, or under that clause, after a power company has once become established Congress would find it a very difficult matter to repeal an act where the rights of a corporation or of individuals are vested in that property.

Now, while this clause, "the right to alter, amend, or repeal is hereby expressly reserved," is possibly worth something, yet I do not believe that that clause goes far enough in regulating the sale of power generated by these companies.

Mr. MANN. That was put in the law in the first place out of abundance of caution, but the gentleman perhaps recalls that the general act reserves the right to amend, alter, and repeal generally and in every special case, without any liability to the Government for the change that may be made. In other words, under the general dam law, Congress would have the power to repeal the right absolutely after the dam was constructed, or the right to regulate the charges that would be made, if Congress has that power constitutionally, and I think it would have, or to regulate anything else without any liability on the part of the General Government.

Mr. FOSTER. But I think that this provision ought to go further. If we acknowledge that the General Government has some rights in these navigable streams, we ought, in exercising those rights, see to it that no combination of water-power companies in any part of the country shall be brought about whereby it may be almost impossible for the people to regulate the charges that are made to them for the use of that water power. The gentleman from Illinois and I are pretty well in accord on these matters, I think——

Mr. MANN. Absolutely——

Mr. FOSTER. Because I recall distinctly that in the matter of a dam in Alabama, on the Black Warrior River, the gentleman from Illinois was very pronounced in his statement of what he thought the General Government ought to do.

Mr. MANN. And I still maintain those views.

Mr. FOSTER. And I was going to state that I believe my colleague still maintains that opinion. I hope that he will join with some of us who feel that there ought to be some restrictions placed in these bills that he has mentioned that are now sought to be passed through this House—restrictions that might control the prices charged to the people.

Now, I will state that I have suggested a few amendments to these bills so they might go through, but I have not met with any encouragement in offering them, so that I have thought the better plan to follow, if possible, to prevent their passage entirely was to assume this position until Congress could take some definite action in reference to the control of the water power in the country.

Mr. TOWNER. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOSTER. Yes, sir.

Mr. TOWNER. Is it not the wiser policy, when we are endeavoring to do what the gentleman has so well stated should be done, that we deal in general terms and reserve to the Government all powers of control and supervision and repeal, rather than attempt now in advance to particularize? Is not that the better and the broader and the safer policy to pursue?

Mr. FOSTER. Well, I think we ought to put in all these bills that pass through the House provisions that give to some one—and I know of no authority better than the authority granting it—the power to regulate these water-power sites until there is a better general law enacted.

Mr. TOWNER. I think there is no question about that, but my thought was that if we attempt in advance to particularize we may not be able to know what may be needed hereafter in the protection of the rights of the Government.

Mr. FOSTER. I think with the gentleman that general protection in a law is better than to try to specialize.

Mr. TOWNER. In bills of this character all the rights that the Government could exercise are reserved in advance until such occasions may arise in the future. It occurs to me that that is the better policy to pursue.

Mr. FOSTER. I would state to the gentleman from Iowa that while "the right to amend, alter, or repeal this act" is in these bills as they are passed, yet I think the restrictions should be in the bill when it is passed. That is the safer plan, in my judgment.

Mr. TOWNER. I will ask the gentleman if he does not believe that the general terms of the dam act, the general statement in the law at present, in connection with the broad provisions that already exist in the general dam act, do not constitute an abundant and, in fact, a very broad and sweeping reservation of the rights of the Government?

Mr. FOSTER. I think not sufficient to regulate the matter of charges for water power in this country. I am frank to say to the gentleman that possibly at the time this law was passed it was the best that could be gotten through, but I think the time has now come when it is not sufficient, and it ought to go further than this law goes at this time.

Mr. TOWNER. I am very much in favor of doing everything that can be done to reserve the rights to the Government in water powers.

Mr. CANNON. Mr. Speaker, the water in the rivers, great and small, has been there, changing from time to time, for many, many thousands, if not millions, of years; and all that water has never, in the absence of dams and development, furnished an ounce of power.

Now, what the loss is to the United States, or to the people of the United States, every year from this great mass of water—enough to fill a part of an ocean—that goes to waste I do not know. If there was any way by law by which I could convert that water into power and navigation for the benefit of the people I would favor it. Now, there are but two ways to do it, as I understand. One is for the United States to go into the power business and sell the power or give it free to the people, building and maintaining the dams, making the canals and locks. The other way is to allow private enterprise and capital to make the development. As to the first way, I think we are not ready to resort to that. I do not know that we ever will be ready. I sometimes hope that the United States will not go into the business of building railroads and building power houses and dams for the purpose of selling power.

The development of this power requires money, and in some instances power is developed that is not remunerative. There are other instances where it is developed and it is wonderfully profitable. If somebody wants to build a dam and divert the water and keep it from running wastefully to the ocean and devote it to the purpose of turning machinery, I do not know what better we can do than to let them build the dam. We do not know how much power they are going to develop. They may break up. It may be a good venture, or it may be a bad venture; but when you put into the law itself the power to repeal or amend the franchise, then if extortion should appear Congress could amend or repeal the act granting the franchise, and the United States or the respective States could fix the prices for the power sold by those who develop it. So I do not think we are in a bad way, provided we utilize that which has been wasted from the dawn of creation and is still being wasted, keeping the right when we grant the franchise to regulate under the power to alter, amend, or repeal.

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Georgia [Mr. ADAMSON] a question. Does this amendment, which the Senate placed in this bill, take the place of section 2 of the bill which passed the House?

Mr. ADAMSON. I did not notice how it was printed.

Mr. FLOYD of Arkansas. What is the question of the gentleman from Illinois?

Mr. FOSTER. There is a Senate amendment which is marked section 2 of this bill. Does it take the place of section 2 of this bill? Is that true?

Mr. ADAMSON. It is an independent amendment. It does not take out anything that is in the bill. I will say further to the gentleman from Illinois that the general dam act has that section attached to it, with the right to repeal or amend any act that is referred to the Secretary of War in accordance with its terms.

Mr. FLOYD of Arkansas. And that reservation is in this act also.

Mr. FOSTER. Mr. Speaker, I agree with my colleague who has just taken his seat, the ex-Speaker of this House [Mr. CANNON], that the water as it runs to the sea in its millions of

barrels is worth nothing in the way of power until some individual or corporation places it in proper condition to be of advantage to the people. Yet I think that when we give away valuable franchises we ought to know something about how the franchises are going to be used, and I think my colleague agrees with me that we should have some sort of control, or that the control should be vested somewhere, so that there will be no question about it, and that the people's rights will be protected.

Mr. TRIBBLE. I thoroughly agree with the gentleman from Illinois [Mr. CANNON] who has just taken his seat. He once lived in the piedmont region of the South. In those days there were no manufactures there. To-day it is the finest section upon the face of this earth, both in farming and manufacturing. The mills are there, the cotton grows there, and it is manufactured there. I do not know the conditions that exist in other sections of the Union, but I do know the conditions that exist in the South. We need development there, we need the capital there, we need the mills there, and we need water power developed, and I can not understand why gentlemen object to the construction of dams and water power in many sections of the South where this development is so much needed.

Mr. FOSTER. The gentleman may not understand that, because he possibly has not studied the question sufficiently to know why. I will say to the gentleman that the reason why I object, without certain restrictions being placed in these bills, is that the corporations of the country ought not to control all the water-power sites of this land. That is why I am opposed to it, and I think a Democrat can afford to stand upon that kind of a platform, and ask that the people's rights in these matters be safeguarded, and that they shall not be permitted to be oppressed by any corporation or any set of men anywhere and at any time.

Mr. GALLAGHER. And that is what the corporations are trying to do.

Mr. PADGETT. If there are individuals who want to construct dams for the benefit of their local communities, what objection has the gentleman to that? I am speaking of a case where the privilege is asked by individuals, not by corporations, and where the people of the neighborhood want the dam built.

Mr. FOSTER. I should like to ask the gentleman from Tennessee if he can inform the House how long those individuals will keep a franchise without transferring it to some corporation or possibly some water-power trust?

Mr. PADGETT. I do not know how long, and it does not make any difference, so long as it will be for the benefit of the local people who want it developed.

Mr. FOSTER. It may not make any difference to the gentleman from Tennessee, but I think it does make a difference to the people of this country to know what shall be done with this water power.

Mr. BOWMAN. Will the gentleman suggest wherein he would further safeguard this bill so as to protect the public? Let me suggest in that connection that I know of localities where water power is going to waste. Of course, the gentleman agrees that a mill can not be run with the water that has passed, and if water power is put in it will be of great advantage to a given locality, possibly making it a manufacturing district, where coal is not available at a reasonable price. As I understand it, the State has the power in this bill to fix the price if it is unreasonable, and the United States Government has the power to alter, amend, or repeal. I do not know where this dam is located. I am not interested in it, but it does seem, as a general proposition, that there ought to be an opportunity to develop these water powers. In the meantime the coal of this country is being mined and wasted where it is burned at points where water is running away useless that should be used to provide power.

Mr. FOSTER. I think my friend from Pennsylvania [Mr. BOWMAN] misunderstands me. I am not opposed to the development of water power in this country. I am for it. I believe I stand just as much for the development of water power in this country as the gentleman from Pennsylvania does, and will lend a helping hand in doing whatever is in my power to help along in the matter; but I want to look a little further than simply the development of water power which gives some individual or corporation or company the right to use as they please that water power when they have it. The fact that a great amount of capital may be necessary to develop the water power is not the only question that concerns me; but I am concerned, and I think the gentleman is concerned, with the proper regulation of the water power and the rights of the people in these matters—the rights of the consumers themselves who have to buy the power after it is generated by these companies. I think that all of these bills should contain provisions that safeguard the rights and the interests of the consumer.

Mr. BOWMAN. This bill is safeguarded in that respect. The Government has the power to alter or amend or to repeal it at any time, and the State also, by virtue of the amendment inserted in the Senate, has the power to change or alter the price if it is not reasonable. Does not the gentleman think it is sufficiently guarded, and if not, what would he suggest?

Mr. FOSTER. I could not go into all of the terms at this time, but I would state that I would have proposed such amendments as would guarantee to some one, the Secretary of War or some one else, the right to examine the books and papers of the company in reference to fixing the charges they may make to the people of the community or wherever that power may be consumed. I would have that. That is the main and important point in this matter. Then there is another matter.

Possibly I am treading on ground that may be disputed, but I think that when the General Government is called upon to improve navigation by spending thousands and millions of dollars the Government retains some right there, and I believe that in the generation of water power the Government has some right to remuneration when that water power is used by a corporation.

Mr. FLOYD of Arkansas. Mr. Speaker, I would state in connection with what has been said that the bill pertains to my district. It is a local measure, and the purpose of the amendment is to meet local conditions. The Government has condemned the White River as a navigable stream for 150 miles below where this power plant is to be located.

Mr. FOSTER. Mr. Speaker, I will say to the gentleman that I think very highly of him and that I would not fight any bill simply because he happened to advocate it and because it affected his district.

Mr. FLOYD of Arkansas. Oh, I do not mean to imply anything of the kind, but I desire to ask the gentleman a question.

Mr. FOSTER. Let me finish. The gentleman says the Government has declared this stream for 150 miles to be nonnavigable. I want to state that in the report of the Waterways Commission he will find it stated that the rights of the Government extend far beyond the actual navigability of the stream, and that for the purpose of conserving and making that river navigable the General Government has rights far beyond where the stream may be actually navigable.

Mr. FLOYD of Arkansas. I insist that this bill does not deny any of the rights of the General Government. The Senate provided for an amendment to the bill which permits the people of the State, it is true, to regulate prices and prevent discrimination. It expressly recognizes in the State a right that the State undoubtedly now has. Does the gentleman from Illinois object to that?

Mr. FOSTER. Oh, no; I am for it, and I hope the State of Arkansas will regulate the prices. I think the amendment improves the bill very much, and without some amendment giving the right to regulate charges I would not be for it.

Mr. FLOYD of Arkansas. And I want to state further that the right to amend or repeal or modify this act is reserved to the Government in the act itself. It is left within the power of Congress, at any time in the future when they decide on a permanent policy in reference to these water powers, to revoke or modify or amend this act and in the grant as thus modified to regulate the affairs of the power company by the action of Congress in so far as the rights and powers of the Federal Government extend or may be involved.

Mr. FOSTER. Oh, I think the amendments are good.

Mr. FLOYD of Arkansas. Is the gentleman opposed to the bill?

Mr. FOSTER. Oh, I am not fighting the gentleman's bill. I am talking on the general policy.

Mr. FLOYD of Arkansas. I am not talking about the general policy. I want to get this matter settled, because it is a matter of great interest to my people and my State. In this connection I wish to State that the bill as it passed the House was in strict conformity with the requirements of the general dam law. The Senate amended the bill, inserting as a new section the following amendment:

SEC. 2. It is understood, and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said

value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

This amendment, in my opinion, improves the original bill. It recognizes in the State of Arkansas the right to regulate charges and prevent discriminations on the part of the Dixie Power Co. It also provides that at the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas upon the payment to the said Dixie Power Co. the value thereof as a structure, and in case of disagreement as to price it provides for settlement by arbitration or by judicial proceedings. It seems to me that every one of these provisions are in the interest of the general public and at the same time are just and fair to the power company receiving the franchise. I hope, therefore, that the gentleman from Illinois [Mr. FOSTER] will understand that the very purpose of this amendment is to protect the public against exorbitant charges and unjust discriminations by the Dixie Power Co. or its assigns.

In conclusion, I will add that the construction of this proposed dam and the development of a great water power thereby will be of incalculable benefit to the people of Arkansas. It will stimulate development along many lines and will create new industries and new enterprises, all of which supply employment for hundreds of workingmen. It will utilize for power purposes a magnificent mountain stream little used for navigation, and I therefore hope that at the conclusion of this discussion all opposition will be withdrawn and that the conference report will be agreed to and that the bill will pass.

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

Mr. FOSTER. Certainly. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Illinois has 25 minutes.

Mr. FOSTER. I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY] and reserve the balance of my time.

Mr. RAINEY. Mr. Speaker, I do not think I shall take that much time. The question of water-power development in this country and in Canada is in a formative state. There has not been much demand for water power until a comparatively recent period. There was not any demand for it until it was ascertained that without appreciable loss water power could be converted into electrical energy and could be carried 200 miles. Since then it has become valuable, and there is the best of reasons why it should. This bill may possess much merit. It apparently does. This amendment put in by the Senate seems fair upon its face and is a long step in advance, but it does not settle the question by any means. It is not an answer to the objections we make to these bills to say, what are you going to do about it; are you simply going to obstruct these bills; what do you want us to put in them and what sort of legislation do you want that will protect the interests of the States and individuals and the General Government? No man can answer those questions offhand. At the present time water-power lawyers are beginning to develop throughout the country, and they all take the water-power side of it, and they are filling the legal journals of the country with briefs and with arguments on the question of water power and its development and the right of the States and the rights of individuals and the rights of the General Government.

At the present time in Canada they have taken steps far in advance of anything we have attempted, and in the matter of water development in Canada they are ahead of us. In the Province of Ontario, Canada, in the last two or three years they have adopted a method of dealing with water power which may not be applicable here in this country, but which seems to suit them. They have appointed there a hydro-electric commission, and that hydro-electric commission has been given the power to appropriate land, take possession of water-power sites, and to control water-power development in the rivers, and they are leasing these water-power rights to municipalities within the Province of Ontario, and it seems to meet with general approval there and in other sections of Canada. Now, whether that would be a proper thing to do here or not I am not prepared to say. These numerous bills are each of them separate attempts to secure 50-year franchises from this Government for the purpose of developing water power in isolated localities. It is no answer to the objections made by my colleague from Illinois [Mr. FOSTER] to say "I have no interest in the general question of water-power development; I am just interested here in this particular question." If all of these projects go through and all other similar water-power possibilities are absorbed in this way, as they will be, it will not be long until there is no water power to conserve—the trusts will have it all. Now, I do not know much about the White River in Arkansas, but I have heard within the last two or three days that the company which has attempted to secure the largest number of franchises down there is the company known as the Ozark Power Co., represented here now in the city of Washington by a very pleasant gentleman from St. Louis, who is here interested in this bill, and perhaps in other bills. He does not live in the State of Arkansas at all, but he lives in the city of St. Louis, and he is especially interested in this particular bill. Therefore I take it that his incorporators or the persons who are interested now or who will be ultimately interested—and perhaps the gentleman from Arkansas does not know who will be ultimately interested, and I do not know, either—will be somebody who lives outside of the State.

I understand the Ozark Power Co. has already secured certain rights in other portions of the White River; that high above this particular section where it is sought to put in this power plant another company—I do not remember the name now—secured a franchise some time ago by a private bill which passed through Congress, and the Ozark Co. immediately took over the other company. This same Ozark Co. is also interested in another bill reported out by this committee and asking for another franchise to build another dam at still another power site on this same river. Now, if this bill goes through granting these rights to the Dixie Power Co. in this river, what assurance have we that it will not be long before the Ozark Co. takes this particular project over? There is nothing to prevent the transfer of these franchises from the individuals who get them or from the companies who get them to any other company. Now, the mere fact that individuals are here from Tennessee asking for the right to build a dam across a river is of itself a circumstance that should compel Congress to examine carefully into the project. It takes millions of dollars to develop a river, a million dollars to build a dam and the locks that the Government might afterwards require to be built there, and individuals can not float that kind of an enterprise; and whenever we hand to individuals a franchise—and we do not know how valuable it is; there is no evidence before the committee of this House to show how valuable any of these franchises are—when we hand them that we have given them something they can sell the next day for $100,000, perhaps, and we do not know it. Most of these bills are speculative. It has not been long since a number of little companies were organized to develop power down in South Carolina, and it has not been long since the country found out that the Southern Development Co.—I think that is the name of the organization—controlled all of these power propositions and were extending their operations into other States; and we know now, at any rate I have reliable information, that the Southern Development Co. are the Duke tobacco people. They have developed power in South Carolina until at the present time they develop 260,000 horsepower of electrical energy every year, more power perhaps than is developed in any of the States in the Union except New York, where they have over 800,000 horsepower—where they have Niagara Falls—and perhaps also California and the State of Massachusetts.

I heard only yesterday, from a reliable source, that the Southern Development Co., after arranging to supply power for all these factories and arranging contracts with cities to supply the electricity with which to light their streets, and after having made it absolutely necessary for these factories and municipalities to be dependent upon them—I heard yesterday that the Southern Development Co. had notified all their patrons that as soon as the present contracts terminated they proposed to raise the price for the power they were supplying to these individuals and to these municipalities. Now, the power possible to develop in rivers is just as valuable as the coal that lies under the surface of the ground. You do exactly the same things with it, and our coal supply, we are told, is rapidly diminishing. Now, would it be right for Congress, if it could, to pass an act without any investigation granting all of this over to corporations——

Mr. GALLAGHER. And you do not know who the individuals are.

Mr. RAINEY. And that would not make it right, if you did—to go on the public lands and to give them the right over 100 square miles of territory for 50 years to mine coal and to take out all the coal they wanted to mine. Why, such a bill as that, if it passed this House, would cause a wave of opposition and indignation to sweep across this country. Why? Because people understand about coal, because they know its value, and because they have been using it for centuries in the world. They do not understand about water power, they do not understand the potential value of our rivers that flow down to the seas, and yet for hundreds of years and thousands of years, as my colleague from Illinois [Mr. CANNON] has said, these rivers have been flowing on down to the seas, this power has been created every minute of every day of a million years, and has been

going to waste until now, and the time has now come to develop it.

The time has come to develop it because it must be done, and because it can be utilized, and because it can be sold 200 miles away from the place where it is generated on the rivers. If the time has come when this valuable property which the Government owns can be used and can be sold—has not the time come, before we do that, to find out what we are giving away and to find out how valuable it is? Now it is proposed to turn it over under the policy embraced in the general dam act which simply provides for the restoration of the navigability of rivers after these power dams have been completed, and which attempts to do nothing else of importance. That is as far as we have gone with the question of developing a water-power policy in this country. In Norway they develop water power, and I understand it is done by the State, and they sell it to the consumer there at from $4 to $6 per horsepower.

Throughout this country we are developing water power on sites where it is easier to develop power than it is in that country, and on rivers that are bigger, and in places that require less investments of capital. Corporations are doing it, and individuals are doing it, and they are selling it to consumers at $25 per horsepower. When there is such a varying price in the amount consumers have to pay in different parts of the world to-day, does not that at least indicate that before we give all these things away we ought to find out what we are giving away, and then we ought to find out how to give it away, if we are going to give it away. But whether or not the State or National Government is entitled to receive revenues in order to protect——

Mr. SHACKLEFORD. Which is entitled to the revenues, the National or the State government?

Mr. RAINEY. It is a moot question.

Mr. SHACKLEFORD. In the opinion of the gentleman.

Mr. RAINEY. My opinion would not be any better than your opinion. You are welcome to your opinion and I am welcome to mine. I will state to the gentleman from Missouri [Mr. SHACKLEFORD] that I am not prepared to discuss at this moment that question.

Mr. SHACKLEFORD. Are you prepared, then, to vote on it?

Mr. RAINEY. I am commencing to study this question, and I propose to form opinions on it, and I think every Member of this House ought to do it; but you can not vote intelligently on this question until you can form an opinion as to the rights of the State and the General Government.

Mr. RICHARDSON. Does the gentleman say that he ever read a law book that did not give the right of navigation to the Government and the State the use of it? Have you ever read a law book——

Mr. RAINEY. I have read a great many law books, I will say to my friend.

Mr. RICHARDSON. Do you remember ever to have read one that did not concede the fact that the Government alone had control of the navigation?

Mr. RAINEY. That is the law—the common law. It always has been so. I will say to my friend from Alabama [Mr. RICHARDSON] I hope the National Government is entitled to some revenue consumers from these plants. The question of water-power development is so new that the courts have not passed upon it yet. I will say that this question is being fought out in the courts of New York, and water-power lawyers are contending that the State can not exercise the powers it seeks to exercise over power companies in the interest of consumers.

Mr. RICHARDSON. I was one of the conferees on this bill and supported it, and I have my fixed and firm ideas about water power.

Mr. RAINEY. For which no man has greater respect than myself.

Mr. RICHARDSON. I am very glad to know that. You stated you wanted to know whether this dam had been provided for and taken care of. Why, do you not know it to be a fact that when——

The SPEAKER pro tempore (Mr. ROBINSON). The time of the gentleman from Illinois [Mr. RAINEY] has expired.

Mr. FOSTER. I yield five minutes more to the gentleman.

Mr. RICHARDSON. I would like, Mr. Speaker, a little time to express my views on this subject.

Mr. RAINEY. I will be glad to answer the gentleman's question, if I can.

Mr. RICHARDSON. When the House passes this bill, as it will do this afternoon, it will make it depend upon the water dam act, will it not?

Mr. RAINEY. Yes.

Mr. RICHARDSON. The dam acts as passed in 1906 and 1910?

Mr. RAINEY. Yes.

Mr. RICHARDSON. Now, is it not a fact that the Government requires of this party to pay toll?

Mr. RAINEY. I do not so understand it, and I have no confidence in these clauses which provide that this franchise can be revoked. The Government can not destroy property in this way, and if two or three million dollars is spent in this project the Government can not revoke this franchise without paying the men who have invested their money for their property, and the Government will not do so.

Mr. RICHARDSON. Now, who would those men pay for the use of the water?

Mr. RAINEY. I do not know. The Government has not adopted that policy yet, but I am hoping it will.

A great organization in this country, the National Conservation Association, with ample capital and means, is investigating this very question at the present time, and is employing the highest legal talent in solving it. They have not yet reached a conclusion, and, if they have not, I hope the gentleman from Alabama will not compel me to do it in 20 seconds of time.

Mr. RICHARDSON. I want to hear from you.

Mr. RAINEY. You may some day, but not now.

Mr. TRIBBLE. Does the gentleman think, with the great progress of this country, that we should stand still and wait for that society to make up its mind?

Mr. RAINEY. I think that we have stood still in this country as to the question of giving away these rivers from the time the bells rang out announcing the adoption of the Declaration of Independence, and if we have stood still upon this question that long, now when it becomes a vital question, no man, except those individuals and these corporations who are trying to grab off these valuable franchises, can be injured in the least by waiting a little while longer, until we find out what we are doing.

I was in this House about nine years ago when a bill passed without any opposition, by unanimous consent, because then we did not know about water power, granting to a private corporation the right to dam up the Mississippi at the city of Keokuk. And they have built there now the Keokuk Dam, one of the greatest dams in the world. We are all proud—those of us who live in the States adjoining that river—of that magnificent enterprise. It is the greatest dam in the world, perhaps, except the dam erected down on the Isthmus of Panama at Gatun and the dam erected by the British Government across the River Nile. It is nearing completion. They got that franchise without the payment of a single dollar to any State or to the National Government.

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to his colleague?

Mr. RAINEY. Yes; I will yield.

Mr. MANN. Does the gentleman know that that franchise cost them about $2,000,000 in improvements for the benefit of the General Government?

Mr. RAINEY. No. I know they have expended more than that amount, as I understand it.

Mr. MANN. For the benefit of the General Government, I say?

Mr. RAINEY. No; I do not understand it so.

Mr. MANN. That is the case.

Mr. RAINEY. They built better locks there than were there before. The gentleman is right about that, but they already had locks there that were ample.

Mr. MANN. But not the same ones.

Mr. RAINEY. The gentleman is right about that. They built new locks. They are not the same locks.

That dam is now nearing completion, I say, across the Mississippi River. I was informed by a stockholder of that company not over four days ago that they had made a contract, to commence next year, as soon as they generate power there—a contract with one of the traction companies in St. Louis—to furnish it with enough electric power to move its cars along its tracks in the city of St. Louis, and that the income that they expect to derive from that one contract, which, so far as I know, is not one one-thousandth part—it is certainly only a fraction—of what they will be able to produce when they fully develop this plant, will pay 5 per cent interest, the interest required to be paid on their bonds, on their entire bond issue, and the rest that they can get out of it every year is absolutely clear. In the meantime they are going through the States of Iowa and Illinois and Missouri acquiring rights of way for transmission lines. A company is making arrangements

to build there in the coal section of Illinois what water-power advocates claim will be a steam plant to compete with the Keokuk Dam, where they propose to produce electricity by steam and supply the cities of Chicago and St. Louis from there. They are now arranging to build that great steam plant. It is only about 150 miles away from the Keokuk Dam. I make this prediction: I will say that I do not know anything in detail about this proposed steam plant, but I have been examining into these water-power companies and looking into their ways of doing business, and I make the prediction that they can not market their power for the purpose of moving cars along traction lines every day; they can not market their power to run factories every day, unless it is possible to supply them with power all day long and every day in the year. There are times when the Mississippi River freezes solid, and the Keokuk plant can not then develop power; and there are times when the water is low in the river, when they can not develop all the power they need.

Then, what do they need? A steam plant. That is why they are cornering coal fields there in central Illinois for the purpose of establishing a steam plant to enable the Keokuk company to supply electrical power when the Mississippi River fails, is low or is frozen over. This steam plant, we will find, is not a competitor for the Keokuk Dam, but we will find it will be a part of that project. I want to see the power facilities of our rivers developed, completely developed, but I would like to see the development occur when we determine how it ought to be done, when we have taken steps to protect the National Government and the States of this Union and individuals who, in this period of diminishing coal fields in this country, will soon need this power, and who ought to be protected by this Congress.

My position is that it is not a wise policy now to give these things away indiscriminately in advance of knowing what we are doing, and I think we will know what we are doing in a short time.

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

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RAINEY. I yield to my colleague.

Mr. MANN. I understand the gentleman to state that this Keokuk company had arranged to dispose of not to exceed the one-thousandth part of their power?

Mr. RAINEY. I do not know enough about the Keokuk company to speak positively as to this. When I said they were doing that, I meant to say that they were disposing of a relatively small amount of the power they can develop there to this one company, and that the relatively small amount they were so selling will pay the interest on all of their bond issue, and therefore they are left with tremendous profits; I do not know how much.

Mr. MANN. I want to say to the gentleman, further, that the gentleman who gave him his information was indulging in a "pipe dream."

Mr. RAINEY. He may have been, but——

Mr. MANN. It may have been because he was an enthusiastic stockholder.

Mr. RAINEY. I will say that I got my information from a stockholder of the company, and he told me that is what the company claims they can do. He has made his investment; he thinks he is going to make some money.

Mr. MANN. Those companies issue very glowing prospectuses.

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

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, if no other gentleman from Illinois desires to speak, I would like to bring this debate to a close.

Mr. SIMS. Mr. Speaker, I ask for just one minute.

Mr. AUSTIN. Mr. Speaker, I would like to have 10 minutes.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from Illinois [Mr. RAINEY] a question. Is it the contention of the gentleman from Illinois that in all of these cases of water-power improvement, where it requires an act of Congress to make improvements, Congress does have the right to place upon the grants such conditions as Congress may see proper to impose?

Mr. RAINEY. I think so; yes.

Mr. SIMS. That is the groundwork of the gentleman's whole contention?

Mr. RAINEY. No; the groundwork of my whole contention is that we do not know what we are doing.

Mr. AUSTIN. When are we going to know?

Mr. RAINEY. And my contention is that we ought to know what we are doing.

Mr. ADAMSON. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN] insists that on account of some things said in debate he ought to have some time, and I yield to him 10 minutes.

Mr. AUSTIN. Mr. Speaker, I believe it the duty of the American Congress—of every Member of Congress—to do practical things in the discharge of our official duties here, not to indulge in idle dreams and fancies, not to delay the development of this country until the gentleman from Illinois [Mr. RAINEY] makes up his mind as to what the policy of the National Government should be in reference to these power propositions. He has already admitted in this discussion that for nine years this matter has been held in abeyance, awaiting some policy that might meet with the approval of the impractical and the dreamers on this and other kindred subjects.

Every water-power development means a conservation and the saving of the coal in the mountains. [Applause.] Every lock and dam on a navigable river by a private company means the expense of that improvement to private citizens and the saving of that amount to the taxpayers of this country.

Mr. SHACKLEFORD. Every water-power development means the loss of that amount to the coal barons who sell their coal at high prices.

Mr. AUSTIN. Yes. It is a question of whether we will have now in this day and time and generation a cheaper motive power by the development of the water powers of the country or whether we will forever procrastinate and delay the settlement of this question and in the meantime permit those who control the steam or fuel supply of this country to continue to sell power at high prices and thus increase the cost of running every plant in America. It not only means the development of these streams for practical slack-water navigation now to every community upon them, but it means a cheaper transportation rate for the products of the farm, the factory, and the mine. It means an investment of millions of dollars in the employment of thousands of workingmen at good wages. Yet the gentleman [Mr. RAINEY], when questioned on the floor of this House, could not answer a specific question as to whether the States or the National Government should collect a royalty from water-power companies. Well, are we going to delay it until he reaches a conclusion? He says it has been a disputed question for nine years.

I asked the other day for the passage of a bill which meant a saving to the taxpayers of $3,000,000 on the initial improvement of a river that would give cheaper coal transportation to the cities and towns along the Tennessee and Mississippi Rivers, and insure the maintenance and operation at private expense for all time of the locks and dams upon the Clinch River. Yet the gentleman who has addressed the House [Mr. RAINEY] objected to it. Well, if the Government insists upon the withholding of water-power rights, then we demand of the Government the immediate improvement of that river at the expense of the taxpayers of the country. Magnificent water powers in the South have been and are running to waste and will continue to do so until the theorists and dreamers of this land decide what they want to do. As a practical Member of this House and one living in the present and not in the distant future, I want to see legislation along practical lines for the people that sent us here to legislate, and not indulge in dreams and speculation. The gentleman from Illinois [Mr. RAINEY] modestly admitted the other day that in objecting to four or five of these bills he had saved the taxpayers $25,000,000. I believe that to be a pipe dream. That gentleman the other day denominated these bills a steal and a robbery. One of them comes from a district represented by the honorable chairman of the Committee on Naval Affairs [Mr. PADGETT], and a more honorable man does not sit upon the floor of this House. [Applause.] His was a bill to dam a little river in his district—Duck River—by a private company composed of his own citizens, to develop less than 2,000 horsepower and bring into the towns of his district cheaper power. Yet it was denominated on the floor of this House a steal.

Here is the gentleman from Missouri [Mr. SHACKLEFORD] who has been here many years. I repudiate the idea that he is back

of any steal in offering and advocating a bill for water-power development in his district. The gentleman from Iowa [Mr. PEPPER] is the author of another bill. I do not believe he could be misled or seduced or deceived into fathering a bill which was a steal or a robbery. The general dam act of the United States says the Secretary of War and the Chief of Engineers shall have authority to impose upon every one of these companies compensation to the United States for any right or privilege in the years to come. Is there not ample authority in every State of this Union to regulate the question of rates for the use of power in any county in a State? These companies can not live without an income, which they must derive largely from furnishing cities and municipalities power for street and lighting purposes. In the State of Tennessee every mayor and board of aldermen have the right to say, "You can not enter the corporation limits unless you frame your schedule of prices so and so."

Mr. RAINEY. Will the gentleman yield?

Mr. AUSTIN. No, sir.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. AUSTIN. No man accusing me of fathering a steal can have any of my time on the floor of this House. [Applause.] There is power, under the general dam act, in the Secretary of War to protect the people of the United States. There is authority in every State legislature and every municipality to protect and safeguard the interests of consumers of power. This Congress, while Democratic, has been legislating in the interest of the people. Let them keep up that splendid record by being practical and doing something to develop the industries of the country and advance water-power projects, which means cheaper transportation on the rivers and cheaper motive power in many hamlets and cities in the land. Do not be driven from this great undertaking in the growth and development of our splendid Republic by the demagogue of this House or any man who, in order to oppose it, must unkindly and unjustly reflect upon the honor and the manhood of the men who introduced these bills in good faith. [Applause.]

Mr. ADAMSON. Mr. Speaker, the beautiful speeches in this academic discussion have consumed so much time I am loath to extend the debate to any great extent, and I am perfectly content to close with a very few remarks before I move the previous question, if the House will first grant me permission to extend my remarks in the RECORD.

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

There was no objection.

Mr. ADAMSON. Mr. Speaker, as I understand it, the gentlemen who have so eloquently spoken and covered such extended territory of learning and wisdom are not opposing the particular bill now in question. They are talking on general subjects, and, like Judge Longstreet's man who was out in the woods preceding the fight on the market day and was pummeling the ground and punching holes and cussing and bragging, they are simply showing how they "could have fit" if there had been issue here. [Laughter.]

Mr. Speaker, I deny that the innocent little bill involved here is helped or harmed by the Senate amendment. I yielded to that amendment because I was assured by the Senate conferees that the gentleman from Arkansas [Mr. FLOYD], my colleague, could not pass his bill, which was very necessary to the people of his community, unless that was added. The idea that that bill gives to the State of Arkansas authority to do the things recited in it I utterly repudiate and deny.

The State of Arkansas already had the authority to do what the amendment provides. If she did have it, Congress has no power to order her to do it. If she has not the authority, Congress has no power to give it to her. I do not know whether the amendment seeks to give the authority to Arkansas or seeks to order her to do it herself, or provides that it is done by Congress. In either event it is idle and nugatory. Certainly that part of it which provides for discrimination against the citizens of other States in favor of the citizens of Arkansas is unwise and contravenes our purpose to regulate interstate commerce. Persons have a right to run their lines across the State lines. If they do, then the transmission of power across the line will be interstate commerce. The very purpose of the commerce clause of the Constitution was to prevent the citizens of one State from discriminating against the citizens of another State.

I think every State should, like my own State, understand the duties of statehood as well as the rights of statehood and recognize the difference between States which helped make the Union and States which Congress made. Rightly interpreted, there is no difference and they are on the same basis, and all of them are charged with the duty of local responsibility and government instead of throwing it onto Congress.

It would also be well for statesmen to learn and observe the difference between the principle and form of government obtaining in this country and in Canada. The State of Georgia successfully controls and regulates the transmission, distribution, and rates of power and light within her borders. Every other State that is worthy of statehood can and should do the same.

I did not stop to quarrel about my views. I wanted this water power to be developed and I yielded. My colleague from Alabama, Judge RICHARDSON, thoroughly agrees with the doctrine that where a State grants authority to a corporation or an individual owning the land and the shoals, and the Government will grant its consent under conditions for water power to be developed in such a way that it will not obstruct navigation, then the State and the citizens have the right to the revenue and to control the same and not the Federal Government. [Applause.]

Mr. RICHARDSON. Mr. Speaker, I ask consent to reply to the remarks just made by the gentleman from Georgia [Mr. ADAMSON]. I do so as one of the conferees who differs with my friend from Georgia [Mr. ADAMSON]; and to such an extent did we differ that we struck out the statement entirely, and we unanimously reported the bill. I favored the bill as the same was signed by the conferees; but I have fixed and matured views on water powers, but I deem it unnecessary to apply my views to this Arkansas dam.

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

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the gentleman signed the conference report.

Mr. RICHARDSON. I did.

Mr. MANN. There is no division as to that part of it.

Mr. RICHARDSON. Of course there is no division, but there was a division, a marked division, in the writing out of that conference report before the signing of it, and then afterwards we altered it.

Mr. MANN. I do not object.

The SPEAKER. If there is no objection, it will be so ordered.

Mr. RICHARDSON. That portion of the conference report to which I objected is as follows:

SEC. 2. It is understood and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

It now is due to myself to say I did not believe that reference to the rights of the State of Arkansas had anything on earth to do with the Dixie Power Co. It could not add anything to the rights of the State of Arkansas and could not take anything from the State rights, and especially in relation to water powers in dams or otherwise.

I believe that the act to regulate water power, outside of its provisions to regulate navigation of navigable streams, will be yet passed on by the courts, and I hope a case will soon reach the Supreme Court of the United States and give the country light on this important question—upon what responsibility is charged on these dams and from what source.

Mr. ADAMSON. Mr. Speaker, I am not acting upon any idea that I will enforce my views or stop the machine. I have stated to the distinguished gentleman from Illinois [Mr. FOSTER], who is a doctor and not a lawyer, and whose views therefore on these questions are entitled to be received with toleration, that I was willing, perfectly willing, to have hearings to amend the general dam act if he or other gentlemen would show to us defects in it or meritorious provisions which ought to be added, and we intend to do that. We intend to appoint a subcommittee to summon every solitary one of these gentlemen before it and find out just how many divergent views and opinions there are, and what things ought or ought not to be put in as amendments, and whenever that is done we will report it to the

House. We expect to do that at the next session of Congress. I have further told the distinguished gentleman, in reply to what he said about it, that instead of objecting to particular bills and obstructing progress and the development of water power he should rise and offer some amendments to the bill, but he was afraid he could not pass them, and that did not suit him.

It was easier simply to object to the consideration of the bill than it was to offer an amendment and make a suggestion to the House and let the House pass upon it. Now our idea is to have such authority in the general dam act which we have adopted under which we refer bills to the Secretary of War. We think the general dam act is sufficient, but we are ready to amend it if necessary. If the Secretary of War and the Department of Justice do not do their duty, we can not help it. I admit I am not perfectly qualified for trust busting, and to hear men talk there are a great many who can beat me at trust busting, but I have never seen the practical and beneficial results of any of their work in that respect, and I say, Mr. Speaker, that I do hate, with a pure and holy hatred, any combination which excludes or limits the rights and opportunities of fellow men and pockets unjust profits by combinations and trusts, raising prices to consumers and putting men out of employment and destroying their opportunities. [Applause.]

I hate them with as much red-eyed hostility as any progressive reforming apostle of pretended advancement who is or ever was in this country. But I want something practical. If there is any one of these cases that is bottomed in rascality, of which they did not learn in time to come before the committee with the information, they can get up and state it to the House. Specify—general innuendoes and insinuations do not become great statesmen. Let them get up and say thus and thus is true of a particular case. This man is a rascal; he has gobbled up all the opportunities, all the steals, all the resources, and I will move to strike out the item from an omnibus bill, or I will vote to defeat this or any other bill. But they are not specifying any particular thing. Now, the gentleman from Illinois, the last speaker, by beloved friend RAINEY, for whom I have great affection and regard, excuses his performance in this case, in my judgment, by saying he has just commenced to study the question. Well, we have been studying this question for many years. There is nothing he has named that happened since the first general dam act was passed. Nothing wrong has developed since the general dam act was passed, as brought out by my friend from Illinois [Mr. MANN]. If there is, it is the fault of the Secretary of War. It is up to him to fix any condition under the sun on which these dams can be built. Now, in all fairness I say to my beloved friend from Illinois [Mr. RAINEY] he ought not to stop us at this point. He halts the progress of development, he deprives men of the present generation, whose lives are growing shorter every day, of opportunity while he is studying the question. We want him to study it. The gentleman has studied lots of questions and has gained knowledge from them and benefited the world thereby, for he is straight on most of them; but while he is studying water power and learning the difference between a dam which private capital builds, by the consent of the Government, on which the private owners have the right to take the profits and which the States have the right to control, and those which the Government builds in the improvement of navigation, which pays the expense of it, and thereby becomes the riparian owner and proprietor as well as the Government—while the gentleman is learning that distinction, which we have learned years and years ago, let him not obstruct these projects. Let progress go on; let us pass these little bills, and no man, Mr. Speaker, will be more ready than I to vote down any bill at any stage where it is necessary to throttle a trust or deprive unholy cupidity of unjust and ill-gotten gains. I yield to the gentleman from Iowa. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. MANN. The gentleman had an hour. He has not consumed his hour.

The SPEAKER. The gentleman did not have an hour when he began his last speech.

Mr. MANN. Certainly, the gentleman did not consume all his time. I took the floor in my own right in the first place. I did not get time.

The SPEAKER. Possibly the Chair is entirely wrong about it, but the gentleman from Georgia first got the floor, and he was entitled to an hour.

Mr. ADAMSON. I think the Speaker is in error; the gentleman from Illinois took the floor.

The SPEAKER. The gentleman from Illinois spoke in his own right. How much time did the gentleman from Georgia parcel out?

Mr. ADAMSON. Ten, fifteen, or twenty minutes since I took the floor. [Laughter.]

The SPEAKER. The gentleman from Georgia has 20 minutes left.

Mr. ADAMSON. I am not stingy about a little matter of this sort myself. I yield 10 minutes to the gentleman from Iowa. Under leave to extend my remarks in the RECORD, I submit the following report:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report (No. 1050), to accompany H. R. 25882:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified, having considered the same, report thereon with a recommendation that it pass.

The first six projects mentioned in H. R. 25882 were each separately reported to the House, placed on the Unanimous Consent Calendar, on threat of objection postponed for two weeks, and then all but one stricken from the Unanimous Consent Calendar on single objection, the objector stating "because the Government has as yet adopted no fixed policy with reference to the water powers in our navigable rivers, and that all of these reports are very meager and insufficient." In point of fact, each bill was accompanied by a report containing the following, which in the judgment of this committee was not meager nor insufficient.

It was carefully and fully prepared by Mr. STEVENS of Minnesota, who understands the subject and was a member of the subcommittee of able and faithful members who prepared the amendments of 1910 hereinafter referred to.

"The War Department sent to the committee the foregoing letter from the Chief of Engineers approving the bill, but the Secretary of War transmitted a report proposing some changes in the bill which we are unable to approve for the reason that every suggestion he makes is already provided for in the general dam act. The great diversity of circumstances and conditions presented in the multitude of projects seeking authorization by Congress render it difficult and cumbersome to enact extended legislation to prescribe and provide detailed regulations and specific requirements in the bill authorizing each project. Therefore Congress wisely standardized the form of the bills granting the consent of Congress and enacted the general dam act conferring upon the Secretary of War and the Chief of Engineers full power and authority to consider all the questions now raised by the Secretary of War and dispose of them absolutely in each case as conditions of the approval of the plans and specifications presented to him without which no dam can be lawfully constructed. Having by the general dam act conferred absolute power upon the Secretary of War to dispose of all these subjects, to the full protection of the public and the promotion of navigation, we deem it unwise to nullify a beneficial purpose of the general dam act by returning to the suggested old method of incorporating in each bill all legislation upon the subject.

"In the report upon this bill the Secretary of War has suggested amendments in two respects: First, for additional compensation to the United States because of the use of its rights in the generation of the power and the consequent profit from such use; secondly, some reservation for the control by Congress of the rates to be charged to consumers.

"The committee has carefully considered these suggested amendments and is of the opinion that the substance of them is fully covered by the provisions of the general dam act of 1910. The second proviso to section 1 of this act reads as follows:

"'That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed, with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States.'

"This requires the Secretary of War to consider a comprehensive plan for the improvement of the whole waterway affected by the proposed dam, both for navigation and water power, and as a part of his approval of the plans to provide for the improvement of navigation and 'to fix such charge for the privilege granted as may be sufficient to restore condition in respect to navigability as existed at the time such privilege be granted.'

"In case where the United States has not made improvements and has no property rights in connection with the waterway, this proviso authorizes the Secretary of War to fix charges for whatever rights of the United States which now or can exist with respect to navigability of this waterway in any way affected by this project. The Secretary of War may impose such proper charge as he may see fit upon this basis and within this limit. So the committee does not believe that any further extension of authority is necessary, and a construction of this language in the existing law can secure all the Secretary of War desires within the limits of the constitutional powers of Congress.

"Second. The suggestion that Congress reserve the right to supervise the price charged to consumers is guarded by the general dam act by the right to 'alter, amend, or repeal this act' and by the expiration of the franchise at the end of 50 years. The proper authority to control the charge to consumers are the several States, in the exercise of their police powers, while the United States can only act subordinate to them, by conditions made a part of its grant authorizing the construction of the dam. This subordinate right of control should only be exercised in flagrant cases where the State is unable and unwilling to properly perform its functions. Such cases should not be assumed. But if any shall arise in the future, Congress may amend its grant by fixing conditions as to proper charges for the consumers, if it shall be shown to be necessary for their protection. But now it does not seem wise to presume that the several States will be derelict in their responsibility to their own people."

Neither does your committee acknowledge that the Government has not as yet a fixed policy as to water power in our navigable streams. On the contrary your committee for seven or eight years worked upon a general scheme whereby the Government could consent in uniform method to improve water power without in any way conflicting with the

activity of the Government in developing and maintaining the navigation of rivers. Finally our investigations culminated in a bill introduced by the gentleman from Illinois [Mr. MANN], one of the most astute and profound statesmen of the present generation.

Your committee has observed the vast number of projects demanding the aid of the Government to perfect navigation, and the hundreds of millions of money required for that purpose, as well as the improbability, if not inability, of the Government's undertaking such vast expense within any reasonable period of time. Therefore we conceived the idea that in the shoaly rivers of the country, which could not be navigated without the expense of locks and dams, yet in which shoals owned by private citizens offer tempting opportunities for the development of water power and the conservation of our resources, the Government might avoid the great expense of building dams and locks, hasten the navigability of the rivers, and at the same time permit the development of water power by private capital by granting the consent of Congress that private capital and enterprises might erect dams in such streams, under the direction and with the approval of the War Department, imposing such conditions and requirements as would prevent such development of water power from interfering in any respect with any movement the Government might afterwards wish to make to improve the navigability of the stream, but on the contrary would advance the interests of navigation and help the Government by eliminating the expense of the dams.

The bill introduced by Mr. MANN in pursuance of that idea became a law known as the general dam act, and was regarded by the leading statesmen of the country and the business interests of the country as a happy solution of the question. We had not sought to interfere with or regulate those projects undertaken by the Government itself at the cost of the Treasury for the improvement of navigation, all of which were under the jurisdiction of the Committee on Rivers and Harbors and depend upon an entirely different principle, or rather a radical variation of the same principle. In those cases the Government, becoming the proprietor of the soil, assumes the position as proprietor as well as governor, and while it governs all the operations and regulations as governor it has the right to take the profits and manage all the private details of same as the owner. With those dams we have nothing to do. Some persons, however, either without sufficient acquaintance with the system and the proper distinctions, or differing in judgment from us as to the correctness of those distinctions and the sufficiency of the general dam act, demand more detailed legislation, and pursuant to that demand the late President took a position, sustained by a few Members of the House and Senate, which resulted in arresting the development of water power in the country, and to that extent the development of navigation in those shoaly streams, by suspending for several years the granting of the consent of Congress to such projects. We believed the act needed approval and enforcement rather than amendment, but while not conceding any insufficiency in the terms of the general dam act, your committee, anxious to secure the development of our resources and their conservation for the benefit of the people, proceeded to consider amendments to the general dam act. The distinguished author of the general dam act, Mr. MANN, of Illinois, and the author of this bill and report both opposed any amendment to it on the ground that under its terms the interests of the Government were fully protected and the powers of the Government fully recognized, contending that the granting of the consent of Congress was wisely and succinctly standardized, making it only necessary by individual bills to refer each project to the discretion of the Secretary of War and placing upon that official the responsibility, while vesting him with plenary power, to couple with his approval of the plans and specifications all conditions and requirements necessary to protect the interests of navigation, the good of the country and public, and the interests of the Government in all respects. In order to secure action, remove objections, and resume the process of development in this respect, we yielded our objections, and by the Stevens bill of 1910, after full conference and clear understanding with the ex-President, who had given force to the objections, the War Department, the incumbent President, and every person and official known to have insisted on such amendments, the bill was amended, and it now reads as follows:

GENERAL DAM LAWS.

[Public, No. 262.]

An act to regulate the construction of dams across navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dams shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Approved, June 21, 1906.

[Public—No. 246. H. R. 24375.]

An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures wihch the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power, and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by

the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: *Provided further*, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

"SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"SEC. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam, or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than $500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

"SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War, and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

"SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

"SEC. 8. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and the plural, as the case demands."

Approved, June 23, 1910.

Your committee submits to the judgment of a candid world as well as to the statesmen and lawyers in the House and out, if the act as amended does not present and adopt a fixed policy with reference to the water powers in our navigable rivers. A commission, known as the National Waterways Commission, composed of able statesmen of every shade of opinion, objection, and notion on that subject, has thoroughly considered the questions in all their aspects and details, and in conclusion advise that for the present we proceed as we have been proceeding. The Secretary of War, however, taking up some old suggestions that were insisted upon before the amendment of 1910, has demanded that each of these bills be amended so as to incorporate certain restrictions which the general dam act already permits the Secretary of War to impose in each case as conditions of approval if he sees proper. We can not concur in those suggestions, because one wise purpose of the general dam act was to avoid prolixity and multiplicity of detail in each separate bill, and the terms of that bill conferred upon the Secretary of War plenary power to impose those conditions. We have to consider it unwise to adopt his suggestion and thereby forego that much benefit of the general dam act, and we have disregarded his suggestion as to the eight projects in this bill.

The Corps of Engineers and the President are not in accord with the Secretary of War in his demands, and the recommendation of the Chief of Engineers is favorable to those eight bills; therefore we have not seen proper to adopt the recommendation of the Secretary of War, but reported the bills permitting the construction, maintenance, and operation in accordance with the general dam act as amended in 1910. Two of these bills have not at this time been reported to us by the War Department, and it is not usual for us to report bills until that is done, at least until some sort of report is made for us to consider and present to the House; but in one of these cases, No. 25881, the committee has been informed reliably that the project can not fail to be favorably reported by the War Department, because it is proposed to erect a dam on a site already selected and approved by the Engineers of the War Department for the erection of Dam 18 on the Coosa River, and the proposition offered in this project is that private capital will relieve the Government of that expense, if this consent is granted, and erect that dam in which a lock may subsequently be placed, on such terms as the Secretary of War sees proper to impose. Of course we expect from the Secretary of War the same letter, in substance, which he has adopted as to the eight bills in which we can not concur, and therefore we deem it unnecessary to wait for his letter. The other bill, No. 25592, we are advised will be favorably reported by the Chief of Engineers and accompanied by the same letter which the Secretary of War has used in the other cases. Being unable to concur in his propositions, we deem it unnecessary to wait for that letter. If, however, the report from the War Department should present other valid objections not now anticipated the committee will frankly bring the information to the attention of the House and ask to amend by eliminating this project.

We realize that combinations of capital monopolize water-power sites in the country, prevent the improvement of those they can not utilize profitably by holding them idle and unimproved, and use all arts and devices, just as combined capital does in every other activity, to oppress and wrong the public to its own gain, the ill-gotten profits of the promoters and bondholders if not stockholders. We reprobate the evil, and we seek jealously to guard against that and all other evil which might be incident to the encouragement of these projects, but we think those evil combinations ought to be broken up by prosecution for violation of the antitrust law, and we think the vigilance, wisdom, and activity of the War Department ought to place such conditions and restrictions upon the approval of the plans and specifications as will guard the interests of the Government, prevent as far as possible improper conduct on the part of those operating the project, and promote the interests of navigation, while permitting business development. While we wish to give effect to the all-powerful arm of the General Government in the exercise of its legitimate functions, we wish carefully to guard the exercise of those functions so as to prevent the infliction by such exercise and incident thereto of harm and injury to property rights and the personal right of the citizens of the country, being careful not to impair by activities of the General Government local responsibility or local authority.

Whether the general dam act must again be amended so as to grant the demands of certain statesmen for more specific restrictions is a question for Congress to decide, but we have not now time to decide it. It is important and ought to be done carefully and cautiously, and we have the support of the General National Waterways Commission in that position. Yet Congress is about to adjourn, and these projects are pressing. They ought not to be delayed on account of the notions of particular individuals who have perhaps never given the subject that consideration which might lead them to different conclusions.

The author of this bill has suggested that in the hope of satisfying all objectors we add the provision that the consent of Congress to these projects shall be subject to any amendment that Congress may hereafter make to the general dam act, but it was objected by leading Members of the House and the Senate that such provision would produce such uncertainty as to render it impossible to finance an enterprise, and those statesmen further insisted, as we insisted in those other individual reports, that the Government has ample power to protect by the reservation of the right of amendment, alteration, and repeal, but your committee is so anxious to avoid delay and retardation of development in water power and navigation under the scheme of the general dam act that your committee is perfectly willing and intends at the next session of Congress to take up all the suggestions of the National Waterways Commission in the consideration of bills now before your committee, and if it is found requisite to the safety and interest of the Government and the conservation of resources of the people to make any amendments suggested, your committee will certainly report them to this House for its action, and so anxious are we that the good work should go on that we are willing, as some of us did in the case of the amendment of 1910, to yield our convictions on the subject in order to secure peace and progress.

It is hoped that this report will not be considered too meager, and that pending the consideration of amendments to the general dam act the House will concur with us and pass this bill granting the consent of Congress to these projects. It is believed that none of them is obnoxious to any of the objections raised, that no alarm need be felt as to granting the consent of Congress to them pending the consideration of the amendments to the general dam act. If there are specific reasons why any particular one or more of them should be rejected, which reasons have escaped the attention of your committee, it would be easy and more fair to the authors of the projects and to the public for those who discover such objections to specify them, and your committee will gladly cooperate in eliminating any such project from the bill.

[Mr KENNEDY addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 64, noes none.

So the conference report was agreed to.

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

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 20728, the Indian appropriation bill, and ask that it be considered on Tuesday morning next as to whether or not the conferees will be appointed.

The SPEAKER. Does the gentleman wish the conferees appointed now?

Mr. STEPHENS of Texas. No, Mr. Speaker. The gentleman from Colorado [Mr. RUCKER] has objections to it in connection with the West claim.

The SPEAKER. Now, what is the motion of the gentleman?

Mr. STEPHENS of Texas. The request is to call up the bill on next Tuesday morning and make it a special order.

Mr. BURKE of South Dakota. Mr. Speaker, let me make a suggestion, if the gentleman will yield. I think what the gentleman desires to do is this: That on Tuesday morning next, after the reading of the Journal, it shall be in order to take up the Indian appropriation bill and consider it in the House as in Committee of the Whole, and that all the amendments be disagreed to, with the exception of one amendment which the gentleman from Colorado [Mr. RUCKER] is interested in, and about that he may make a motion to concur. That, I think, is what is desired.

The SPEAKER. Where is this bill now?

Mr. STEPHENS of Texas. It is on the Speaker's table.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask unanimous consent now that on Tuesday next the bill may be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Tuesday, immediately after the reading of the Journal, the Indian appropriation bill be taken from the Speaker's table and that the Senate amendments be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

AIDS TO NAVIGATION.

Mr. ADAMSON. Mr. Speaker, I desire to call up the conference report upon the bill H. R. 22043.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22043) to authorize additional aid to navigation in the Lighthouse Service, and for other purposes.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the report be read in lieu of the statement.

The SPEAKER. Is there objection?

There was no objection.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1060).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to that part of the amendment of the Senate numbered 4, striking out the following words: "The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation"; and agree to the same.

Amendment numbered 4: That the Senate recede from that part of its amendment numbered 4 which reads as follows: "That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site, and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000."

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

KNUTE NELSON,
THEO. E. BURTON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

By the terms of the conference agreement between the managers of the two Houses the House recedes on amendment No. 1 and part of No. 4, made by the Senate, while the Senate recedes from and abandons the other 18 amendments and part of No. 4, which propose authorizations in the aggregate amounting to about three-quarters of a million dollars. These 14 amendments and a part of one the House conferees could not accept, first, because they operated to change the character of the bill from a special urgent deficiency bill to meet emergencies into a general omnibus bill for aids to navigation, proposing an amount which we did not think at this time the House was willing to authorize; second, the parliamentary situation was such that we could not, in fairness to the Members of the House, accept them, because the Senate amendments represented projects of interest to various parts of the country, while other projects in which House Members were vitally interested could not be placed in the bill in order to equalize and render justice, because they were not in issue between the two Houses and could not, under the rule, be added. We thought it wiser to exclude them all, and in the future, when we are ready for it, prepare and pass a general omnibus bill fair to all interests and localities, Members, and Senators in so far as such projects may be necessary to promote the good of the service.

The two items which the managers on the part of the House saw proper to recede on and accept are No. 1 and No. 4. No. 1 authorizes two lightships, which are not only needed, but urgently needed, as shown by the following statement:

Of the 64 light vessels in the Lighthouse Service 1 is 63 years old and 8 others are over 50 years old. To maintain properly this number of light vessels, permitting them to be overhauled as needed and the older vessels to be replaced as they become worn out and unseaworthy, it is necessary that provision be made for the building of several new vessels each year. One vessel, *No 28*, has been condemned during the past year, and two others, *No. 29* and *No. 50*, are in a condition which permits of their use only on protected stations.

It is proposed to use the appropriation of $250,000, the amount provided for in this bill, in constructing two new light vessels, to cost approximately $140,000 and $110,000, respectively. The larger vessel would probably be placed at Nantucket Shoals, which is the most important light-vessel station in this service, being the first aid to navigation sighted by trans-Atlantic steamers bound to the port of New York.

This vessel would be so designed that she could be maintained on her station for long intervals without likelihood of being displaced by storm, and with sufficient capacity to carry provisions and supplies for a long interval.

The smaller vessel, as well as the vessel which would be relieved at Nantucket, would be available for use at other light-vessel stations, and to relieve vessels worn out in service or vessels requiring periodical repairs. The present complement of light vessels is not sufficient to permit withdrawing various vessels from their stations as frequently as should be done for the docking and annual overhaul which is necessary to prolong their usefulness.

Therefore, regarding them as of the same emergency character with the items in the original bill agreed upon, we thought it wise to accept them; therefore we receded from amendment No. 1.

We receded from a part of amendment No. 4 for the reason that the lightship which the original bill proposed to authorize the Secretary to remove from the present station we found to be necessary where it is, and that if it should be removed, as

we originally proposed, it would necessitate the authorization of another lightship. Therefore we deemed it wise and economical, on the showing made, to recede from that part of the amendment and allow the lightship to remain at the station now located by law.

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

Mr. ADAMSON. Mr. Speaker, I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

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

Mr. ADAMSON. Certainly.

Mr. MANN. On amendment 4, as I understand from the report, if I have read it correctly, both the House and the Senate provisions go out?

Mr. ADAMSON. Yes; that is right. The first part of amendment 4.

Mr. MANN. Neither one remains in?

Mr. ADAMSON. The vessel remains where it is, and depot goes out.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman if under this arrangement the Goose Island Light item goes out?

Mr. ADAMSON. Every single one proposed by the Senate goes out.

The SPEAKER. The question is on agreeing to the conference report.

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

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

EXTENSION OF REMARKS.

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to give notice that on the morning of the legislative day following the completion of the general deficiency bill, after the reading of the Journal, I will move to take up for consideration the conference report on the naval appropriation bill.

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

Mr. PADGETT. Yes, sir.

Mr. MANN. The general deficiency bill will undoubtedly take Friday and Saturday—that is, to-morrow and the next day. Next Monday is unanimous-consent day, and the gentleman can not come in then. It is set apart for unanimous consent.

Mr. PADGETT. I will call it up on Tuesday morning.

Mr. MANN. The Indian bill is fixed for Tuesday, and will take a little while. The gentleman will then proceed after the Senate amendments to the Indian appropriation bill are disposed of?

Mr. PADGETT. Yes, sir; that is my idea.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] notifies the House that on next Tuesday, immediately after the Senate amendments on the Indian appropriation bill are disposed of, he will call up the conference report on the naval appropriation bill (H. R. 24565).

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

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

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service;

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes;

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States; and

H. R. 25598. An act granting a pension to Cornelia Bragg.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 1739. An act to amend section 4875, Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.;

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, County of Hawaii, Territory of Hawaii;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 13938. An act for the relief of Theodore Salus; and

H. R. 644. An act for the relief of Mary E. Quinn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7050. An act to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes;

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes;

S. 6217. An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5262. An act for the relief of Sylvester G. Parker;

S. 1562. An act for the relief of William Walters, alias Joshua Brown;

S. 6408. An act for the relief of Margaret McQuade;

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.;

S. 7071. An act to establish an agricultural plant, shrub, fruit, and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas;

S. 7339. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Elliott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; and

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1562. An act for the relief of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery; to the Committee on Public Buildings and Grounds.

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 6217. An act to amend section 29 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 7050. An act to establish a mining experiment station in the State of Wyoming to aid in the proper development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

S. 6408. An act for the relief of Margaret McQuade; to the Committee on Claims.

S. 7071. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experiment station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture.

S. 7339. An act to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Ways and Means.

S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tatnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; to the Committee on Military Affairs.

S. 5262. An act for the relief of Sylvester G. Parker; to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

Mr. COPLEY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William P. Fullmer, Sixty-second Congress, first session, no adverse report having been made thereon.

DELAWARE TRANSPORTATION CO.

The SPEAKER laid before the House the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*, with Senate amendments.

The Senate amendments were read.

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

The motion to concur in the Senate amendments was agreed to.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I desire to 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. The gentleman from Missouri [Mr. ALEXANDER] calls up the seamen's bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will resume the reading of the bill at the point where he left off on Tuesday.

Beginning on page 11, line 14 of the bill, the Clerk read as follows:

SEC. 10. That section 24 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 to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10 (a). That 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, or to make any order or note or any other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That 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 similar violation.

"'The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles at the office of clearance and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

"'(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

Mr. HUMPHREY of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLIN). The gentleman will state it.

Mr. HUMPHREY of Washington. I desire to offer an amendment to that paragraph. It is this:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

Mr. HUMPHREY of Washington. Mr. Speaker, I will explain the purpose of the amendment. We have prescribed in the other portions of this section that it shall be unlawful to pay wages in advance to any seaman or to make any note or any evidence of such indebtedness, and that if payment is made repayment can be enforced in American courts. Then there is

provided a punishment in American courts for violation of this section.

Now, I call the attention of the House to the fact that a contract that is made between two foreign subjects in a foreign country, a contract that is carried out upon a foreign ship, although that ship is in an American port, is a foreign contract, and that ship is deemed to be foreign soil so long as such contract, in being carried out, does not disturb the peace of this country or affect our rights. The authorities are uniform upon that question, and yet we propose here in this portion of the bill that if a British shipowner or other foreign shipowner pays in advance a portion of the wages of a British seaman in a British port, when that vessel comes into our port that contract is not only void, but that the owner of the vessel shall be imprisoned.

Now, that being a contract made abroad, between foreign subjects, being carried entirely upon the vessel, is in foreign territory, and we have no authority to enforce it; and I, for one, do not think we ought to attempt any such legislation as that, even if we could enforce it. I do not believe that this Government ought to attempt to tell the shipowners of Germany, England, Japan, and the other foreign nations how they shall pay their sailors, what contracts that they make in foreign ports, unless a portion of it is carried in our ports in some way that will interfere with the rights of American citizens.

As I said before, the authorities are clear, and, so far as I know, uniform upon that proposition. But even if we could do it, are we going to do it? Do you think that Germany or Japan or England is going to permit this country to tell her what kind of a contract her subjects are going to make with their own sailors in their country, in order that their vessels may come into our ports?

We have been hearing a great deal recently about the violation of the treaty with Great Britain with regard to the Panama Canal. But here we propose to violate every treaty that we have with foreign nations and absolutely to undertake to punish their citizens for making a legal contract in their own country, a contract that in no way concerns us.

The other day when the question was up the distinguished gentleman from Missouri [Mr. ALEXANDER] called my attention to the fact that this applied only to American ports, as he understood it. But I call his attention to the fact that the proviso that was in the original section has been stricken out, and I shall offer that also as an amendment.

I can see no good reason why we should get into complications with foreign countries over such a frivolous matter as this. It is small to us, but not to them, and they are not going to submit to it. And we know we can not enforce such a statute, and we know that we have no intention of trying.

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

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The purpose of this legislation, if there is any purpose in it, is simply a political one; simply an attempt now, before the campaign, to deceive some one; because there is no man in this House who believes that this Government is going to attempt, without at least first taking the question up with foreign nations, to pass such drastic legislation as that. No nation in the world has ever attempted to do such an insulting thing to other nations as we propose in this, if we attempt to make it apply to contracts and agreements made in foreign countries.

Mr. ALEXANDER. I wish to call the attention of the House to the fact that the provision in the bill to which the gentleman takes exception and to which he has offered his amendment is the present law, and has been the law for many years past.

The section relating to advances and allotments of wages, paragraph "f," provides that the 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.

The proviso does not appear in the bill. If the gentleman wishes to restore the proviso, as far as I am personally concerned, I have no objection. The proviso is as follows:

Provided, That treaties in force between the United States and foreign nations do not conflict.

Now, if we have a treaty with any foreign Government which would make the enforcement of this provision against a foreign vessel owner a violation of the terms of that treaty, then, of course, we do not wish to violate the terms of the treaty; but I call the attention of the gentleman to the fact that we are under no obligation to enforce in our courts the provisions of a contract made in a foreign country any more than one State in the Union is under obligation to enforce the provisions of a personal contract made in another State, if it is in violation of the law of that State.

The different States of the Union have different statutes of limitations, and if the suit were brought in the State where the contract was made it would be enforced according as the statute of limitations of that State would apply; yet, if the suit is brought in another State, the statute of limitations in the State where the suit is brought would apply.

I think the gentleman is entirely too considerate of the feelings of foreign nations. He expresses a great fear that we may offend them when he says that we must enforce in our States all contracts that are made in foreign countries. We are under no such obligation, and this provision, as I have stated, is existing law. If we have a treaty that binds us to do so, then, so long as the treaty is in force, we do not want to violate the terms of the treaty; but I am not aware of any treaty in force which places any such obligation upon us.

Mr. HUMPHREY of Washington. Mr. Speaker, in view of the statement of the gentleman from Missouri in regard to the proviso, I will withdraw the amendment which I have offered and will offer the proviso instead. I think that eliminates my objection.

The SPEAKER. The gentleman withdraws his amendment.

Mr. HUMPHREY of Washington. In its stead I offer the following amendment, to come in after the word "violation," in line 25, page 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "violation," in line 25, page 13, *"Provided*, That treaties in force between the United States and foreign nations do not conflict."

Mr. ALEXANDER. Let us have a vote on the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, line 1, after the word "the," by striking out the word "master" and inserting the word "captain."

Mr. HUMPHREY of Washington. Perhaps the gentleman knows that this portion of the statute is almost entirely new, so that we are not simply copying the old one.

Mr. MOORE of Pennsylvania. Mr. Speaker, we have reached a point in the bill where we are not dealing with existing law. This section is new, and therefore it is subject to amendment by the House without reflecting upon our legislative ancestors.

There is a theory in labor circles that the term "master" by contrast indicates serfdom. The converse of the term "master" is "slave." This bill is entitled a bill to abolish involuntary servitude. The gentlemen who have advanced this bill say that they wish to remove what they call the last vestige of involuntary servitude. The term "master" has been and is offensive in labor circles, and it seems to me the proper term to apply here is the term "captain" or "commander." I suggest the word "captain" because that best denominates the official status of the man in control of the ship.

Mr. HOBSON. I want to ask the gentleman, simply along the line of the philosophy of his point, how it is that labor itself has retained the title of "master mechanic."

Mr. MOORE of Pennsylvania. That is what I do not understand.

Mr. HOBSON. And, in the same line of philosophy, I would ask him how it was that in the United States Navy, instead of the grade of lieutenant we had the grade of master for a great many years without any implication of slavery in it.

Mr. MOORE of Pennsylvania. I think it is a term that has been handed down through the ages and that implies the mastery or control of men, which, on the other hand, would mean involuntary or even voluntary servitude.

Mr. HOBSON. Does it not also mean a certain skill or efficiency? You can master an art, you can master a trade or profession, as well as be a master of men.

Mr. MOORE of Pennsylvania. I will say to the gentleman and to those upon the other side of the House who bring in this measure as a Democratic measure, and with the support of those who stand for organized labor, that I would prefer as a legislator to perfect this bill, and I believe we can perfect it by taking out of it a term which implies servitude and replace it with one which does not have that implication. The

term "master" is not an American term. The term "captain" would be appropriate and would fit the situation.

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

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. I have such great faith in the ability and learning of the gentleman from Pennsylvania——

Mr. MOORE of Pennsylvania. Oh, the gentleman need not dwell upon that. The gentleman from Pennsylvania makes no boast in that regard.

Mr. MANN. But it is a pleasure for me to dwell upon it.

Mr. MOORE of Pennsylvania. And in that respect the gentleman from Pennsylvania always yields to the gentleman from Illinois.

Mr. MANN. I would like to ask the gentleman, on account of his erudition, whether the term "master in chancery" implies that the court is a slave to the master or that the litigants are.

Mr. MOORE of Pennsylvania. Most of those who go into court find themselves enslaved in one form or another before they get out. I have been one of those on this floor who have not accepted as gospel every lawyerlike expression which has been handed down by those who seem to control the House. I think people should have some little freedom in legal matters. I do not like the term "master." If the gentlemen on the other side of the House want to vote upon the sailors the term "master," it is up to them. I suggest to them that we take it out and that we say the man in control of the ship is the captain and not the master of the men on the ship.

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

Mr. COVINGTON. The gentleman from Pennsylvania [Mr. MOORE] is usually clever when he is not serious. I, of course, can not believe that he is serious in offering an amendment to change the word "master" to the word "captain." His amendment in the present instance is, however, not cleverly facetious. It is simply ridiculous. It is obvious to him, familiar as he is with the navigation laws of the United States, that the word "master" has a peculiar significance in its application to the merchant marine of the country.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. COVINGTON. I do.

Mr. HARDY. I think the gentleman from Maryland is taking the gentleman from Pennsylvania too seriously. It is only a joke that he is attempting to perpetrate on the House.

Mr. COVINGTON. If the gentleman from Texas had been listening, he would have heard that I stated that I believed the gentleman from Pennsylvania [Mr. MOORE] is usually clever when he was not serious, and I was going on to state that I did not presume any Member of this House would believe that the gentleman from Pennsylvania, with his knowledge about the navigation laws and the completeness of the use in them of the word "master," had offered his amendment in anything else than a spirit of levity, which he thought clever, and that the Democratic side of the House under the circumstances could let him have his little joke and refuse to consider the amendment otherwise.

Mr. MOORE of Pennsylvania. I would like to know whether the gentleman does not know that in the carpentry and building trades the term "master builder" is offensive to the journeyman? I will ask the gentleman from Pennsylvania [Mr. WILSON] if that is not true?

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as the great bulk of the wageworkers of the country is concerned, they do not care what the term is. What they are opposed to is any man having any power over them unjustly. [Applause.]

Mr. MOORE of Pennsylvania. I ask the gentleman if it is not true that in the labor unions, with which he is familiar, the use of the term "master" has been objected to?

Mr. WILSON of Pennsylvania. Oh, there are some men who are opposed to the use of the term "master," just as there are some men who are opposed to the use of other terms, but the men who have delved sufficiently under the surface to understand the facts are not quibbling about any particular term. What they are insistent upon is that no man shall have unjust power over them, whether he be called a captain or a master.

Mr. MOORE of Pennsylvania. Then I would like the gentleman to explain why labor objects to it. What is the reason?

Mr. HARDY. Mr. Speaker, I do not wish to discuss the matter any further, though I suppose there might be somebody here who might object to the use of the term "master of art," or something of that sort. These little comedies come on, but they are taking up time, and I do not see anything else except a matter of humor in the gentleman's amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

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, page 14, line 22, by inserting after the word "seaman" the following:

"*Provided*, That nothing contained in this or any preceding section shall interfere with the order of any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

Mr. HARDY. Mr. Speaker, I would like to ask the gentleman to withhold that amendment. I think it is already covered in other provisions of the bill.

Mr. MOORE of Pennsylvania. I have looked over the bill and find nothing there that pertains to the protection of an abandoned or deserted wife and child. If it is in the bill of course I do not want to press the amendment.

Mr. HARDY. I will ask the gentleman to look at page 12, section b, line 24.

Mr. MOORE of Pennsylvania. I have read that section, and it does not cover the point proposed in the amendment.

Mr. HUMPHREY of Washington. I do not think it is covered.

Mr. MOORE of Pennsylvania. That leaves it entirely in the discretion of the seaman as to whether or not he shall make allotment to his wife and children. I propose that the seaman shall be liable to maintain his lawful wife and minor children. We give him the right to protect his wages against every kind of contract made, whether he is in his good senses or his bad senses, against his grocer or boarding-house keeper or the man who gives him employment. We protect him against his contract with every one of those, but we do not protect his wife and children who may be absolutely dependent upon him, and who may be left in port in destitution. I question whether the gentlemen on the other side can afford to leave this provision out of the bill. It appeals as much to the instincts of humanity as does the very title of the bill itself. The gentlemen can not afford, in my judgment, to pass a bill of this kind which exempts a wage earner from those obligations which he makes, not by a written contract, but before God, with his wife and children. You can vote this down, if you care to. I submit that the sailor, like any other man, must support his wife and children if he be lawfully wedded and if the children be his own. Gentlemen, it is up to the House.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Pennsylvania.

Mr. HARDY. I would like to have the amendment read again.

The SPEAKER pro tempore. Unless there is objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. HARDY. We have no objection to the amendment.

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

BATTLESHIP "OREGON."

Mr. HAWLEY. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I ask unanimous consent to extend my remarks relative to matters concerning the battleship *Oregon*.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD regarding the battleship *Oregon*. Is there objection?

Mr. MANN. How long is it to be?

Mr. HAWLEY. About a half a column, possibly a little more.

The SPEAKER pro tempore. The Chair hears no objection.

LAWS RELATIVE TO SEAMEN.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the chairman a question.

Mr. ALEXANDER. Mr. Speaker, I move that section 12 be passed informally.

Mr. McMORRAN. Will not the gentleman consent that sections 13 and 14 be passed? They are important sections.

Mr, ALEXANDER. Thirteen, 14, and 15 all relate to the imprisonment of deserters. I do not suppose the gentleman is in favor of human slavery.

Mr. McMORRAN. The gentleman is mistaken.

Mr. ALEXANDER. There is not any other question there except that relating to boys, and there is an amendment to be suggested.

Mr. HUMPHREY of Washington. I have an amendment to offer.

Mr. HARDY. We have one also.

Mr. McMORRAN. There is also section 14, as to the towing of more than one barge.

Mr. ALEXANDER. We want to offer an amendment to section 13.

The SPEAKER pro tempore. Does the gentleman request that section 12 be passed informally?

Mr. ALEXANDER. Yes, sir.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Has the amendment I offered been adopted?

The SPEAKER pro tempore. Yes; the amendment of the gentleman was adopted.

The Clerk read as follows:

SEC. 13. That every sailing or steam vessel shall carry in her crew a boy or boys, native of the United States, or one whose father or mother is a naturalized citizen of the United States, as follows: If she be 300 registered tons or more, but less than 1,500 registered tons, at least 1 boy; if she be 1,500 tons register or more, at least 2 boys or apprentices. Any vessel leaving any port of the United States without the boy or boys required by this section shall be liable to a penalty of $100 for each offense: *Provided*, That this penalty shall not apply if, after reasonable diligence, the boy or boys required by this section could not be obtained.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, I offer a committee amendment.

Mr. HUMPHREY of Washington. I do not understand the gentleman has a committee amendment. Mr. Speaker, a parliamentary inquiry.

Mr. ALEXANDER. The gentleman from Pennsylvania is a member of the committee.

Mr. HUMPHREY of Washington. So am I a member of the committee, and this is not a committee amendment.

Mr. WILSON of Pennsylvania. I desire to make this explanation, Mr. Speaker, that in the original draft of this bill in the consideration of this bill for submission to the House this amendment was agreed to, and in the preparation of the report, through some inadvertence on our part, the amendment was omitted, and that is how it comes to be a committee amendment at this time.

Mr. HUMPHREY of Washington. Mr. Speaker, I submit it is not a committee amendment. We are both equally members of the committee. The Chair recognized me first to offer my amendment. I do not care to stand on my rights, but——

Mr. WILSON of Pennsylvania. I have not any objection——

Mr. HUMPHREY of Washington (continuing). I see no reason why the gentleman should have preference.

Mr. WILSON of Pennsylvania. I have no objection to the gentleman's amendment being considered first.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Washington? The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 21, after the word "apprentices" to insert:
"Such boys shall not be less than 14 years old nor more than 21 and shall perform such duties as the master of the vessel may direct, and shall be educated in the duties of seamanship and shall receive a reasonable compensation for their services."

Mr. WILSON of Pennsylvania. I have no objection to that.

Mr. HUMPHREY of Washington. It simply makes the section mean something.

Mr. MANN. Mr. Speaker, I notice the language of the bill just ahead of where the amendment comes in says "at least two boys or apprentices." I do not understand that the word "boys" and "apprentices" are synonymous.

Mr. WILSON of Pennsylvania. That is the way it has been used in the statutes.

Mr. MANN. I think not.

Mr. WILSON of Pennsylvania. Perhaps not.

Mr. MANN. I want to inquire whether the gentleman considered them synonymous or whether his requirement only went to boys, or whether he intended to leave the existing law as to apprentices to apply, or whether he made a distinction in his proposition between the requirement of the boy and the requirement of existing law as to apprentices?

Mr. WILSON of Pennsylvania. The understanding I have of it is that these boys are synonymous with apprentices under existing law.

Mr. MANN. Well, I do not know where the gentleman gets the understanding. The definition of "boy" is one thing, and the statutes define what an apprentice is on board ship. The use of the word "boy" on board ship is not uncommon. Sometimes he is a man 50 years of age. There is no reason for inserting two words meaning the same thing connected with the word "boy" in this bill, and the law provides what an apprentice is.

Mr. ALEXANDER. I think it ought to be "as apprentices," instead of "or." I am not sure, however.

Mr. MANN. I am not seeking to correct the gentleman, but the amendment being offered, it attracted my attention to it.

Mr. ALEXANDER. That is the purpose of it—that these boys should be there as apprentices.

Mr. MANN. Then, it would be better to change the word "or" to the word "as."

Mr. ALEXANDER. Then the statute, section 4509, would apply, which provides:

Every shipping commissioner appointed under this title (R. S., 4501–4613) shall, if applied to for the purpose of apprenticing boys to the sea service by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of 12 years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes 18 years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

I think for that reason we should say "as apprentices."

Mr. MANN. I would suggest to the gentleman that that would not correct the difficulty.

Mr. ALEXANDER. It may not——

Mr. MANN. Except in that one place. Is this to be changed by the amendment offered to the language?

Mr. ALEXANDER. No.

Mr. MANN. This says here:

That every sailing or steam vessel shall carry in her crew a boy or boys—

If that means "apprentices," then you had better say "apprentices," because below you provide that certain vessels there shall have not less than one boy, and then on the other not less than two boys or apprentices. And if your language should not be changed it would be in the second case, "two boys or apprentices."

Mr. ALEXANDER. I think in both instances it ought to be changed.

Mr. MANN. Whoever is operating the vessel ought to know who is an apprentice, because the statute——

Mr. ALEXANDER. They ought not to take a boy without the consent of a parent or guardian.

Mr. MANN. Very properly they ought not; but the manager of the vessel ought to know.

Mr. ALEXANDER. After the word "boys," in line 16, if the words "as apprentices" were inserted, it would correct it.

Mr. MANN. I think so.

Mr. ALEXANDER. And, in line 21, strike out the word "or" and insert the word "as." Mr. Chairman, I move to amend——

Mr. MANN. The amendment of the gentleman from Washington [Mr. HUMPHREY] is pending.

Mr. ALEXANDER. I thought it had been agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Washington [Mr. HUMPHREY].

Mr. MANN. Let us see before we agree to that as to the language you want to use.

Mr. HUMPHREY of Washington. If the gentleman will yield, I will call the gentleman's attention to the fact that the law of 1891, under which we have been operating for a good many years, uses the terms "cadets or apprentices," and it seems to me it would be as well to use the word "apprentices" in order to make it definite as to what should be done.

Mr. COVINGTON. I suggest to the chairman of the committee that, beginning on line 20, he should strike out the word "boy" and insert "apprentice." The section would then read in entire harmony with existing law.

Mr. ALEXANDER. If you will read section 4509 you will find that the language of the law is that the boy's parents or guardian of such boys shall give their consent to such apprenticeship. Those are the words of the existing law. In other words, the word "apprentice" has a restricted meaning under section 4509 and refers to boys.

Mr. WILSON of Pennsylvania. But it is not simply to provide for apprentices. It is meant for the purpose of providing for the American boy becoming an apprentice. Now, the gentleman from Illinois has just called attention to the fact that so far as the meaning of the word "apprentice" is concerned it might apply to any person of any age who is learning any particular line of industry. The purpose of this section is to make a provision for American boys as apprentices.

Mr. COVINGTON. But the gentleman also understands that the gentleman from Illinois [Mr. MANN] very accurately said that the words "ship's boy" has a meaning entirely inconsistent with the word "apprentice," and you may find ship's boys 50 years of age performing the work of a ship's boy.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the amendment of the gentleman from Washington be read.

The amendment was again read.

Mr. MANN. Mr. Speaker, in reference to the age, an apprenticeship runs a certain length of time. Does the gentleman mean 21 years at the end of the apprenticeship or 21 years at the beginning?

Mr. HUMPHREY of Washington. Twenty-one years at the beginning.

Mr. MANN. Why not say 21 years of age when apprenticed?

Mr. ALEXANDER. The statute, section 4509, says from 12 to 18.

Mr. HUMPHREY of Washington. From 12 to 18?

Mr. ALEXANDER. Yes.

Mr. MANN. That is what I thought, but I did not see any objection.

Mr. WILSON of Pennsylvania. I have no objection to making it from 14 to 21.

Mr. MANN. Will not the gentleman insert there then——

Mr. MOORE of Pennsylvania. I would like to suggest to the gentleman that he permit an amendment to the amendment raising the lower limit from 14 to 16. There are a good many States in the Union where boys are not allowed to work in factories——

Mr. MANN. This will not be a sweatshop.

Mr. HUMPHREY of Washington. I want to ask unanimous consent to insert, after the word "twenty-one," the words "when apprenticed."

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to modify his amendment by inserting certain words.

Mr. MANN. At the age when apprenticed.

Mr. HUMPHREY of Washington. I would like to have the amendment again reported with the modification.

The Clerk read as follows:

Such boy shall not be less than 14 years old nor more than 21 when apprenticed.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

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

Mr. MOORE of Pennsylvania. Mr. Speaker, I have an amendment.

Mr. ALEXANDER. Mr. Speaker, after the word "boys," in line 16, I ask to insert the words "as apprentices," and, in line 21, strike out the second word "or" and insert the word "as."

Mr. COVINGTON. Let me call the gentleman's attention to the fact that in line 21 that must also occur.

Mr. MANN. Strike out "or apprentices." If you insert the word "apprentices" above that, it means the same thing.

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. ALEXANDER] repeat his amendment?

Mr. ALEXANDER. In line 16, after the word "boys," insert the words "as apprentices," and, in line 21, strike out "or apprentices."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, page 16, amend by inserting, after the word "boys," the words "as apprentices," and, in line 21, strike out the word "or" after the word "boys" and insert the word "as" in lieu thereof.

The SPEAKER pro tempore. Does the gentleman desire to strike out the words "or apprentices"?

Mr. ALEXANDER. Yes.

The SPEAKER pro tempore. Unless there is objection, it will be so ordered.

There was no objection.

Mr. HARDY. Mr. Speaker, I think it will be proper and perhaps necessary, in line 15, to offer an amendment to make this provision specially applicable to the vessels of the United States, by inserting after the word "vessel," in line 15, page 16, section 13, the words "of the United States," so that it will read, "that every sailing or steam vessel of the United States shall carry in her crew a boy or boys."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Line 15, page 16, after the word "vessel," insert the words "of the United States."

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

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

Mr. HARDY. Along the same line, Mr. Speaker, I wish to insert in line 22, before the word "vessel," the word "such," so as to show that it is a vessel of the United States.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 22, page 16, by inserting before the word "vessel" the word "such."

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

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

Mr. WILSON of Pennsylvania. Mr. Speaker, I sent an amendment to the Clerk's desk some time ago. It has not yet been acted upon.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend, line 15, page 16, by inserting between the words "sailing" and "or," in said line, the words "vessel engaged in the foreign or offshore trade."

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

Mr. MANN. That would make it read:

That every vessel engaged in the foreign or offshore trade or steam vessel shall carry in her crew a boy or boys, etc.

Mr. WILSON of Pennsylvania. It applies to the sailing vessels engaged in the offshore trade.

Mr. HUMPHREY of Washington. There are no sailing vessels in any other trade, anyway, are there?

Mr. WILSON of Pennsylvania. There are some; a few.

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to ask the gentleman from Texas [Mr. HARDY] whether he had not better insert the words "of the United States" after the word "vessel." It is an entirely new paragraph.

Mr. WILSON of Pennsylvania. I have no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend the amendment by inserting after the word "vessel" the words "of the United States."

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

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

Mr. MOORE of Pennsylvania. That is the subject we discussed the other day. It is a new paragraph entirely, and you want to designate the vessel properly. I offer as an amendment that the words "of the United States" be added, following the word "vessel."

Mr. HUMPHREY of Washington. What is the purpose of the amendment? I want to ask that question of the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. The purpose is to except sailing vessels, other than those engaged in the foreign trade, from being required to carry one of these boys.

Mr. HUMPHREY of Washington. Why does the gentleman think they ought to be excepted?

Mr. WILSON of Pennsylvania. Because there are a great many small vessels along the coast.

Mr. HUMPHREY of Washington. Yes; but you limit the tonnage anyway. You say, "300 tons register or more." I do not really see the reason for this.

Mr. WILSON of Pennsylvania. That is the purpose of the amendment. That is why it is offered.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON] as amended by the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HUMPHREY of Washington. Mr. Speaker, we ought to have a division on that. I can not see the purpose of it.

Mr. MOORE of Pennsylvania. Mr. Speaker, can we not have the amendment read again?

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

That every sailing vessel engaged in the foreign or offshore trade or steam vessel of the United States shall carry in her crew a boy or boys as apprentices, native of the United States.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I am utterly unable to see any reason why this exception should be made. These sailing vessels in the coastwise trade that go up and down our coast are the best means we have of training our boys. I can not see why they should escape any burden. I can not see any reason for it at all. I think the amendment should be voted down. Let us treat them all alike.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. McMORRAN. Mr. Speaker, I have an amendment. I want my amendment to follow, on page 17, line 2, after the word "obtained."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. McMORRAN].

The Clerk read as follows:

On page 17, at the end of line 2, after the word "obtained," insert the words "that nothing in this section shall apply to the Great Lakes."

Mr. McMORRAN. Mr. Speaker, we have on the Great Lakes a considerable number of small barges engaged in the coal trade, varying from 500 to 1,500 tons capacity, running to Ohio ports, and Canadian ports, and Michigan ports as well.

Now, the theory of this section, as I understand it, is to build up the merchant marine, and the imposition on these barges of the burden of placing another boy or two boys on the barges does not tend to build up the merchant marine, and it is only a burden upon these small shipowners.

Mr. ALEXANDER. The gentleman wants to exempt what class?

Mr. McMORRAN. These small barges carrying anything on the Great Lakes.

Mr. ALEXANDER. Why does the gentleman want to exempt them? Why not limit them to the barges?

Mr. McMORRAN. I want all barges exempted engaged in that trade.

Mr. ALEXANDER. Does the gentleman refer to freight steamers?

Mr. McMORRAN. No; I refer to barges.

Mr. WILSON of Pennsylvania. What is a barge?

Mr. McMORRAN. A barge is sometimes called a vessel.

Mr. WILSON of Pennsylvania. Are they sailing or steam vessels?

Mr. McMORRAN. They are what might be called a sailing vessel, towed by a steam vessel. They were originally schooners, and after the sailing vessels passed out of existence they were converted into barges. They have two masts, as a rule, and they carry all the way from 500 to 1,000 or 1,500 tons of freight. I may say in that connection that they are carrying coal at 30 or 35 cents a ton.

Mr. ALEXANDER. Why not say that this shall not apply to barges in tow on the Great Lakes?

Mr. McMORRAN. That is all right.

Mr. ALEXANDER. A barge is a dangerous place, and boys ought not to be required there.

Mr. HUMPHREY of Washington. I do not think the Great Lakes ought to be excepted.

Mr. ALEXANDER. Barges in tow.

Mr. MOORE of Pennsylvania. The gentleman wants to except barges engaged in the Lake traffic?

Mr. McMORRAN. When towed by steamers.

Mr. MOORE of Pennsylvania. Does not the gentleman think this would be a very harsh restriction if enforced with regard to tugboats plying on rivers?

Mr. ALEXANDER. The act does not apply to rivers, to begin with; but we are going to suggest to the gentleman from Michigan [Mr. McMORRAN] that he offer his amendment so as to make its exceptions apply generally, not only to the Great Lakes, but to the ocean as well.

Mr. WILSON of Pennsylvania. In other words, that it shall not apply to barges in tow, whether upon the Great Lakes or at sea. A barge in tow is a dangerous place for a boy, or any man who is not familiar with that employment, and whether on the Great Lakes or at sea, a boy should not be required on a barge in tow.

Mr. McMORRAN. I am perfectly willing to accept that amendment.

Mr. MOORE of Pennsylvania. Does the gentleman accept the inclusion of the word "tugboats"?

Mr. McMORRAN. There is no objection to that.

Mr. MOORE of Pennsylvania. Tugboats or boats in tow.

Mr. ALEXANDER. I suggest that this shall not apply to tugboats or barges in tow.

Mr. MOORE of Pennsylvania. That would cover it.

The SPEAKER pro tempore. Does the gentleman wish to amend the amendment?

Mr. McMORRAN. I do. I accept the suggestion of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Let the Clerk report the amendment as now modified.

The SPEAKER pro tempore. If there be no objection, the amendment will be reported as modified.

The Clerk read as follows:

That nothing in this section shall apply to tugboats or barges in tow.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I should like some further information as to section 14 and why the prohibition is necessary in that case? I might say for the gentleman's information that on the Great Lakes at the present time no tugboat or steamer is permitted to tow more than two barges on account of a rule made by the insurance companies refusing to insure the cargoes where more than two boats are towed. As the towing of barges through the Lakes is now done, there are very few of them that have sails that would amount to anything if they got out in a seaway. Places of safety on the Great Lakes are close at hand, and I can not see any necessity of applying this provision to them.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the reading of the section has not been completed.

Mr. MANN. Yes; the reading was completed.

The SPEAKER pro tempore. The Clerk concluded the reading of section 14.

Mr. MOORE of Pennsylvania. The part of the section contained in lines 10 to 16, inclusive, on page 17, has not been read.

Mr. MANN. That is a part of section 15, and there is a committee amendment proposing to strike out the first two lines of it.

Mr. MOORE of Pennsylvania. Section 15 does not begin there. It begins at line 17.

Mr. McMORRAN. Mr. Speaker, I can not see any necessity for imposing a penalty upon these barges for not carrying sails.

Mr. ALEXANDER. Mr. Speaker, I will say that representatives of the barge owners and barge operators were before the committee, and we amended it to harmonize with their views. In its amended form they have no objection to it. I call the gentleman's attention to the fact that the section provides that the towing of more than one barge or other vessel 50 miles or more through the open sea is prohibited, unless such barges or vessels so towed are provided with sails or other motive power and a crew sufficient to manage such barges or vessels. We amended it so as to read "sail or other motive power" because they all agreed that in the interest of safe navigation, in the interest of the protection of the lives of those on the barges, they should be equipped with sails or some other motive power for use in the event of a hawser breaking and the barge drifting at sea.

Mr. McMORRAN. Would not the gentleman consider the word "motive" to apply to the boat that was towing the barges?

Mr. ALEXANDER. No. The barges must be equipped with motive power, either sail or of some other kind of motive power, so that if the hawser breaks, and they are cast adrift, the cargo and the sailors aboard will have some protection, and can navigate the barge, and also that the barge and the sailors may be protected.

Mr. McMORRAN. A barge with a sail they would carry would be small protection if it broke loose.

Mr. ALEXANDER. I am not familiar enough with the situation to say.

Mr. McMORRAN. There is this feature about it, that those tow barges, where the insurance companies carry the insurance

on the cargo, have all to pass a rigid inspection. Every hawser has to be passed on, and the lines aboard have been passed on, before the insurance companies will take the risk.

Mr. WILSON of Pennsylvania. If I understood the gentleman correctly, he said that it was impossible to get insurance on more than two barges in tow on the Great Lakes.

Mr. McMORRAN. The gentleman misunderstood me. I said it was impossible to get insurance on their cargoes where more than two boats were towed behind one steamer.

Mr. WILSON of Pennsylvania. It was impossible to get insurance on the cargo?

Mr. McMORRAN. Yes.

Mr. WILSON of Pennsylvania. Is not that itself an admission that the insurance companies consider the danger of towing to be exceedingly great, and greater in proportion as the number of barges are increased?

Mr. McMORRAN. Oh, I do not think so.

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

Mr. McMORRAN. I ask unanimous consent to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McMORRAN. Insurance companies do not require the sails on the mast, and if they considered it hazardous without the sail, I should think they would impose that restriction.

Mr. WILSON of Pennsylvania. And consequently the necessity for there being sufficient sail or some other motive power, not only to protect the cargo if the hawser breaks, but to protect the crew as well.

Mr. McMORRAN. I do not think there would be very much risk with the crew on the barges on our Great Lakes.

Mr. WILSON of Pennsylvania. There would be just as much, or nearly as much, risk to the crew as to the cargo.

Mr. McMORRAN. We have a great many boats there that are running a short distance—for instance, from Cleveland to Detroit or Cleveland to Port Huron or Cleveland to Goderich, on the Canadian shore.

Mr. WILSON of Pennsylvania. This makes a limit of 50 miles.

Mr. McMORRAN. The distance is greater than that.

Mr. MOORE of Pennsylvania. Mr. Speaker, the purpose of this amendment is one of the best features of this measure, if it is made effective. There is great danger to navigation along the Atlantic seaboard, and I presume there is upon the Pacific coast, from vessels in tow at sea, particularly in time of storm, in the dark, or during a fog. A vessel having in tow three colliers, for instance, would have the cable line continued probably a mile or two beyond the original towboat, thus endangering any vessel that has to cross the lines, but I am unable to ascertain from a careful reading of this section whether it is intended that the number of barges in tow shall be limited to one or whether there still may be in tow two or more barges, provided that those barges are properly manned and have a sailing or engine equipment.

Mr. WILSON of Pennsylvania. Mr. Speaker, there is nothing in this bill that limits the number of barges that may be in tow. What it provides for is a sufficient sail or motive power and crew to man the vessel if it is cast adrift. So far as this bill is concerned, it makes no limitation.

Mr. MOORE of Pennsylvania. It reads that the towing vessel may have in tow not more than one barge or other vessel except under certain conditions.

Mr. WILSON of Pennsylvania. Except under certain conditions prescribed.

Mr. MOORE of Pennsylvania. And if those conditions are with regard to the safety of the men and sailing equipment or enginry, then a towboat can have in tow two or three vessels, as is the custom now.

Mr. WILSON of Pennsylvania. I can not say positively, but my recollection is that we have at the present time a statute limiting the number of barges that can be in tow.

Mr. MOORE of Pennsylvania. There is a demand for the abolition of that system of towing at sea. I do not know whether it was in the mind of the committee to abolish it or not, but apparently the bill does not do it. You can still go on and have a tow two or three barges in length under this bill, which, of course, is a menace to navigation.

I would like to ask the gentleman, because I thought we were still considering section 14, why the towing of log rafts or lumber rafts on the coast line is eliminated. Surely if there is danger to navigation from a tow line of vessels that are properly manned and equipped, there would be very much more danger to navigation from logs of rafts that might be floating in the ocean.

Mr. ALEXANDER. Mr. Speaker, I will state to the gentleman that the Congress has not been remiss in protecting the life on barges. In the act of May 28, 1908, this whole question was legislated upon and an inspection of barges provided for. The law provides that barges shall be equipped with certain appliances approved by the board of supervisors and at least one lifeboat and one anchor and a suitable chain and cable and at least one life preserver for each person on board.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I have done with the question of the towboats in line. I was inquiring about the rafts, and why in this bill the committee had eliminated that measure of protection against rafts which would seem to be necessary for the safety of navigation.

Mr. ALEXANDER. So far as the hearings before the committee showed, there were no rafts of consequence, except on the northwest coast, and we struck it out for this reason: The testimony was overwhelming that rafting logs on the northwest coast did not interfere with or imperil navigation.

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

Mr. MOORE of Pennsylvania. I ask unanimous consent to be permitted to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know what precautions are taken with regard to manning of rafts which now pass up and down the coast, this provision being stricken out of the bill. May rafts be towed in barge form as vessels may? Are they to be properly protected by crews, or other safeguards and restrictions, or are they to continue to float in the sea, a menace to navigation? If the gentleman does not care to answer, I am perfectly content.

Mr. RAKER. Will the gentleman yield?

I want to know why we are discussing provision 15 when we have not come to it. It seems to me that ought to be taken up separately.

Mr. MOORE of Pennsylvania. I did it merely as a matter of convenience and——

Mr. ALEXANDER. Is there any amendment pending to section 14? If not I will ask the Clerk to proceed.

Mr. RAKER. Just a moment.

Mr. MANN. I move to strike out the last two words.

The SPEAKER pro tempore. The gentleman from California has the floor.

Mr. MANN. How does the gentleman get it? He has nothing pending and I offer a motion.

The SPEAKER pro tempore. As the gentleman from California has no amendment the gentleman from Illinois is recognized.

Mr. MANN. I would like to ask the gentleman, if I may—if the gentleman from California desires to talk about section 14 I am perfectly willing to yield to him.

Mr. RAKER. We have another provision in lines 10 to 16, and while you are amending section 15 you ought to incorporate the provisions of lines 10 to 16 in this provision rather than ask unanimous consent to return to section 14.

Mr. MANN. Not at all, if we strike it out, it becomes part of section 14. Is the gentleman from Missouri able to give a definition of what a barge is?

Mr. ALEXANDER. I think the law defines it.

Mr. MANN. For instance, we have on the Great Lakes, as we have at other places, car ferries where a steamboat tows those ferryboats across the Lakes with railroad cars on them which pass from one railroad to another. Of course it is perfectly out of the question to put sails on them or steam on them, and I want to know whether they are covered by the term "barge"?

Mr. ALEXANDER. They are not in tow.

Mr. MANN. They are in tow, as far as that is concerned.

Mr. MADDEN. They call them scows, do they not?

Mr. MANN. I do not know what they call them, but what are they under the law? Are they covered by this provision?

Mr. COVINGTON. If the chairman will permit me, I will state to the gentleman from Illinois that the existing law, as I understand it, already creates a definite limitation for barges. I have had occasion to go into that with the Commissioner of Navigation in connection with another bill which has been recently pending, and I understand that barges are a well-recognized class of boats. They are boats used for carrying cargoes in tow, and no other vessels are recognized under the existing navigation laws as barges.

Mr. MANN. Then car ferries would not be barges.

Mr. COVINGTON. I am sure they are not within the meaning of existing law.

Mr. MADDEN. They are scows.

The Clerk read as follows:

SEC. 15. That the towing of log rafts or lumber rafts 50 miles or more through the open sea is hereby prohibited.

Any person, firm, or corporation violating the provisions of this or of the preceding section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment for not less than 90 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to amend by striking out the words——

Mr. ALEXANDER. Mr. Speaker, there is a committee amendment to be considered first.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 17, strike out all of lines 8 and 9, as follows:

"SEC. 15. That the towing of log rafts or lumber rafts 50 miles or more through open sea is hereby prohibited."

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 11, strike out the words "or of the preceding."

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

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment. On page 17, line 13, after the word "dollars," strike out the words "nor less than $500," and in line 14 the words "less than 90 days nor," so that it will read, "shall be punished by a fine not exceeding $2,500, or by imprisonment for not more than one year." I understand that is in harmony with the statutes generally now, and I think it ought to be that way.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, lines 13 and 14, strike out the words "nor less than $500."

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

The Clerk read as follows:

Page 17, line 14, strike out the words "less than 90 days nor."

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

Mr. HUMPHREY of Washington. Mr. Speaker, now I move to strike out the last word for the purpose of asking a question, or rather to make a statement. I want to ask the gentleman in charge of the bill, as the next two sections deal with our treaties, while it will not take very long to discuss them, it seems to me that it is very important, if we are going by statute to abrogate all the existing treaties with commercial nations, that we have more Members present. Would not the gentleman consent we might now adjourn and then have a quorum here when we can finish up this bill? I do not believe we will make any time by considering it now. There ought to be more Members present than there are now when we consider a question so important.

Mr. ALEXANDER. It is a mere matter of taking steps to abrogate the treaties.

Mr. MANN. Would it not be well, if these matters go over, to see if we can not get amendments that are to be offered printed for information so we will know what they are to be?

Mr. HUMPHREY of Washington. I have no objection to offering amendments which I have to sections 15 and 16. I have no objection to offering them and have them printed for information and let them go over.

Mr. MANN. Suppose we read section 15 and then let amendments be offered for information.

Mr. BATHRICK. Mr. Speaker, I make the pro forma amendment to strike out the last word.

The SPEAKER. That amendment is already pending.

Mr. BATHRICK. I move to strike out the last two words, then.

Mr. HUMPHREY of Washington. I will withdraw my amendment, and then the gentleman can have it.

Mr. BATHRICK. Mr. Speaker, the employees of vessels to which this bill particularly applies—and which is so long and voluminous it has required the attention of some of the best minds of this House for a long period of time in order to elucidate it and make it plain—are, many of them, far removed from the means of acquiring information regarding the rights that this bill is expected to give to them. Many of them are for months and weeks separated from all avenues of information, far out upon the ocean and upon our Great Lakes. They have not the facilities for acquiring information in respect to this remedial measure that men on shore have. Therefore I arose to ask the gentlemen in charge of this bill if they do not think it wise to incorporate as a separate section this amendment. I will not attempt to offer it, but I desire to call it to their attention merely as a matter of suggestion. It is as follows:

That the Attorney General of the United States shall place his construction, in brief, upon the provisions of this act applying to seamen, and in plain language; and cards, upon which this construction is plainly printed, shall be conspicuously posted where they can be read by the employees in at least three places upon all vessels to which this act applies.

I rather think it is quite necessary, Mr. Speaker, that such a section should be incorporated in this bill. What do the gentlemen in charge think of such an amendment?

Mr. ALEXANDER. The gentleman can offer it, if he wishes, and we will take it under consideration. It is quite unusual to post any law or statute as a rule of action.

Mr. BATHRICK. I understand that people are supposed to know the law, but here would be a law that applies to a class of people that have less means of knowing the law than any other people on earth, and those who would infringe it to the detriment of some poor fellow more opportunity than any other.

Mr. WILSON of Pennsylvania. Would the interpretation of the Attorney General, if this is placed in the statute, be the interpretation that would have to go in the courts?

Mr. BATHRICK. It was not my intention to imply that at all. I have assumed that the Attorney General would be the one to place a tentative interpretation upon it, which would only be his construction.

Mr. HARDY. If the gentleman will yield, I just want to say that, so far as the seamen to whom this law would apply are concerned, they have been working with Congress for 15 or 20 years, and they have had their representatives here during the entire session of this Congress. They have their coast seamen journals and other journals that discuss these measures, and I do not know of a class of people in the United States who take more interest in legislation concerning their own interests and who are better informed than they. And the gentleman is mistaken about their being misinformed.

Mr. BATHRICK. I am a friend of the bill, and I would not say for a moment that they are in any respect inferior in ability to any other class of people. I know they are well informed. I simply said that they were removed from avenues of intelligence such as no other class of people are; that they are more liable to be imposed upon at sea than those on shore.

Mr. HARDY. But I wanted to give the gentleman information which he probably did not have——

Mr. BATHRICK. As a matter of fact, is it not true that a great interest has been taken by a few men who are the very able leaders of these men, and the rank and file may not be posted?

Mr. HARDY. The leaders are in daily communication with them by telegrams and hundreds and thousands of letters coming in to them every day in reference to the matter.

Mr. BATHRICK. I am willing to concede that the amendment should not be in the bill, if the gentlemen who have charge of it think so. I simply offer it as a suggestion.

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

Mr. BATHRICK. Certainly.

Mr. MANN. Just what does the gentleman mean by having the Attorney General construe the law?

Mr. BATHRICK. I meant by that to have him construe it in abbreviated language his way. I did not mean that he would be a court of last resort, by any means.

Mr. MANN. Does the gentleman mean to have the Attorney General put in other language than what is in this law?

Mr. BATHRICK. I meant to imply by this suggestion that the Attorney General would be the proper person to abbreviate this law and make a construction that everybody could understand.

The SPEAKER. The time of the gentleman from Ohio [Mr. BATHRICK] has expired.

Mr. MANN. Mr. Speaker, I ask for two minutes.

Mr. BATHRICK. Why prolong the controversy when I yield to the wisdom of the men in charge of the bill, that the suggestion is not apropos?

Mr. MANN. We are very glad to know that, because the little conversation that the gentleman was carrying on with the gentleman from Texas [Mr. HARDY] was not heard on this side of the House.

Mr. BATHRICK. My voice is usually so loud that I thought that the gentleman could hear.

Mr. HARDY. I thought we were speaking loudly enough.

Mr. MANN. We could not hear.

Mr. BATHRICK. I will try to make the gentleman hear next time.

The SPEAKER. The gentleman from Ohio [Mr. BATHRICK] withdraws his pro forma amendment, and likewise the gentleman from Washington [Mr. HUMPHREY].

Mr. ALEXANDER. Mr. Speaker, I suggest that we read sections 15 and 16; and if gentlemen have any amendments to offer, they can be offered and read. I ask unanimous consent, Mr. Speaker, that that be done.

Mr. MANN. Suppose you read only the one section. Suppose you read section 15 and then rise.

Mr. ALEXANDER. I want to offer a few suggestions of amendments to sections that we have passed over.

Mr. MANN. For printing in the RECORD?

Mr. ALEXANDER. Yes.

Mr. MANN. Let section 15 be read.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that certain amendments be offered by the gentleman from Washington [Mr. HUMPHREY] and others and printed in the RECORD.

Mr. MANN. And he himself desires to offer some. I suggest to the gentleman from Missouri that he ask unanimous consent that any gentleman who may have amendments to offer be allowed to offer them and have them printed in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that any gentleman who has amendments to offer may have them printed in the CONGRESSIONAL RECORD to-morrow morning.

Mr. WILSON of Pennsylvania. Mr. Speaker, I would like to ask that that should also apply to section 12.

Mr. MANN. As stated, it would apply to all of the sections.

The SPEAKER. It will apply to all of them. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I would like to know if that will prejudice amendments to be offered by other gentlemen?

The SPEAKER. The Chair can answer that now. It will not prejudice amendments offered by other gentlemen. The section will be read.

Mr. MADDEN. Mr. Speaker, I offer an amendment to section 12, which I send to the Clerk's desk to be read.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that when it comes time to consider it it will have to be read anyhow. What is the use of reading it now? I have an engagement, and I want to go.

Mr. ALEXANDER. We are going to move to rise presently. Let the Clerk read the section.

The SPEAKER. The Clerk will read the section.

The Clerk read as follows:

SEC. 16. That section 5280 of the Revised Statutes of the United States be, and is hereby, repealed, and that section 4081 be amended by adding at the end thereof the following proviso: *"Provided*, That this section and the foregoing sections, 4079 and 4080, shall in no case be held or construed to require or authorize the arrest, imprisonment, or delivering up of any deserter or deserting seaman to the vessel from which he has deserted unless the application in writing required thereby shall allege, and on examination it be made to appear, that such deserter or deserting seaman has been guilty on board of such vessel of some act or omission which is a criminal offense under the laws of the foreign nation to which such vessel belongs other than having withdrawn or being about to withdraw himself from the control and discipline of the master and officers of the vessel. That all treaties in conflict with this act be, and are hereby, abrogated, and the President of the United States is required at once to so notify every nation having any such treaty."

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Missouri [Mr. ALEXANDER] now that——

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish to offer an amendment to that section.

The SPEAKER. The gentleman will send it up to the Clerk's desk.

Mr. MANN. I will suggest to the gentleman from Missouri [Mr. ALEXANDER] that there is no quorum present, if that is necessary. I thought the gentleman from Missouri was going to move to rise.

The SPEAKER. If any gentleman has an amendment to offer to this bill, he can mark it and send it up to the Clerk.

Mr. MOORE of Pennsylvania. But not discuss it?

The SPEAKER. Not discuss it or read it.

Mr. MANN. Just put it in the RECORD.

The SPEAKER. Yes; put it in the RECORD, to be printed for information. The amendments offered will be considered as pending.

Mr. ALEXANDER. Mr. Speaker, I am reluctant to move to adjourn, as the majority leader requested to be notified.

Mr. MOORE of Pennsylvania offered the following amendment:

Page 18, line 12, after the word "treaty," add the following: "*Provided*, That nothing herein contained shall prevent the arrest and deportation of any person who shall come to the United States upon any vessel in violation of the immigration laws of the United States."

Mr. MADDEN offered the following amendment:

Amend, page 16, line 9, by striking out the words "and shall" and substituting in lieu thereof the word "or."

Mr. ALEXANDER offered the following amendments:

Amend, by inserting after the word "States," in line 10, page 2, the words "navigating the ocean and the Great Lakes and on voyages of more than 12 hours' length."

Amend, by adding at end of line 14, page 15, "who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce and Labor."

Mr. AYRES offered the following amendment:

On page 15, line 3, after the word "by," strike out the words "the officers" and insert in lieu thereof the words "an officer."

ENROLLED BILLS SIGNED.

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

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Was the point of no quorum made?

Mr. MANN. Oh, no; only a suggestion.

The SPEAKER. Has any gentleman any motion to make?

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 25891) for the relief of James E. C. Covel, reported the same without amendment, accompanied by a report (No. 1064), which said bill and report were referred to the Private 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. FITZGERALD: A bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LAFFERTY: A bill (H. R. 25971) for the acquisition of a site and the erection thereon of a public building at St. Johns, Oreg.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25972) to amend section 5 of an act of Congress approved August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide for the regulation by the State or States in, through, or between which navigable rivers flow of the drawbridges now built or hereafter to be built across such rivers; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: A bill (H. R. 25973) to increase the limit of cost for the post-office building heretofore authorized at Fort Atkinson, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 25974) to provide for an appropriation of $10,000 for the building of a public road through the Medicine Bow Forest Reserve, Colo.; to the Committee on Appropriations.

By Mr. NEELEY: A bill (H. R. 25975) appropriating $50,000, or so much thereof as may be necessary, for the purpose of making a survey and an investigation into the feasibility and practicability of constructing an irrigation system from a point on the Missouri River in eastern Montana, at or near the place where the forty-seventh parallel crosses the one hundred and eighth meridian, thence going in a general southeasterly direction to a point where the thirty-seventh parallel crosses the one hundredth meridian on the boundary between the States of Kansas and Oklahoma; to the Committee on Irrigation of Arid Lands.

By Mr. ROBINSON: Resolution (H. Res. 639) for printing as a document 500 copies of the report of the Secretary of the Interior dated June 7, 1912, and accompanying papers on H. R.

24737, authorizing an investigation of the waters of the hot springs of Arkansas; to the Committee on Printing.

By Mr. ROBERTS of Massachusetts: Resolution (H. Res. 640) authorizing the Interstate Commerce Commission to investigate freight charges on articles classed as luxuries; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Resolution (H. Res. 641) appropriating money for the payment of Richard C. Collins for services in computing the mileage of Members and Delegates; to the Committee on Accounts.

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. 25976) granting a pension to Frank M. Freeman; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 25977) for the relief of Michael Foley, alias John Griffin; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 25978) granting an increase of pension to Riley Denman; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25979) granting an increase of pension to William H. H. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25980) granting a pension to George Brooks; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 25981) granting a pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25982) granting a pension to Anna J. Sampson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25983) granting an increase of pension to Thomas Conroy; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 25984) for the relief of the heirs of Ellery B. Wilmar; to the Committee on the Public Lands.

By Mr. PEPPER: A bill (H. R. 25985) granting a pension to Sophia W. Sterrett; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25986) granting an increase of pension to James Ripley; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25987) to grant an annuity to Annie Neate; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the International Dredge Workers' Protective Association, Local No. 3, of Toledo, Ohio, favoring passage of House bill 1373, relative to men building, etc., Government rivers and harbors; to the Committee on War Claims.

By Mr. BARTLETT: Petitions of H. C. Turner, W. L. Adams, and others, of Riverdale, Ga., protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of two members of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Simpson-Crawford Co., of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New York Typographical Union, No. 6, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Papers with reference to fixed prices on patented articles; to the Committee on Patents.

Also, petition of Photo-Engravers' Union No. 1, New York, protesting against the passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Oliver Bros., of Rockford, Ill., protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Petition of Washington Camp, No. 247, Patriotic Order Sons of America, Landingville, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Central Labor Union of Brooklyn, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of the Southern California Wholesale Grocers' Association, of Los Angeles, Cal., protesting against the coinage of a one-half cent piece; to the Committee on Coinage, Weights, and Measures.

By Mr. TALBOTT of Maryland: Petition of citizens of Baltimore, Md., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *July 26, 1912.*

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4930) to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*.

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 Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

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 Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 12375. An act authorizing Daniel W. Abbot to make homestead entry;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River, at or near Cotter, Ark.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;