

From his appointment as chairman of the Committee on Foreign Affairs to the end of his life he was easily in the very front rank of the membership of the House, possessing the respect and enjoying the regard of all his colleagues, irrespective of party, to an unusual, even to a remarkable degree; and when with inexpressible shock and sadness the knowledge came to them that his earthly career had closed, the depth, breadth, and warmth of the affection with which he was enshrined in their hearts was revealed to them in its completeness.

He had not reached but he was steadily approaching the zenith of his career as a statesman. His life had been, and without question it would have continued to be, one of constant growth in character, in gathering resources, in mental strength and acumen, in increasing faith in his own powers coupled with a steadily growing conviction on the part of the citizens of his native State that in him they had one in high place worthy of unlimited trust and confidence.

His was a manly spirit—virile, pervasive, indomitable. It was manifest in his early boyhood when, struggling against adverse conditions, he broke through his repressive environments and by his own well-directed efforts acquired a liberal education, the goal of his early ambition. It has been manifest since on many noteworthy occasions when battling against strong contending and opposing influences he has risen above them or has overcome them, has illuminated despair with the bright beam of hope, and out of seeming defeat has plucked unquestioned victory.

His was a noble soul, lofty, inflexible, and inspired. He dared to attempt great things, to rise that he might seize great opportunities, and measured by things accomplished there are few of his compeers who show larger or better results. Grand, indeed, was the course which lay before him. It was no easy task to set limitations to his increasing power, honor, and usefulness. It was in the effulgence of a risen sun that his manly, noble life went out, and we who were his comrades and his friends are left to mourn his untimely death.

By the few to whom he gave access to his innermost being, where they could catch the faintest throbs of his warm, true heart, there was abiding faith and fervent love. They who knew him best loved him most. These are the mourners who find no surcease. His memory reigns eternal in their breasts. His widow and his daughters, his aged mother, and his near kin—deep and sad is their bereavement. The chords of human sympathy yield plaintive and tender music when touched by the hand of affliction, and God in infinite love will be their "shield and buckler."

Mr. Speaker, I ask unanimous consent that all Members who desire be granted leave to print remarks in the Record for 20 legislative days.

There was no objection, and it was so ordered.

ADJOURNMENT.

And then, in accordance with the resolution heretofore adopted, the House (at 1 o'clock and 10 minutes p. m.) adjourned until to-morrow, Monday, January 20, 1913, at 12 o'clock noon.

SENATE.

Monday, January 20, 1913.

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

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of December 16, 1912.

ROBERT J. GAMBLE, a Senator from the State of South Dakota, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. OLIVER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of ascertainment of electors for President and Vice President appointed in the States of Colorado, Mississippi, Nebraska, and Wyoming at the elections held in those States November 5, 1912, which were ordered to be filed.

CROW INDIANS OF MONTANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, acknowledging the resolution of the Senate of January 17, 1913, with reference to an investigation of the affairs of the Crow Indians, Montana,

which was referred to the Committee on Indian Affairs and ordered to be printed.

SENATOR FROM COLORADO.

Mr. GUGGENHEIM. Mr. President, I present the credentials of Hon. CHARLES S. THOMAS, of Colorado, Senator elect, which I send to the desk to be read.

The PRESIDENT pro tempore. The credentials will be read. The credentials of CHARLES SPALDING THOMAS, chosen by the Legislature of the State of Colorado a Senator from that State for the unexpired portion of the term ending March 3, 1915, occasioned by the death of Hon. Charles J. Hughes, jr., January 11, 1911, were read and ordered to be filed.

Mr. GUGGENHEIM. The Senator elect is now in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for that purpose.

Mr. THOMAS was escorted to the Vice President's desk by Mr. GUGGENHEIM, and the oath prescribed by law having been administered to him he took his seat in the Senate.

SENATOR FROM MICHIGAN.

Mr. TOWNSEND presented the credentials of WILLIAM ALDEN SMITH, chosen by the Legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution adopted by the Legislature of Oklahoma, which was ordered to lie on the table and to be printed in the Record, as follows:

House concurrent resolution 1, memorializing the Congress of the United States to pass the measure now pending in the Senate known as the Kenyon-Sheppard bill.

Whereas the people of the State of Oklahoma believe in the due observance of all laws; and

Whereas there is now on the statutes of the State a law forbidding the sale or transportation of intoxicating liquor in the State of Oklahoma; and

Whereas the Federal law now protects the people in one half of the State from having intoxicating liquor brought into their midst, but does not so protect the other half of the State; and

Whereas the interstate common carriers are bringing into our State every day large quantities of intoxicating liquors to be sold in open violation of our State laws, and to the great injury of the people of the State; and

Whereas there is now pending in the Congress of the United States a measure known as the Kenyon-Sheppard bill, which has for its purpose the prevention of interstate shipments of liquors into States where the laws of the State forbid the sale of same: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the Kenyon-Sheppard bill at the earliest date possible, and without amendment; be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate.

Passed by unanimous vote of the house of representatives, January 9, 1913.

J. H. MAXEY,
Speaker of the House of Representatives.

E. T. SORRELL,
Acting President of the Senate.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

GUS POOL, Chief Clerk.

Mr. OLIVER. In behalf of my colleague [Mr. PENROSE], who is unavoidably absent, I send to the desk a telegram from Hon. Mayer Sulzberger, one of the judges of the court of common pleas of Philadelphia County, Pa., with reference to the pending immigration bill, which I ask to have read and printed in the Record.

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

PHILADELPHIA, Pa., January 19, 1913.

HON. BOIES PENROSE,
United States Senate, Washington, D. C.:

Conference immigration bill contains provision for character certificate, which by reason of the cruelty of Russian officials will practically bar out all Russian Jews. Louis Marshall, my successor as president of the American Jewish committee, has telegraphed you to-day. Please note his reasons and do what you can to avert calamity.

MAYER SULZBERGER.

Mr. OLIVER. I present a telegram in the nature of a memorial from Louis Marshall, president of the American Jewish committee, which I ask may lie on the table and be printed in the Record.

There being no objection, the telegram was ordered to lie on the table and to be printed in the Record, as follows:

NEW YORK, January 19, 1913.

GEORGE T. OLIVER,
United States Senate, Washington, D. C.:

Conference immigration bill, in section 3, contains provision not previously considered, excluding subjects of countries issuing character cer-

tificate failing to produce such certificate to immigration officials. This will exclude majority Jews coming from Russia and Roumania owing to practical legal difficulties attending procurement of certificates, the compliance with elaborate conditions imposed, their military regulations, and the large expense involved. How could victims of Kishineff or the thousands constantly expelled from their homes by police or those suspected of being political offenders expect to secure such a certificate? Such reversal of our attitude toward the persecuted can not be intended. Bill should be amended to preclude cruel consequences inevitably resulting from present phraseology.

LOUIS MARSHALL,
President American Jewish Committee.

Mr. SUTHERLAND presented telegrams in the nature of petitions from the Symes Grocery Co., of Salt Lake City; of L. G. Webber, of Salt Lake City; and Willard Hansen, dairy and food commissioner of Salt Lake City, all in the State of Utah, praying for the enactment of legislation to prevent the transportation of adulterated or misbranded goods, which were referred to the Committee on Manufactures.

He also presented a telegram in the nature of a petition from E. G. Peterson, director of extension division of the Utah Agriculture College, of Logan, Utah, praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was ordered to lie on the table.

Mr. BROWN. I present a telegram from the State superintendent of education in Nebraska, which I ask may lie on the table and be printed in the RECORD.

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

LINCOLN, NEBR., January 16, 1913.

Senator NORRIS BROWN,
Washington, D. C.:

Trust you will give Page bill your hearty support. Every educator in Nebraska will appreciate your active, earnest interest in same.

JAMES DELZELL, State Superintendent.

Mr. BRISTOW presented petitions of the Christian Endeavor Society of the United Brethren Church of Russell; of the congregation of the Methodist Episcopal Church of Medicine Lodge; and of sundry citizens of Meade County, Baldwin City, Hoisington, and Gas, all in the State of Kansas, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. HITCHCOCK presented a petition of sundry citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of 105 Italian residents and American citizens of Omaha, Nebr., remonstrating against the adoption of the so-called literacy test amendment to the immigration bill, which was ordered to lie on the table.

He also presented a petition of 20 citizens of West Point, Nebr., praying that an investigation be made into the action of the Interior Department in declining to approve a lease granted to the Uncle Sam Oil Co. by the Osage national council, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Grand Island, Nebr., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the Business Men's Association of Milford, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. PERKINS presented resolutions adopted by the Chamber of Mines and Oil, of Los Angeles, Cal., remonstrating against any reduction in the duty on borax, which were referred to the Committee on Finance.

He also presented resolutions adopted by General George A. Custer Council, No. 22, Junior Order United American Mechanics, of California, remonstrating against the adoption of any amendments to the law providing tolls for the Panama Canal, which were referred to the Committee on Inter-oceanic Canals.

Mr. MARTINE of New Jersey presented a telegram in the nature of a memorial from Louis Marshall, president of the American Jewish committee, of New York, remonstrating against the adoption of section 3 of the immigration bill now pending between the two Houses of Congress, which was ordered to lie on the table.

CONNECTICUT RIVER DAM.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, reported it without amendment and submitted a report (No. 1131) thereon.

BILLS INTRODUCED.

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

By Mr. BRANDEGEE:

A bill (S. 8189) repealing a provision of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8190) authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement; to the Committee on Public Lands.

By Mr. SHIVELY:

A bill (S. 8191) granting an increase of pension to Charles W. Allen (with accompanying papers);

A bill (S. 8192) granting an increase of pension to Samuel Waggoner;

A bill (S. 8193) granting an increase of pension to James E. Bacon; and

A bill (S. 8194) granting an increase of pension to John F. Yarnell; to the Committee on Pensions.

Mr. SMITH of Arizona. I introduce a bill to be referred to the Committee on Foreign Relations. It is in the matter of the injuries sustained by American citizens in El Paso, Tex., and Douglas, Ariz. The matter came from the Committee on Foreign Relations, and, though it is in the form of a claim, I think that committee has proper jurisdiction.

The bill (S. 8195) granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz., was read twice by its title and referred to the Committee on Foreign Relations.

By Mr. SMITH of Arizona:

A bill (S. 8196) authorizing homestead entrymen who are officers of water users' associations to reside off their entries during their terms as such officers; to the Committee on Public Lands.

By Mr. JOHNSTON of Alabama:

A bill (S. 8197) for the relief of Jacob Jones (with accompanying papers); to the Committee on Claims.

By Mr. HITCHCOCK:

A bill (S. 8198) to correct the military record of Nathaniel Monroe; to the Committee on Military Affairs.

A bill (S. 8199) granting a pension to Martha E. Tracy; to the Committee on Pensions.

By Mr. JACKSON:

A bill (S. 8200) to authorize the investigation and survey of swamp and other wet lands in the State of Maryland, to devise plans and systems for the reclamation of such lands, to authorize the Secretary of Agriculture to undertake such reclamation projects and to cooperate with the State drainage commissioners, and to appropriate money to carry out the provisions of the bill; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 8201) granting an increase of pension to Delia H. Austin (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 8202) to establish a legislative drafting bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. BURNHAM:

A bill (S. 8203) granting an increase of pension to Wendell P. Hood; to the Committee on Pensions.

By Mr. CHILTON (for Mr. WATSON):

A bill (S. 8204) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia; to the Committee on Commerce.

A bill (S. 8205) granting an increase of pension to William Martin (with accompanying papers);

A bill (S. 8206) granting an increase of pension to Lucy Gamble (with accompanying papers);

A bill (S. 8207) granting a pension to Emma F. Davis (with accompanying papers);

A bill (S. 8208) granting an increase of pension to Elizabeth Croft (with accompanying papers);

A bill (S. 8209) granting an increase of pension to George W. Parsons (with accompanying papers);

A bill (S. 8210) granting an increase of pension to Joseph G. Ross; and

A bill (S. 8211) granting a pension to George Sorrell; to the Committee on Pensions.

ALCOHOL FOR TESTING CITRUS FRUITS.

Mr. WORKS. I introduce a joint resolution extending the privilege of the proviso of section 2 of the act of June 7, 1906,

to persons using alcohol for testing citrus fruits, and I ask for its present consideration.

The joint resolution (S. J. Res. 155) extending the privilege of the proviso of section 2 of the act of June 7, 1906, to persons using alcohol for testing citrus fruits was read the first time by its title and the second time at length, as follows:

Resolved, etc., That in addition to manufacturers employing processes in which the alcohol used free of tax under the provisions of the act of June 7, 1906 (34 Stat., 217), is expressed or evaporated from the articles manufactured, persons using such alcohol for testing citrus fruits shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in testing citrus fruits under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the present consideration of the joint resolution. Is there objection?

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

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

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$40,000 for repairs to the fisheries steamer *Albatross*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to confirm titles of Deborah A. Griffin and Mary J. Griffin to certain lands situated in Okanogan County, Wash., etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. NELSON submitted an amendment proposing to appropriate \$116,000 for improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs and the Leech River from its mouth to Leech Lake Dam, Minn., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$3,500 each for the salaries of 15 division superintendents and \$2,500 each for the salaries of 4 assistant superintendents, Railway Mail Service, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

COOPER RIVER (S. C.) BRIDGE, ETC.

Mr. TILLMAN. I move to reconsider the votes by which the bill (S. 7792) authorizing James Sottile, his heirs and assigns, to construct, maintain, and operate a bridge and approaches thereto across Cooper River, Charleston County, S. C., and also a bridge and approaches thereto across Shem Creek, Charleston County, S. C., was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. TILLMAN. I ask that the bill be placed on the calendar. The PRESIDENT pro tempore. It will go to the calendar.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE UTTER.

Mr. WETMORE. I desire to give notice that on Saturday, February 22, 1913, I will ask the Senate to consider resolutions commemorative of the life, character, and public services of Hon. GEORGE H. UTTER, late Member of the House of Representatives from the State of Rhode Island.

EXTENSION DEPARTMENTS IN AGRICULTURAL COLLEGES.

Mr. BRYAN. The junior Senator from Georgia [Mr. SMITH] gave notice that he would call up this morning House bill 22871, to establish extension departments in connection with agricultural colleges, and so forth. The Senator from Georgia is slightly indisposed and unable to be here. He asked me to extend the request for him and make it apply for Friday morning, January 24, instead of to-day.

WASHED MONEY (S. DOC. NO. 1020).

Mr. MARTINE of New Jersey. I have an article taken from the Plate Printer on the subject of "Washed money." I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION OF ALIENS.

Mr. LODGE. I call up the conference report on the immigration bill.

The PRESIDENT pro tempore. The Chair lays the conference report before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. LODGE. Mr. President, I desire to say a word in regard to the clause referred to in the telegram presented by the Senator from Pennsylvania [Mr. OLIVER] to-day. We have all, I suppose, received telegrams in regard to that clause. I have received one from Mr. Marshall, of New York, a very able lawyer, as we all know. I think it important to say something in regard to it, because it is evidently entirely misconceived.

The clause in question is the following, under the excluded classes:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

The theory expressed in the telegram of Mr. Marshall to me and of the other telegrams of similar character is that the effect of that would be to prevent the immigration of Hebrews from Russia. On that particular point, of Russia, let me say that no such certificate exists in Russia. With a view of the better prevention of the entry of criminals into the United States we have been endeavoring to get from other governments, under existing law, some form of penal certificate in order to show that a man has been convicted of a crime. Application was made to Russia, I am informed, and Russia replied that any such system was impracticable for her, and declined absolutely to do anything of the sort.

The certificates referred to there, so far as I have been able to learn and so far as the State Department has been able to learn, exist only in Italy. They are not certificates of citizenship such as those with which we are familiar in France, which exist also in Germany and possibly in Russia and in other countries, which are mere certificates of citizenship, containing in France, at least, an extract from the register of birth. Those certificates are held by all French citizens, and have no effect or relation whatever to immigration. This is a certificate showing that a man has been sentenced for an offense or has not been sentenced for an offense, and, as I say, it exists solely in Italy.

The only purpose of this clause, which was recommended by the department, was for the better exclusion of criminals. It is really an addition to clauses now existing in the law to exclude criminals. If it could possibly have such an effect as is suggested in these telegrams, I think I am at liberty to say that not only none of the conferees but neither of the committees would have agreed to it for a moment; but it has and can have no such effect.

It so happens, as I have already said, that in Russia, when we asked for certificates of that character simply as a matter of information, they informed us explicitly that they had no such certificates; that it would be impracticable to use them, and that they could not think of doing it. The provision will have no effect on the question of immigration whatever; it is not intended in any degree to restrict or exclude anyone except criminals.

Mr. STONE. Mr. President—

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

Mr. LODGE. Certainly.

Mr. STONE. Before adverting directly to the statement of the Senator from Massachusetts that this provision of the bill, if enacted, would not affect emigrants from Russia, because, as he thinks and as he has been informed by the State Department, there is no law or regulation in Russia that would require any such certificate as is provided for in the bill—

Mr. LODGE. I should say, to be exact, that the Department of Commerce and Labor, through the State Department, made these inquiries of Russia some time ago without reference to this section.

Mr. STONE. Before I go further than that, I should like to ask the Senator from Massachusetts if this particular clause in the report of the conference committee was inserted by the conference committee?

Mr. LODGE. It was.

Mr. STONE. I should like to know whether that clause, or anything of that nature, of which this might be considered an amendment or modification, appeared in either the House or the Senate bill?

Mr. LODGE. That clause was inserted in conference on the request of the department. The conferees considered very carefully whether it would come under any rule relating to exclu-

sions from conference reports, and came to the conclusion that this was not open to that objection. The House, as I need not say here, is extremely strict on this point. On August 14, 1911, the present Speaker of the House made a ruling in regard to a point of order of a similar character, in which he said:

The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

In this case it is just reversed. The House struck out everything after the enacting clause and inserted a new bill.

Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Mr. Speaker Colfax, who was subsequently Vice President; Mr. Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Mr. Speaker Henderson; and Mr. Speaker CANNON.

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Mr. Speaker CANNON, just read by the gentleman from New York [Mr. FITZGERALD], incorporated into this opinion, because the question ought to be definitely settled during the life of this Congress at least.

Mr. CANNON's ruling was in regard to the passport clause inserted in the immigration bill of 1907. He then said that that was in order because the whole subject of immigration was open to the conference. The present Speaker of the House has adopted those opinions from those four Speakers, the previous Speakers—Mr. Colfax, Mr. Carlisle, Mr. Henderson, and Mr. CANNON—and he makes the fifth, holding that where the entire subject is before the conference it is open to the conferees to substitute, if they so desire, an entirely new bill.

This conference committee, I desire to say, has been extremely careful. After full consideration it came to the conclusion that this particular clause relating to the subject of immigration, and especially to the exclusion of criminals, was distinctly in order under the rulings of the Speakers to whom I have referred.

Mr. SIMMONS. Mr. President—

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

Mr. LODGE. I do.

Mr. SIMMONS. I should like to request the Senator from Massachusetts, if he has it before him, to read the amendment made by the conferees upon this particular subject.

Mr. LODGE. It is in the exclusion list, and reads:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Massachusetts yield for a moment?

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

Mr. LODGE. Certainly.

Mr. MARTINE of New Jersey. The Senator from Massachusetts refers to telegrams relative to this matter. I presume those are the same as the telegram I have received signed by Mr. Lewis Marshall, president of the American Jewish committee.

Mr. LODGE. Yes; that is the one.

Mr. MARTINE of New Jersey. It would seem to me that this telegram was prompted to him even after the conference committee's report, and I would ask that the telegram be read for the edification of the Senate.

Mr. LODGE. A precisely similar telegram has already been read and gone into the RECORD.

Mr. MARTINE of New Jersey. I was not aware of that, and I withdraw the request.

Mr. LODGE. It was offered by the Senator from Pennsylvania [Mr. OLIVER].

Mr. MARTINE of New Jersey. Then I send the telegram which I hold in my hand to the desk.

Mr. STONE. Will the Senator from Massachusetts yield to me?

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

Mr. LODGE. Certainly.

Mr. STONE. I find, on page 436 of the Manual, a rule laid down, which I suppose is the governing law in proceedings of this character in this body. Clause 29, on page 436, is as follows:

Conferees may not include in their report matters not committed to them by either House.

Mr. LODGE. That undoubtedly is the case as a general statement of law; but in this instance the House struck out the

entire bill, and the Speakers whom I have quoted have held that when the entire bill was stricken out by one House and another bill substituted, then the whole subject was before the conferees. The only point on which there is even a doubt—and Mr. Speaker Colfax holds back on that point and leaves it open—is when in the two bills there is a clause in precisely the same language which both Houses have agreed to. Speaker Colfax expressed a doubt whether such a clause could be touched; but beyond that all the Speakers have ruled with the greatest breadth that where the entire bill was stricken out the whole subject was before the conference, and that where anything that fairly relates to the conference—of course, I am excluding amounts of money or rates of duty—that where anything relating to the subject came before the conferees connected with other portions of the bill, it was in order for the conferees to act upon it, and it was not to be considered new matter.

Mr. STONE. Has the Senator any ruling made by a presiding officer of this body on that point?

Mr. LODGE. Mr. President, the Senator is familiar with the procedure here and is aware, of course, that our procedure on new matter in conference reports has been very different from the practice in the other body. In the House, if a point of order of new matter or a point that the conferees have gone beyond their power is made and sustained, that sends the bill back to conference without any action by the body at all. It is like a point of order made on their own bill. That has never been the practice here. If the Senate felt that there was a clause that ought not to have been put in the bill they have sent the bill back to conference with implied instructions to the conferees that they should make the necessary change. Our practice on the question of new matter reported by conferees has been extremely loose.

Mr. STONE. Mr. President, as I understand the facts in this case, they are substantially as the Senator has stated them. The Senate passed a bill; the House struck out all after the enacting clause of that bill and inserted another bill. In the main, the chief provisions of the two measures were the same, though there were some differences.

Mr. LODGE. Oh, no. If the Senator will excuse me, the only provision that was the same in principle was the sole provision put in by the House—the illiteracy test. Everything else, including the administrative provisions, was stricken out by the House.

Mr. STONE. I know they were stricken out—

Mr. LODGE. They substituted nothing but the illiteracy test in their own form.

Mr. STONE. I so understand; but the bill, then, to which the House agreed after the enacting clause contained in the main provisions similar to those which were embodied in the Senate bill.

Mr. LODGE. It contained nothing but the illiteracy test—not a single sentence beyond the illiteracy test.

Mr. STONE. However that may be, the question submitted—

Mr. LODGE. The whole Senate bill was before the conferees as well as, of course, the illiteracy test, the substitute by the House; that is, the whole subject was before the conferees.

Mr. STONE. The question before the conferees was as to the differences growing out of the two bills.

Mr. LODGE. Yes; the whole subject was before them.

Mr. STONE. The differences between the two bills. Those were the issues. The conferees insert very important independent provisions on their own motion. It seems to me that is in conflict with the rules that govern this body; and I intend to make a point of order and have it ruled upon.

Mr. LODGE. That is a question to be decided by the Senate.

Mr. STONE. I know it is—to be decided by the Senate, but before—

Mr. LODGE. We do not follow the House practice.

Mr. STONE. But before that is done I wish to call the Senator's attention and the attention of the Senate to something which, I think, will show that the Senator from Massachusetts is in error about there being no laws and regulations in Russia that would compel a citizen of that country to present certificates such as are provided for in this bill.

Mr. LODGE. They have certificates of citizenship, but I do not think they have certificates of this character.

Mr. STONE. I hold in my hand a statement of the Russian regulations for emigrants. It was prepared and circulated by the Russian-American Steamship Line, a line plying between the ports of Russia and the United States, and bringing a great many emigrants to this country. I assume that that corporation would not likely be mistaken as to what the laws and regulations are in Russia. It would not be likely to issue

and publish a document for general circulation that would be calculated to retard immigration when they were seeking as great a number of passengers as possible.

I am going to ask the Secretary to read this excerpt from the publication to which I have referred, and I wish to invite the attention of the Senator from Massachusetts and the Senator from Vermont to its language, and see what they think of it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

RUSSIAN REGULATIONS FOR EMIGRANTS.

Every Russian subject, in order to be able to leave his country, must have a passport issued by the governor of his State. Every person, in order to be able to secure such a frontier passport, must have his legal papers on which he is allowed to live in Russia in good order—that is, such papers should not expire just about the time he desires to emigrate. The following are the different legal papers recognized and on which a Russian subject can secure his frontier passport:

State passport.

Legal ordinary passport (Mesczansky passport).

Local ordinary passport (Wolostnoi passport).

A Russian in possession of any one of these passports must have the names of all the members of his family desiring to emigrate entered on same, should the members of his family not be in possession of their own passport.

Wives and minor children, in case they desire to travel alone, although in possession of their own passport or their names are entered on their husbands' or parents' passport, must secure a certificate from their husband or parents agreeing to their journey, which must be certified by a notary public and by the police department. In villages these papers are signed by the local head of such village (Starosta).

Wives and minor children whose husbands and parents have emigrated to the United States or Canada and desire to have their families join them can obtain a frontier passport, if they are in possession of a power of attorney from their husband or parents, allowing them to leave Russia. This power of attorney must be made out in duplicate, the husband or parent must sign same, have his signature attested by a notary public, and afterwards legalized by a Russian consul. One of these copies remains on file with the consul and the other is returned to the sender to be sent to his wife and children in Russia. This power of attorney is recognized in Russia, even if the husband or father has left that country unlawfully.

No male Russian subject, if he is 18 years of age, can leave his country unless besides being in possession of his passport he has documentary proof that he has presented himself for military service and has been refused for some reason or other. If such subject is 21 years of age, he must have documentary proof that he has served the army or that his name has been added to the reserve list, if these facts are not already mentioned in his passport.

In addition to being in possession of any one of these papers, a Russian subject must also present a certificate from the police department of the city where he resides, that there is no objection against such passenger leaving his home. In villages such certificates are issued by the village authorities and are obtained without any difficulty, if the person applying for same has no criminal or civil judgment against him, or if a fine has not been imposed upon him. A Russian in possession of these papers can then apply for a frontier passport to the governor of his State.

Mr. LODGE. Mr. President, I have said that I have read those passport regulations of Russia. This clause in the bill under consideration would not exclude anybody who failed to have a passport as required by those Russian provisions or failed to have evidence of military service. No one would be excluded on that ground under this clause. It relates to a particular kind of a certificate, affecting solely the question of whether the immigrant has been convicted of crime; and those certificates are not issued by the Russian Government at all. All the clauses that have been read in that paper relate to the getting of passports. A man does not have to have a passport to come into this country and there is nothing in this clause which makes it a positive requisite.

Mr. STONE. But, Mr. President, this regulation does provide that before a man can secure a passport he must present a certificate to the Russian authorities from the police department of the city where he resides, saying that there is no objection to his emigration.

Mr. LODGE. That is perfectly true; I understand that. But that is preliminary to getting a passport; and if a man comes here from Russia without a passport that does not exclude him.

Mr. STONE. Here is a provision requiring him to get a certificate.

Mr. LODGE. But it does not require a passport. It is a particular kind of certificate—a certificate of freedom from criminal conviction.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. Will not the adoption of this law encourage Russia or any other foreign country to alter its domestic law so as to provide for the issuance of certificates of character, knowing that the withholding of such a certificate will cause this country to refuse admission to one of its subjects?

Mr. LODGE. I do not think so, Mr. President, because, as I have already stated, we endeavored, as I am informed through

the Department of Commerce and Labor, to get some arrangement with Russia as well as with other countries for the issuance of penal certificates—certificates of character—and Russia absolutely declined to enter into such an arrangement, saying it was totally impracticable.

Mr. O'GORMAN. I should like to ask the Senator whether this clause does not make it possible for every foreign power to limit and restrict emigration on its borders? In other words, will it not make it possible for Russia and other foreign powers to defeat our policy as to expatriation?

Mr. LODGE. I do not think it is possible, Mr. President. I do not see how it could be tortured into anything of that kind.

Mr. O'GORMAN. All Russia has to do is to pass a law prohibiting its subjects from leaving the country without securing a certificate of character, in which event, if this law were to be adopted, we would nullify the principle of expatriation, for which this country has stood against the world.

Mr. LODGE. I am entirely in agreement with the Senator about the principle of expatriation. As I said when I began, if I thought this clause would have any such effect as is depicted in these telegrams, not one of the conferees nor any Member of either House, I think, would have agreed to it. But I totally disagree with the Senator in the idea that it can be twisted into anything of the sort. This is a particular kind of certificate.

Mr. O'GORMAN. Yes.

Mr. LODGE. Of course, if an immigrant has a penal certificate, the chances are he will not offer it. But the issuance of a penal certificate, with access to the records, which we should have through our consular officers, would enable us to know when criminals come.

Mr. O'GORMAN. While it confers that benefit, it puts it within the power of every foreign nation to restrict, if not to prohibit, its subjects leaving that country to come to the United States.

Mr. LODGE. I do not see that it does, because it is a particular kind of certificate. There is only one country that now issues them. They have been required in the case of Italian immigrants for some time. I do not mean to say they have been required as a matter of regulation. They have been asked for; they have been used. They have never led to the exclusion of anyone nor to any remonstrance that I am aware of.

Mr. O'GORMAN. As I understand the Senator from Massachusetts, this proposal did not originate with anyone of the conferees, either in the Senate or in the House. The Members of the Senate and of the House have given diligent thought and study to this subject for many months. It does seem to me that a gratuitous suggestion, coming from the head of one of our departments, that dealing with immigration should not find a lodgment in this law, when it affects the spirit of our country, and more particularly the right of expatriation, for which this country stood alone 100 years ago.

Mr. DILLINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield to the Senator from Vermont.

Mr. DILLINGHAM. In reply to the Senator from New York, I should like to say that one of the greatest problems that was presented to the Immigration Commission for solution was the question of how best to exclude the criminal classes from this country. The members of the commission studied that question very thoroughly, and after the completion of their work they called the attention of the President of the United States—both the President now in office and the one who preceded him—to the possibility, under the law authorizing the appointment of the commission, of securing agreements with different European governments under which regulations might be made for the exclusion of the criminal classes. That scheme has not worked out.

The commission then took up the question of reaching that evil by legislation. I think we were all united in the opinion that if the different nations of Europe were in the habit of keeping these records and issuing these individual certificates the requirement that they should be presented on admission to this country would furnish a very good means of reaching that evil. When this bill was framed that matter was overlooked, and it came up in conference. It there appeared that only Italy issues these certificates at this time. For that reason the conferees, believing that they had authority to introduce that clause into the bill at this stage of the proceedings, and their attention being called to it by the department, thought it best to do so.

The point that I wanted to make, in answer to the Senator from New York, was that this was a question which was very carefully considered by the commission. The question was a

difficult one. There is no doubt about that. They thought that the requirement of such certificates on the part of those coming from countries granting such certificates would be an admirable means for keeping out the criminal classes.

I do not know that I need say anything further by way of explanation of the reason why the conferees adopted that provision.

Mr. STONE. Mr. President, if the Senator from Vermont will permit me to ask him a question for information, for what purpose are these certificates of character issued?

Mr. DILLINGHAM. It is simply to show the criminal record of the alien, I understand. In Italy the individual can receive such a certificate and bring it with him. The Government issues it and he brings it with him when he comes here.

Mr. STONE. Then there is no agreement between this country and Italy that would give any official character to the certificate, so far as concerns our law or the administration of it?

Mr. DILLINGHAM. Not at all. It is received as a matter of evidence of the fact that the man's record is clear so far as criminal prosecutions are concerned.

Mr. LODGE. That is all it does.

Mr. STONE. Is a passport necessary in Italy, so that without it an Italian can not go aboard a ship for foreign travel or for emigration?

Mr. DILLINGHAM. They do not issue passports, I understand.

Mr. STONE. They issue a certificate, then, which in a measure takes the place of a passport?

Mr. DILLINGHAM. No; there is no certificate issued which is recognized by this Government.

Mr. STONE. That is to say, it gives the consent of that Government for the emigrant to embark?

Mr. DILLINGHAM. I know of nothing of that kind. Does the Senator from Massachusetts?

Mr. LODGE. No; I know nothing of it.

Mr. DILLINGHAM. I know of nothing whatever of that kind.

Mr. STONE. I understand that is the case under the regulations in Russia.

Mr. LODGE. That is a passport.

Mr. STONE. I know it is a passport; but a Russian can not get a passport until he presents his certificate.

Mr. LODGE. Under this clause, nobody could possibly be excluded because he did not have a passport as required by the Russian law.

I only want to say this in connection with the point of order: The Senator from Vermont called my attention to it, and I had not had time to look it up. The point of order that is made by the Senator from Missouri was made by Mr. SABATH in the House. He read the same extract from Jefferson's Manual the Senator from Missouri has read. Then this occurred:

The SPEAKER. The Chair overrules the point of order.

It was overruled in the House on the ground to which I have already alluded, which was set forth with elaboration by the Speaker, on the 14th of August, 1911. I think his ruling was sound.

I will ask to have the decision of the Speaker of August 14, 1911, printed in the RECORD; also the record in regard to the point of order which was made on the 17th of January, 1913.

Mr. President, I do not think, under the best practice, there can be any doubt as to the point of order.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly; I yield.

Mr. O'GORMAN. Would it not offend the rules of the Senate not only to introduce in this discussion, but to make part of the record, something that transpired in the House?

Mr. LODGE. I think not. I think rulings of previous Speakers may legitimately come in as part of the record.

Mr. O'GORMAN. The Senator is alluding not only to the ruling of the Speaker, but to the attitude assumed by a Member of the House on the question.

Mr. LODGE. It always has been the practice to quote the rulings of Speakers on points of parliamentary law. I do not think that infringes the very wise practice of not referring to debates in the House. This is a point of parliamentary law affecting the procedure of both Houses, and I think it properly comes in.

The matter referred to is as follows:

[CONGRESSIONAL RECORD, Aug. 14, 1911.]

The SPEAKER. The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

The Chair has no doubt whatever that at least one contention of the gentleman from Illinois [Mr. MANN] is correct. That is, that if it is a mere squabble about amounts or rates, the conferees can not go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Mr. Speaker COLFAX, who was subsequently Vice President; Mr. Speaker CARLISLE, subsequently Senator and Secretary of the Treasury; Mr. Speaker HENDERSON, and Mr. Speaker CANNON. The Chair does not know anything about the parliamentary clerks to Mr. Speaker COLFAX and Mr. Speaker CARLISLE, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Mr. Speaker HENDERSON and Mr. Speaker CANNON had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine [Mr. HINDS]. [Applause.]

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Mr. Speaker CANNON, just read by the gentleman from New York [Mr. FITZGERALD], incorporated into this opinion, because the question ought to be definitely settled during the life of this Congress at least. The Chair will first have the decision of Mr. Speaker COLFAX read, and the Clerk will announce the volume and section of Hinds' Precedents.

The Clerk read as follows:

Hinds' Precedents, volume 5, section 6421:

"Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 51, entitled 'An act to establish a bureau of freedmen's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'

"As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills."

The Speaker, Mr. COLFAX, said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yeas 89, nays 35.

The SPEAKER. The Clerk will now read the ruling of Mr. Speaker CARLISLE.

The Clerk read as follows:

Section 6422 of Hinds' Precedents, volume 5:

"6422. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill.

"Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report.

"The Speaker, Mr. CARLISLE, ruled:

"The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments as was contended for by some gentlemen on the floor at the time.

It was nonconcurrent in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order."

The SPEAKER. The Clerk will read the decision by Mr. Speaker HENDERSON.

The Clerk read as follows:

Section 6423, volume 5, Hinds' Precedents:

"6423. On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

"The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.

"Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recom-

mended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.

"After debate the Speaker, Mr. Henderson, held:

"The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: 'We will not entertain your method; we have a better one; we offer you a substitute whereby these matters shall be referred to the Court of Claims instead of a commission.' That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representatives, section 1420, a decision made by Speaker Colfax.

"The section having been read, the Speaker concluded:

"The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses have agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat of matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report."

"The SPEAKER. The Clerk will now read the decision by Mr. Speaker CANNON.

The Clerk read as follows:

Section 6424, volume 5, Hinds' Precedents:

"6424. Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill, the managers have the whole subject before them and may exercise a broad discretion as to details.

"A point of order against a conference report should be made or reserved after the report is read and before the reading of the statement.

"On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill (S. 4403) entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.'

"Before the report was read Mr. JOHN L. BURNETT, of Alabama, proposed to reserve a point of order.

"The Speaker said:

"The Chair will state to the gentleman from Alabama, who desired to reserve points of order, that it is the impression of the Chair that the point of order, if any is made, is in time after the report is read; but if the gentleman desires, out of abundant caution, he may reserve at this time points of order. * * * All points of order are reserved. The proper time to reserve points of order, as the Chair is informed, on conference reports is after the conference report is read and before the statement is read."

The report having been read, a point of order was made by Mr. BURNETT, who insisted that the managers had exceeded their authority in inserting the following provisions:

"Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone."

And in another portion of the report the following:

"SEC. 42. It shall not be lawful for the master of a steamship or other vessel wherein immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than 7 feet," etc. (continuing in detail).

After debate, the Speaker [Mr. CANNON] held:

"The Senate during the last session passed an act entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," etc.

"This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. The bill came to the House. The House struck out all of the Senate bill after the enacting clause, by way of amendment, and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute, on examination, is found to be a complete codification and amendment of existing immigration laws and, incidentally, the labor laws connected

therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. And in the final clause of the House substitute there is the provision:

"That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except section 34 thereof, and the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons," etc.

"So that not only does the House by its substitute amendment codify and amend all the laws touching immigration, but incidentally changes those relating to labor, especially contract labor. The House substitute is found to be abounding in section after section with the prohibition of contract labor in connection with immigration, and with various other provisions of a similar nature.

"The House substitute, by way of amendment, went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision; and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words. * * * The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sent this whole matter, in the opinion of the Chair, to the conferees.

"Now, then, there is but one provision that is seriously contended for in the point of order that is made, and that is to be found on page 2 of the House conference report, No. 6607, and is as follows:

"That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States, from such other country or from such insular possessions or from the Canal Zone."

"Now, then, one of the principal efforts in legislation heretofore have been to exclude labor that is brought in under contract or is promoted, so to speak; and the very reason of that legislation has been and is that the labor conditions in the United States should not be affected unfavorably. Three sections of the House substitute deal expressly with that question. It is not like unto the precedent cited by the gentleman from Mississippi, which was made by the ruling of Mr. Speaker Henderson. The only thing there was a disagreement between the House and the Senate as to certain specified claims, and between the Senate and House as to certain other specified claims. The conferees in that case, taking in the whole sea or ocean of claims, from the birth of Christ to the supposed death of the man with hoofs and horns, picked out a number of claims that the House or Senate never had heard of or dealt with and put them in the conference report, and Mr. Speaker Henderson properly sustained the point of order to the conference report. The Chair has no difficulty nor any hesitation in holding that this is germane first; and, second, that it comes within the scope of the disagreement between the House and Senate as affects immigration on the one hand and the interest of labor on the other, and therefore overrules the point of order."

"Mr. BURNETT having appealed, the appeal was laid on the table on motion of Mr. SERENO E. PAYNE, of New York, by a vote of yeas 198, nays 104."

The SPEAKER. It will be observed from one of these decisions that in days gone by the gentleman from Alabama [Mr. UNDERWOOD] had the other end of this question than the one he has to-day [laughter], and that he was overruled. In view of this long line of decisions by illustrious Speakers, the Chair overrules the point of order of the gentleman from Illinois [Mr. MANN]. [Applause on the Democratic side.]

[CONGRESSIONAL RECORD, Jan. 17, 1913.]

Mr. SABATH. Mr. Speaker, I reserve all points of order.

Mr. MANN. Mr. Speaker, I make the point of order that the report can not be considered in the House until the original papers are before the House, and that the original papers are not in the possession of the House. I understand the original Senate bill is in the possession of the Clerk. The House adopted an amendment striking out all after the enacting clause, so it is claimed.

The SPEAKER. The Speaker wishes that the gentleman would go over that again. The House will be in order.

Mr. MANN. The House, I believe, agreed to an amendment striking out all after the enacting clause. Under the rules and the laws and the practice that amendment is sent by resolution from the House to the Senate. I have the form of the resolution in my hand, and the form of the resolution is in the possession of the Clerk. It has to be certified to or attested by the Clerk. That has not been done, and the papers that are before the Speaker, I have no doubt the original papers, properly attested by the Clerk, are in the possession of the Senate. I make the point of order that, in the absence of the original papers, the House can not consider the conference report.

The SPEAKER. How did the Senate ever get possession of it, then?

Mr. MANN. I suppose the Senate has possession of the original papers. I do not know what the Senate has done about it.

The SPEAKER. The original Senate bill is here, properly attested by "Charles G. Bennett, Secretary," and "H. M. Rose, Assistant Secretary."

Mr. MANN. The Senate bill is properly attested, as I understand it.

The SPEAKER. The House part, that is attached to the original Senate bill, does not seem to have been attested by the House Clerk. If we can get hold of him we can have him sign it *nunc pro tunc*.

Mr. MANN. By unanimous consent I suppose he could do that.

The SPEAKER. Why would it take unanimous consent? The Speaker has never investigated it, but he thinks he would have the same power in that kind of a case that a *nisi prius* judge has. The Chair is not certain about that, however.

Mr. MANN. I take it that we are entitled to the original papers.

The SPEAKER. Unquestionably.

Mr. MANN. We must proceed on what is officially before the House. The House did have this bill up for consideration and did agree to an amendment. We have not official information at this time as to what that amendment consists of, in the absence of the original papers, and if we adopt the practice of considering a bill without the original papers and without the attestation of the Clerk, no one knows what might be presented as the original papers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman's point of order comes too late. The House has proceeded to consider such papers as it had before it.

The SPEAKER. The Chair thinks that that point of order is not well taken. This document, purporting to be the conference report, has been read. That is all the proceeding that has been taken on this matter except the parliamentary skirmish that took place earlier in the day. The Chair does not think that the gentleman's point of order comes too late.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to know whether it is now in order to raise the question of consideration.

The SPEAKER. It is not in order to raise the question of consideration until this other matter is determined. The Chair does not have any doubt about the right of the Speaker to order the Clerk to sign that document.

Mr. MANN. Mr. Speaker, the question is whether the original papers are the ones that were presented to the Senate. Is the Speaker prepared to say that the resolution which was sent to the Senate, not attested, is not merely a copy of the papers that we want—is not merely a copy of the papers we are entitled to?

The SPEAKER. Here is the situation: We have a certified copy of the Senate bill. Then we have the conference report sent over by the Senate, with this House amendment, striking out all after the enacting clause, and enacting a new law, so far as the House could make a law, and the Clerk failed to sign it. But the fact that the Senate bill has come back here attached to the House amendment seems to the Chair to be reasonable proof that the document that purports to be the report from the House that is included in this bundle of papers is the same document that the Clerk sent over to the Senate.

Mr. MANN. Well, that might be a guess. How can the Chair know that? It is presumed that the officers of the House properly perform their duties, in which case they sent to the Senate an attested copy of the House amendment.

The SPEAKER. Now comes the Clerk of the House and attests it. [Laughter.]

Mr. MANN. Without examining it?

The SPEAKER. The Chair will have him examine it.

Mr. SABATH. Mr. Speaker, it is rather late in the day for him to sign it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is a lawyer—

Mr. MANN. Used to be—

The SPEAKER. And has seen a hundred times, if not more, orders entered nunc pro tunc in a nisi prius court without objection from anybody. If there was any doubt about this being the correct paper, of course we would not tolerate it for a second.

Mr. MANN. Mr. Speaker, I do not know but that I would rule the same way the Speaker has ruled if I were in the chair.

The SPEAKER. That is what the Chair thinks himself. [Laughter.] Mr. MANN. I make a further point of order. The matter is before the House, and perhaps some other Members desire to make a point of order. But the conferees have included matters in the conference report which were not in disagreement.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Pennsylvania [Mr. MOORE] a while ago asked the Chair if the time had come to raise the question of consideration.

Mr. MOORE of Pennsylvania. I want to raise that question when the time comes.

Mr. MANN. I do not think that question can be raised until there has been a disposition of the point of order.

Mr. MOORE of Pennsylvania. I think I addressed the Chair in the interim between the determination of one point of order and the other.

The SPEAKER. The Chair thinks that if the House is not going to consider the bill there is no use arguing points of order about it.

Mr. MANN. If the question is raised, I think it is probably beyond a point of order, but I do not care.

The SPEAKER. The Chair will hear the gentleman on his point of order as soon as this question is determined. The question is, Will the House now consider this conference report on the immigration bill?

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Does the consideration of this motion preclude the making of other motions, such as to lay on the table, or should they be made now?

The SPEAKER. Oh, no; they can be made afterwards.

Mr. HAMILL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMILL. For the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Is it in order now, before the determination of this motion, to present a motion for the postponement of the consideration of this conference report?

The SPEAKER. That will come afterwards. The question is, Will the House consider this conference report at this time?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SIMMONS. Mr. President—

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

Mr. LODGE. Certainly.

Mr. SIMMONS. I thought the Senator from Massachusetts had concluded.

Mr. LODGE. No; I had not. I have just a few more words to say.

Mr. SIMMONS. If the Senator will permit me, I can say right now what I desire to say.

Mr. LODGE. Certainly.

Mr. SIMMONS. The proposed provision for penal certificates follows immediately after the clause with reference to exclusion on account of crime?

Mr. LODGE. Yes; it is in connection with that.

Mr. SIMMONS. The clause immediately preceding is:

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude.

Then follows the clause that is in controversy. I imagine that everybody is anxious for this country to exclude the criminal classes of Europe. I imagine that one of the most difficult things immigrant officers have to deal with is the matter of determining who are subject to this provision and who are not.

The Senator from New York suggests that if this amendment inserted by the conferees is allowed to stand, the countries of Europe might pass laws requiring these penal certificates and thereby exclude the classes that otherwise might be admitted to this country. I should like to ask the Senator if he does not think it would help this country to exclude the criminal classes if all the countries of Europe were to adopt laws providing for penal certificates, so that we might have the finding of those countries that this and that man was a criminal without having to search the records ourselves in order to get the information which it is so difficult to secure?

Mr. O'GORMAN. Mr. President, may I say a word?

Mr. LODGE. Mr. President, in reply to the Senator from North Carolina. I will say that I think it would be of very great assistance.

I yield to the Senator from New York.

Mr. O'GORMAN. I am afraid the Senator from North Carolina misconceives the view I entertain with respect to the harmful tendencies of this provision. If this provision be adopted, it will be within the power of every foreign nation to make a rule or enact a law requiring every person, before leaving the country, to procure a certificate of good character, and then they may be indifferent about furnishing the certificate; so that the harm will not reach the criminal alluded to by the Senator from North Carolina. As to the criminal, we are in perfect accord; but it may be the means by which honest, worthy men, eager to come to the United States, may be prevented from landing here, because they may be denied a certificate to which in justice they would be entitled, but which may be withheld from them so long as it suits the purposes of the nation in question, so long as it is anxious to restrict, discourage, or prohibit its subjects from coming to the United States.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator yield to me for a moment?

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

Mr. LODGE. Certainly.

Mr. JOHNSTON of Alabama. I wish to suggest to the Senator from New York that if we found any foreign nation adopting any such plan as that, to prohibit the emigration of industrious and worthy citizens, we could very easily repeal this clause.

Mr. LODGE. Perfectly easily.

Mr. O'GORMAN. I do not know how easily it could be done.

Mr. JOHNSTON of Alabama. We have all stood against any clause of that kind which affected honest, upright citizens.

Mr. LODGE. Mr. President, what the Senator from Alabama says is perfectly true, of course. Nobody would for a moment favor such a clause if it could be twisted into the uses which the Senator from New York thinks possible. If anything of that sort occurred it would be a matter of great ease to change it.

I will say just one word more. Italy has issued these certificates. We have used them, of course, as a matter of evidence. It has not had the effect of checking emigration from Italy at all. It has been a protection to the innocent immigrant, because there he had complete proof at once that he had no criminal record, whereas it is a very easy thing for some enemy, perhaps somebody on board ship he has a quarrel with, to make a suggestion that he has a criminal record, and then he is held up for days that the matter may be looked into. My own belief is that it protects the innocent instead of injuring them. But if any such result flowed from this, it is within our power to stop it in a moment. There would not be the slightest difficulty about that.

I desire to call the attention of the Senate to the fact that this is but one small clause, easily disposed of if put to bad uses, in a great bill such as occupied the attention of Congress, through the Immigration Commission and through both its committees, for years. It contains new provisions of the very greatest importance to the better administration of our criminal laws.

I am not speaking now of the illiteracy test, which has been the point in contest. For instance, we have some 15,000 aliens excluded under our laws who come back here as seamen on ships, shipping just for the voyage, getting in those ships and passing into this country, perhaps diseased, perhaps with criminal records, without any examination at all. For the first time we have made provision for meeting that very serious difficulty.

The whole administration of the Immigration Service has been greatly improved by this bill. An immense amount of work has been put upon it. The bill passed the Senate carrying all these provisions, except the one we are now discussing, with only 9 votes against it. It passed the House by a vote of over 3 to 1. This is the Senate bill substantially as it was before us. I described the slight changes in the illiteracy test, and those the Senate conferees receded from and made it only reading instead of both reading and writing, as it passed here.

The rest of the bill is substantially the bill as it passed the Senate by that great vote. In the same way the House passed it by overwhelming majorities. The conferees have been at work on it for many days. It has been a bill which involved the greatest possible care and study. I have no doubt there are mistakes in it; in a bill of such magnitude there are certain to be mistakes; but I believe it is as nearly perfect as the department, the Immigration Commission, the immigrant officials, and the two Houses of Congress through their committee can make it, and I am extremely anxious that the report should be agreed to.

If I did not firmly believe there was misapprehension in regard to this clause and the fears suggested by the Senator from New York were wholly unfounded, I should feel exactly as he does, but I am certain that if by any possibility, which I consider to be out of the question, there should be any attempt to use that clause for the purposes the Senator from New York suggests, no Member of Congress would tolerate it for a moment, and the clause would be stricken from the law as rapidly as the forms of legislation could be complied with. But I think it would be a great misfortune not to pass this bill now and send it to the President.

Mr. O'GORMAN. I should like to ask the Senator from Massachusetts one further question. Is it not a fact that in Russia, perhaps in Germany and in some other European countries, a native who leaves the country in violation of the rules respecting the military organizations and the necessity of enlisting is regarded as a criminal?

Mr. LODGE. They are not regarded as criminals by us, and this would not affect that.

Mr. O'GORMAN. I am speaking now of those foreign countries. To be specific: Is it not the case with Germany to-day that a subject of that country who leaves without performing his military service is a criminal in the eyes of the German nation? It is true also in Russia and in other European countries. Would not such men be denied by those countries a certificate of good character no matter how virtuous their lives may have been and however deserving they are of taking a place in this country as citizens?

Mr. LODGE. The fact that he avoided military service would not become a crime until he reached here and if it was a crime for him to leave without having performed his military service.

Mr. O'GORMAN. I do not agree with the Senator with respect to that provision.

Mr. LODGE. Because if he stayed there he would not be a criminal.

Mr. O'GORMAN. If he stated that he intended to leave the country at a certain time, the certificate would be withheld, because in the view of the local authority he was seeking to evade military duty.

Mr. LODGE. I do not see how it could possibly be effective, because it would not be incurred until after he had come to this country.

Mr. O'GORMAN. I can see how it would occur before.

Mr. STONE. How would he get the certificate?

Mr. LODGE. They have the certificate now in Germany; that is, they have certificates of citizenship.

Mr. O'GORMAN. The Senator says he might escape and it would not be known until he came to this country, but would he come here with a good character certificate, such as is contemplated by this provision?

Mr. LODGE. Of course he would.

Mr. O'GORMAN. He would get it?

Mr. LODGE. Certainly he would have his character certificate. A man can get this certificate without intending to emigrate at all. It is not a prerequisite. It is issued to all citizens of Italy alike, as I understand it.

But, Mr. President, there is no danger. This is connected with the immediately preceding clause, which defines the persons excluded for crime who have committed a felony or other crime or misdemeanor involving moral turpitude. You could not abandon that definition in deciding whether the man was a criminal.

Mr. O'GORMAN. I can not agree with the Senator from Massachusetts. There is no personal relation or connection be-

tween the two propositions. They are absolutely separate and distinct, because the force of one is not affected by the other provision. We have a naked, bald proposition that no citizen or subject of a foreign country shall be permitted to land in the United States unless he is able to produce to the immigrant officials a certificate of good character, if such certificates are issued in the foreign country. While at the present time, perhaps, there are only two countries, Italy and Russia, issuing such certificates—

Mr. LODGE. Russia issues no such certificate.

Mr. O'GORMAN. The equivalent of such a certificate.

Mr. LODGE. No.

Mr. O'GORMAN. It is so stated.

Mr. LODGE. Those are the conditions of getting a passport. This is a certificate, not a passport.

Mr. O'GORMAN. But apart from the circumstance as to whether Russia to-day issues such a certificate as suggested, in my judgment the adoption of this law will be an encouragement to every foreign power to immediately provide for the issuance of a certificate of character, knowing that the United States would not receive anyone not possessing such a certificate.

Mr. LODGE. I can only say that I do not think that interpretation could be put upon it; in the second place, I do not think there is the slightest practical danger of it because other countries have already refused; and, finally, if such a state of things should arise, it is within our power to end it within 48 hours.

Mr. GRONNA. Mr. President, as a member of the Immigration Committee I would hesitate to discuss any of the provisions of the bill as it passed the Senate, because the chairman of this committee has shown the utmost courtesy to me, and I believe to the entire membership of the committee. I am, however, very much opposed to the new matter that has been inserted in the bill.

It may be true, as has been stated, that there is only one, although I believe there are two countries that issue penal certificates, namely, Italy and Asiatic Turkey. But be that as it may, Mr. President, I believe that this is a very unwise provision. Anyone familiar with the conditions in northern Europe to-day knows that in all of the north European countries they are, as a rule, very much opposed to the emigration of their young men from those countries.

Take Germany, for instance. Will anyone suppose that we would get the splendid citizenship from that country if this provision is left in the bill? Within six months it will bar out every male German and Scandinavian of the age for military service, as Germany, which does not desire the emigration of its young men, will be glad to take advantage of this provision. As to Italy, it puts it in the power of the mayors of the cities of Italy to issue certificates to their least desirable, and the bill provides no way of authenticating these certificates. But, above these considerations, the bill puts into the hands of European nations the right to say which of their citizens or subjects shall come to us. We have heretofore maintained our right to say whom we shall admit or exclude, but this proposal is to abdicate that right. It will keep out the Jews from Russia, Armenia, and Austria and the Armenian and other Christians from Turkey. If it had been in force in 1848, it would have kept out Germans like Carl Schurz, who fled after the German revolutions, and it is an outrageous provision to be thought of by a free country. Incidentally it nullifies, at the option of foreign countries, every favorable proviso in the immigration law.

The new provision I find is on page 3 of the conference report. I will read the first two lines on page 2:

That the following classes of aliens shall be excluded from admission into the United States.

Then it goes on to name different classes to be excluded, which I will omit, but the language inserted as a new matter reads as follows:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

It is perfectly evident, Mr. President, that unless the immigrants have those certificates they will not be admitted to this country. It is obvious that in any of the foreign countries where they are opposed to the emigration of their young men regulations will be made requiring these certificates, and these certificates they will not be able to obtain.

So, Mr. President, I believe that we should ask to have this report referred to the committee of conference. I do not care to argue the point of order made against it, but we know that it is new matter; that it is matter which was neither in the House bill nor in the Senate bill.

It has been said that we must restrict immigration in order to give labor a better and a fairer show.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. GRONNA. I will be glad to yield.

Mr. LA FOLLETTE. I believe, Mr. President, that this is a matter of sufficient importance to have it discussed in the presence of a quorum if it can be, and as a quorum will have to pass upon it ultimately, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum, and the roll will be called.

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

Ashurst	du Pont	McCumber	Smith, Ariz.
Bankhead	Fletcher	McLean	Smoot
Bourne	Foster	Martin, Va.	Stephenson
Bradley	Gallinger	Martine, N. J.	Stone
Brandeggee	Gardner	Myers	Sutherland
Bristow	Gore	O'Gorman	Swanson
Brown	Gronna	Oliver	Thomas
Bryan	Heiskell	Paynter	Thornton
Burton	Jackson	Percy	Tillman
Catron	Johnson, Me.	Perkins	Townsend
Chilton	Johnston, Ala.	Perky	Wetmore
Clapp	Jones	Polindexter	Williams
Clarke, Ark.	Kern	Pomerene	Works
Crawford	La Follette	Sanders	
Cummins	Lippitt	Shively	
Dillingham	Lodge	Simmons	

Mr. STONE. I desire to make the announcement that my colleague [Mr. REED] is unavoidably absent from the city.

Mr. KERN. I wish to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness in his family.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, as I said, I am very much opposed to the provision that has been inserted in the conference report, because I believe that it is an unwise provision; that it is wholly unnecessary so far as this country is concerned; that it is a dangerous precedent to establish; and that it is an admission of weakness by us as a great Nation to say that we are incapable of providing whom we shall admit or whom we want to exclude as immigrants to this country.

It is claimed by some that we must not oppose this bill or any provision of it because it has been asked by labor organizations to have these provisions inserted. No one will go further to protect labor than I; but labor organizations, sir, have no more right to ask the American Congress to enact into law provisions that will be detrimental to the country at large than have any other class of our people. We who come from the West, who desire immigration, who are interested in seeing that progress is made, and that our new country is developed, feel that we have a right to be heard on this question. No one is more anxious than I to exclude every alien, I care not from what country he may come, who will not make a good law-abiding citizen when he comes to this country.

There is another provision which I want to touch upon briefly, and that is the increase in the head tax. I believe that tax was increased on the floor of the Senate. If I remember correctly, the bill as it was reported from the committee provided for a \$4 head tax.

Mr. LODGE. It was increased on the floor of the Senate. Five dollars was the provision in the bill as it passed the Senate.

Mr. GRONNA. Yes. I thank the Senator.

Mr. President, what is the necessity of increasing this head tax, when in the year 1911 there was a surplus in this fund of more than a million dollars? Upon whom will this burden bear the heaviest? Will it fall upon those who come here seeking labor and then return to their native lands, or will it fall upon those who come here with their families seeking homes? We all know that those who come from the northern part of Europe are those who come with large families. This head tax must be paid by them; and it is upon that class of people that the burden will fall.

So far as the people from northern Europe are concerned, it matters but little what kind of illiteracy test you apply. Nearly all of those who come from Ireland, from Scotland, from England, from the Scandinavian countries, and from Germany can read and write. Statistics show that. I am not complaining, however, of the provision in this bill so far as the illiteracy test is concerned, because the old provisions of the law remain in the bill. The writing test is not applied as the Senate bill provided when it passed this Chamber.

I said a moment ago, and I say again, Mr. President, that subjects coming from such countries as Germany and the Scandinavian countries would be barred in a few months from com-

ing into this country. None of those countries desire that their young men shall emigrate from their shores; they wish to keep them home, and there are laws on the statute books of those countries making it a crime when an emigrant leaves his country to escape military service. How, then, would it be possible for such men to get their certificate of good character or good conduct? So I believe, Mr. President, that this is of such great importance that the bill should be recommitted to the conference committee and that we should insist that this language shall be taken out of it.

I have just received a telegram from New York from a gentleman whom I know very well, and I wish to have his telegram read and incorporated in my remarks.

The PRESIDENT pro tempore. Without objection, that order will be made. The Secretary will read the telegram.

The Secretary read as follows:

NEW YORK, January 20, 1913.

Hon. A. J. GRONNA,
Washington, D. C.:

Society of Friends of Russian Freedom protests against character-certificate provision in immigration conference bill as encouragement to oppression and reversal of our traditional policy of welcoming liberty-loving immigrants.

HERBERT PARSONS, President.

Mr. GRONNA. Mr. President, I have also received another telegram, which I shall not ask to have printed, because a similar one has formerly been ordered printed in the RECORD, but I have asked that the telegram just read be printed because it is signed by an influential, honorable ex-Member of the other House.

There are other provisions in the bill to which I might call attention, but I shall not take up any more time of the Senate. I believe, however, that this country has been benefited by its liberal policies and its liberal immigration laws. I care not what restrictions are made to keep out the criminal class; we are all equally patriotic in seeing that none but good, honest, law-abiding men shall come to our shores and become citizens of this great country; but we also have the right, so long as the condition exists that we need more people, to have proper legislation on this subject. Nothing can benefit the western country more, Mr. President, than the immigration of good, honest, law-abiding citizens to this country. The men engaged in the industries of our country are entitled to some consideration, and I ask you who will take the places of some of the men who are working in the ditch? It is just as important to the success and the welfare of our people to have those come here as it is to have men who are engaged in the professions and the trades. Very few of the native born are willing to take their places.

So, Mr. President, I sincerely hope that the distinguished chairman of the Committee on Immigration will not insist that this conference report shall be adopted before it has again been considered by the conference committee.

Mr. SHIVELY. I ask the attention of the Senator from Massachusetts for a moment. What does the Senator understand is meant by the penal certificate?

Mr. LODGE. The penal certificate, as I understand, under the practice in vogue in Italy, is a certificate showing whether or not a man has been convicted of crime.

Mr. SHIVELY. And under this bill the immigrant is required to produce that certificate, if he has it?

Mr. LODGE. Yes.

Mr. SHIVELY. And if he produces it does that fact admit him?

Mr. LODGE. No. The object is to secure knowledge as to those who are criminals.

Mr. SHIVELY. Section 3 begins:

That the following classes of aliens—

Mr. LODGE. If he produces a penal certificate, unless he can show he was not convicted of a crime involving moral turpitude, it would exclude him.

Mr. SHIVELY. As I understand, he would fall within the class to be excluded. Section 3 provides:

That the following classes of aliens shall be excluded from admission into the United States.

And, then, after a series of descriptions of classes to be excluded, the following language is used:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

Mr. LODGE. That is a certificate of character showing that he never has been convicted for a penal offense.

Mr. SHIVELY. Then, he must produce either a penal certificate or a certificate of good character before he can be admitted?

Mr. LODGE. That is simply a different denomination of the certificate. It is really a certificate to the effect simply that

he has never committed a crime. The two classes of certificates are really descriptions of the same thing.

Mr. SHIVELY. Does the Senator mean that they refer to the same document? Do penal certificates and certificates of character mean the same thing?

Mr. LODGE. They are practically the same certificate. One is called "a penal certificate," and that excludes the immigrant if it shows that he has been convicted of a crime. The other shows no crime, of course, but is simply a certificate of character. If it shows a crime, it is a penal certificate.

Mr. SHIVELY. Does the Senator mean to say that the provision I have quoted would not require every person who applies for admission to produce a certificate of this kind?

Mr. LODGE. No; only when the immigrant comes from a country where they issue certificates of character. For instance, Italy issues them, and has done so for some time. Russia was asked if she would not issue certificates of that character, and declined. She said it was entirely impracticable.

Mr. SHIVELY. I recall the alleged incident that Oliver Cromwell and John Hampden were at one time on the point of embarking for the New World.

Mr. LODGE. They were suspected of that intention.

Mr. SHIVELY. Yes; and it is claimed that they were detained and restrained from taking their departure by the British Government. If the British had in force to-day provisions of law for the issue of the certificates referred to in and contemplated by the language of these lines of the conference report, and were Cromwell and Hampden living to-day, neither could be admitted to this country under the proposed procedure without producing such certificate, could he?

Mr. LODGE. No, Mr. President, all citizens of Italy have these certificates of good character, as I understand, just as they have certificates of citizenship, and whether they are going to migrate or not makes no difference. It is not a prerequisite of migration. If a man is going to migrate he does not have to procure such a certificate; he has it anyway; he does not have to give notice.

Mr. SHIVELY. How does the certificate of character become associated with or merged in the penal certificate?

Mr. LODGE. Of course, if a man holding a certificate of character is tried and convicted of an offense, then the entry that he has been convicted of a crime is made on his certificate, and it is returned to him with that entry; but he has that certificate; everybody there has one, without regard to migration.

Mr. SHIVELY. The Senator says this rule of issue of certificates is at present in force only in Italy?

Mr. LODGE. That is true of Italy to-day, but it has no effect at all on Italian immigration.

Mr. SHIVELY. It is a rule easily capable of adoption in every European country. Whether the rule be made with or without reference to immigration, the certificate issued by a foreign Government becomes determining whether the immigrant shall be admitted to the United States. The applicant must be provided with the certificate from a foreign Government. Such requirement is directly in the teeth of our well-settled and long-cherished doctrine on the right of expatriation.

Mr. LODGE. He would have the certificate in any event. It is only a question of whether we require it.

Mr. SHIVELY. Oh, yes; he would have the certificate in any event if his Government required him to have it, but it is only—

Mr. LODGE. He would not have to go and ask for it.

Mr. SHIVELY. But it is only in the event that the lines in this conference report that I have quoted become law that the certificate issued by a foreign Government would carry any significance so far as admission of its bearer to the United States is concerned.

Mr. LODGE. Yes; it would have no value to him as an innocent man—none whatever.

Mr. LA FOLLETTE. Mr. President, the last remark of the Senator from Massachusetts is indicative of the wrong basis upon which this discussion has proceeded. It has proceeded upon the assumption that this provision was intended to apply only to criminals—those seeking admission to this country as immigrants who have been convicted of crime.

Mr. LODGE. That is its intent.

Mr. LA FOLLETTE. If that is its intent, it is so worded as to go entirely beyond the purpose of those who framed it. It can have but one effect. Observe the language of the provision. After enumerating several classes of aliens to be prohibited, in the exclusion of which all will agree, the conferees add the following:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the officials such a certificate.

That clause provides not only for penal certificates, but it also provides for certificates of character. Make that the law and no citizen or subject of any country can expatriate himself excepting with the consent of his Government.

Mr. ROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. Certainly.

Mr. ROOT. I would not go so far as the Senator from Wisconsin and say that it can have but one effect. I think there is a legitimate effect—that is, to require persons coming here from countries that give penal certificates to produce the certificates, so that the immigration officers may have that very easy evidence regarding their character.

I have no doubt that that was the intention of the provision, and that it would have that effect. But I think it ought to be guarded so that it will not also produce the other effect that the Senator from Wisconsin suggests.

Mr. LA FOLLETTE. I am very glad to hear the Senator from New York make that declaration, because if all that was required and all that was intended by this clause was what the Senator from New York now says it should provide, it should be limited to penal certificates.

Mr. President, I want to turn aside just for a moment to comment on the wide latitude given to conferees, of which this is one of the most striking examples, in the way of engraving onto legislation new matter which neither House of Congress has ever considered. Sir, the rules and the precedents of this body and the body at the other end of the Capitol have been so framed as to put legislation in the hands of a very few men. I venture to hope, Mr. President, that the day is near at hand when both branches of Congress will be made more democratic and more responsive to the public will.

Here is a provision inserted in this bill which never had a moment's consideration in the Senate nor in the House of Representatives—a provision of the widest sweep and the most important effect, if it is to be enacted into law, upon the future of this country and the class of immigrants that are to be admitted to citizenship.

Why, sir, under the provisions of the clause which is now under discussion Carl Schurz would have been excluded from this country; also the great body of German refugees and emigrants from northern Europe who were resisting the encroachments of tyranny in the Old World. That period seemed to be one of the cycles in the life of liberty of the human race. In Germany, in France, in Austria-Hungary, in Poland, all over Europe, empire was crowding liberty back to the wall.

Carl Schurz broke jail and came to this country with some of his associates. Thank the Lord for it! He came up into Wisconsin. The thousands of liberty-loving Germans and emigrants from northern Europe that came into the State in which I had my birth laid at that time the foundations for the thoroughly democratic population which has gone leagues ahead of all the other Commonwealths of this country in bringing government back to the people.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Oh, in just a moment, if the Senator will permit. I suppose the Senator rises to call my attention to the fact that this bill provides that people convicted of political crimes are not excluded. Am I right?

Mr. LODGE. Yes.

Mr. LA FOLLETTE. That is what I anticipated. But Carl Schurz had not been convicted of a political crime. And this conference report would admit to this country only those who have been actually convicted of political crime, but not those who have been persecuted for their political opinions; not those who love liberty and who have preached the doctrine of a republican form of government in Russia and in other countries of the Old World—and there are thousands and thousands of them doing it to-day. They can not have the shield of protection of this bill as you propose it unless they have been put upon their trial and convicted of a political crime.

If they have been under police surveillance and police espionage, watched and dogged at every step and turn, and finally, in despair of enlarging the liberties of the people of their own country, they desire to seek a home for themselves and their families in America, they would have small chance indeed of procuring a certificate of good character, without which they would be excluded from this country under this provision.

How can a subject of Russia get a certificate of good character in the Russian Empire? You can not leave that empire to come to America without a passport. You can not get a passport without its being signed by the governor of the province in which

you live. You can not get the signature of the governor of the province in which you live without its first being certified by the police authorities that you are a suitable person, according to Russian police standards, to receive that passport. It may be that you have not been convicted of any political crime. It may be that you have simply published some pamphlet advocating larger freedom for the people of Russia. If you have done that you fall under police surveillance, and you can not hope to get the certificate of the police which will enable you to apply for the passport of the governor of the province in which you live. Therefore you can not get a passport at all. Without a passport you can not get a certificate under the proposed law, of course.

Mr. LODGE. It does not seem to me that that follows.

Mr. LA FOLLETTE. Why, Mr. President, here is a nation that will not permit its subjects to leave the country without a passport.

Mr. LODGE. But the Senator is aware, of course, that thousands come from Russia without passports.

Mr. LA FOLLETTE. Ah! But does the Senator suppose they come with the approval of Russia? No.

Mr. LODGE. Certainly not.

Mr. LA FOLLETTE. No; no. They come surreptitiously across the border; and if they come in that way, does the Senator suppose they are going to be able under this new provision of law to apply for and get a certificate of good character from the Government?

Mr. LODGE. Of course not. Russia does not issue those certificates.

Mr. LA FOLLETTE. No; but the day after this bill becomes a statute Russia can adopt a provision that will make it applicable to every single subject that leaves her borders.

Here is a most ingenious device engrafted upon this bill by the conferees—not intentionally, I am bound to say, but inadvertently, I have to say—to promote and aid the system that prevails in Russia to-day, to restrain from coming to this country those of her subjects who may wish to come over here and preach larger liberty for Russia.

It was suggested in the debate on this paragraph in the House that any one of the governments would be glad to get rid of these disturbing subjects and to give them these certificates to come to this country. Not so. We would get, under this provision, those whom they could easily and would willingly spare. But the virile, sturdy, aggressive, progressive subjects of every country, who make the foundation stock of our best civilization when mixed with the blood of New England and every other State, we would not get. They would be retained in Germany to serve in the army; they would be kept in Russia, where they would be under their strict police system. Why? Because they fear them in America more than they do in Russia.

Mr. President, I do not mean to speak discourteously of the conferees, but think of the proposition of turning over to another country the determination of what class of immigrants shall be received in the United States! If they be not diseased, we may receive the weaklings of a foreign country. But the sturdy, virile type which makes up the German Army and the French Army and the armies of the other countries of Europe that require military service would be denied admission here because, unless the country wants to part with them and gives them certificates, they can not be admitted. The Secretary of Commerce and Labor has no discretion in the matter. No officer of this Government can exercise any discretion. The certificate of a foreign country disposes of the whole matter.

Mr. President, I remember that when this conference report was under discussion in another place in the Capitol the criticism which I am making was met in this way: It was said that Russia would be very glad to get rid of the people who were making political disturbances over there. Russia knows better than did the gentleman who made that argument. Russia knows that one free tongue in New York is more harmful to Russian despotism than 10,000 shackled subjects in Siberia. No! Russia does not want—and I am constrained to believe that that is the reason why some other people do not want—these people who are seeking freedom for mankind admitted to the United States.

Mr. President, they are not only a menace to Russia, they are a menace to plutocracy in America. There are some gentlemen in various places in our social order who are defending plutocracy and guarding every encroachment upon its sacred preserve.

The PRESIDENT pro tempore. The Senator from Wisconsin will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. I ask that the unfinished business be temporarily laid aside.

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

Mr. LA FOLLETTE. Mr. President, any person who has been active in founding a republican form of government in Russia such as we enjoy could only come to this country by leaving Russia surreptitiously. There is not any question about that at all. They can not get a passport, and they can not get a certificate of good character.

Of course, if it is your purpose to exclude those people from coming here—that is, people who are opposed to the Russian system but who do believe in the system of government we have in the United States, and who would like to see that system of government adopted in Russia—if you want to exclude the subjects of Russia who so believe when disheartened in the fight for Russian freedom they seek an asylum in this country, and if you wish to deny them that asylum, stand for this provision that the conferees have put into this immigration bill without a moment's consideration from either branch of Congress.

I started with my opening word upon this subject to say something in criticism of that practice by conference committees. We have seen it many times.

A conference report has to be accepted or rejected in toto. You have to swallow the whole conference report or you have to defeat all the good things in the conference report in order to get some one bad thing taken out.

I tell you, Mr. President, that is a vicious practice in legislation, and to the Senators who are to have some power in molding the rules under which laws shall be framed in future, let me appeal to you to give your attention to reforming this abuse.

Let me recall something to your minds. In May, 1908, I stood on this floor for 19 hours protesting against the passage of a bill. I did not do that as an exhibition of my physical endurance. I believed that that bill was a bad bill, but the methods employed to pass that bill I believed to be vicious, and I was willing to go to the very limit of risk in order to emphasize to the country the iniquity of that proceeding.

It was an emergency currency bill—the so-called Vreeland-Aldrich currency bill. It had been proposed in the Senate. It had been put upon its passage in the Senate. When it was proposed in the Senate it contained a provision that railroad bonds should be made the basis of the issuance of emergency currency. Since 1903 there had been pending an appeal to Congress from the Interstate Commerce Commission to value the physical properties of railroads of the country in order to determine how much the railroad securities represent actual investment and how much they represent water—a fraud upon the American public.

Without any determination on the part of the Government, pursuant to the recommendations of the Interstate Commerce Commission as to the real, true value, the real investment in the railroads in this country in the Aldrich-Vreeland bill, it was proposed through this side door to work into the foundation, as it were, the financial system of this country, as a basis for circulation, railroad bonds, regardless of the value that was back of them. I was opposed to that, Mr. President, and gave notice that I should attack it. Twenty minutes before I took the floor to make my argument against the railroad-bond provision in the emergency currency bill Senator Aldrich, the leader on the Republican side, withdrew the proposition making railroad bonds one of the securities upon which emergency currency could issue. Why? Because he well knew that he could not stand for a moment the attack that would be made, based upon the historic and economic development of the railroads of the country and the known facts as to fictitious capitalization. So 20 minutes before I was to begin an argument he rose and withdrew that provision. Then what happened? I took the floor. I made my argument notwithstanding the withdrawal. I predicted that that proposition withdrawn would be found in the conference report before that legislation was over.

Now, what happened? The bill passed the Senate. It was finally thrown into conference. Shortly thereafter we were told that the conferees could not agree, and that no legislation upon that subject would be enacted. Finally, just at the close of the session, when it was impossible to secure serious consideration for any measure, Congress and the country were suddenly informed that the conferees had agreed, and the Aldrich-Vreeland bill, in the form of a conference report, was thrust upon the House and the Senate.

And in that conference report, Mr. President, just as I had predicted, the railroad-bond provision had a secure place.

Do you understand, Senators? The railroad-bond provision was back in the bill, not in the original form, for under the bill as it came from the Committee on Finance there were some restrictions as to the bonds which might be accepted as a basis for emergency currency circulation. But as the provision appeared in the conference report any sort of railroad bonds could be accepted as security.

Mr. President, that is a bad method, a vicious method of legislating, and we should make an end of it at once and for all time.

Now, take this conference report. It is an exemplification of the abuse. I do not mean to reflect on the Senators who were on the conference. They have done what other Senators have done. The rules and the practice sanctions it. I think the Senator from Massachusetts is absolutely right. He is within the precedents and within the decisions of the House of Representatives, and I am not assailing the conferees. But I am assailing this system. It is not the way to legislate, Senators. It does not reflect the will of the people in legislation, and that is what our kind of a government ought to mean.

Now, Mr. President, I beg pardon of the Senate for having digressed at such length. I did not intend to do so. I just want to call attention to another provision in this conference report that I am sure escaped the attention of the Senator from Massachusetts. As to that portion of the conference report which I have discussed I am led to believe that the Senator from Massachusetts regarded this certificate provision as applying only to convicts.

Mr. LODGE. I certainly did not suppose it was open or susceptible to the interpretation which has been put upon it by Senators or I never would have agreed to it, and no other member of the conference would have agreed to it.

Mr. LA FOLLETTE. I am bound to believe that; but I submit when you read the language it is evident that my contention is right. Of course, we all know how conference reports are adopted. It may be that it was adopted at the end of a long conference, that had exhausted the members of that conference committee.

Mr. LODGE. I will say, if the Senator will permit me to interrupt him, the history of that particular clause is that it was not adopted in that way. It was a suggestion from the department and was very strongly urged by the department.

Mr. LA FOLLETTE. I remember now, since the Senator from Massachusetts says so, that it is in the recommendations of the—

Mr. LODGE. It is in the draft of the bill sent up to the Senate by the Commissioner General of Immigration.

Mr. LA FOLLETTE. That leads me to wonder why it did not find its place in one or the other of the bills, in view of the fact that it had the indorsement of this official.

Mr. LODGE. I mean the draft of the bill of the Department of Commerce and Labor.

Mr. LA FOLLETTE. I would not undertake to say that. It was not in the bill reported to the Senate and passed by the Senate.

Mr. LODGE. No; it was not.

Mr. LA FOLLETTE. Now, there is another matter that I want to call the attention of the conferees to. I have gathered here, Mr. President, a mass of cases, not suppositions, not speculations, but concrete cases which come within the provisions of this proposed law that would be excluded if it were to become a statute of the United States. I do not want, unless there is a disposition to press this matter, to take the time to read these particular cases. I will, if there is a disposition to do so; otherwise, I ask, Mr. President, to incorporate them in what I have to say.

In Russia a "certificate of good character" is required from every applicant for a foreign passport, and under the Russian law no one may leave the Empire without such a passport.

It is therefore clear that the Russian Government does issue "certificates of good character" to prospective emigrants. There are numerous other cases where the Russian law requires the production of a "certificate of good character."

Such certificates are issued by the police and may be denied in its discretion. The substance of the certificate is that the bearer has not been convicted of any crime. Under the antiquated Russian law such certificate could be denied to many persons innocent of any offense involving moral turpitude.

Section 1171 of the Russian Penal Code reads as follows:

Jews convicted of engaging in any mercantile pursuit except that which is allowed to them in specific cases provided by law, outside the pale assigned to them for permanent settlement, shall be sentenced to confiscation of their merchandise and immediate deportation.

There are a series of decisions of the supreme court of the Empire (the cassation departments of the governing senate) which illustrate the character of the offenses coming within the purview of this section.

In re Mandelstamm, which was No. 731 of the decisions rendered in 1874, it was held that a Jewish artisan is allowed to sell only the products of his own manufacture, but not the products of other factories than his own.

In re Goorvich (1877, No. 20) it was held that a Jewish baker may sell bread, but not flour.

In re Kroopkin (1877, No. 12) it was held that a Jewish butcher may sell meat from cattle slaughtered by him according to the Jewish rites only to his coreligionists, but not to gentiles.

The Jews in Russia are restricted in choice of domicile to urban settlements of a few provinces, and are debarred from the rest of the Empire. There are, however, special exemptions in favor of a few privileged classes of Jewish citizens. Among these are graduates of dental colleges.

Recently 200 Jewish merchants residing in Moscow, which is a forbidden city to Jews, were indicted for procuring illegally dentists' diplomas, which enabled them to live in Moscow and engage in business. The penalty for their offense ranges, under section 294 of the penal code, from imprisonment in a penitentiary for not less than two and one-half years to banishment to Siberia for life.

If these men, to whom all doors of opportunity to earn an honest living are shut in Russia, should attempt to enter this country they will be shut out, if this bill becomes a law, on the ground that they could not furnish a certificate of good character from the Russian police.

They were all men of means, and were making an honest living as business men. Yet the Russian law says that an ordinary Jewish citizen must not do business in Moscow. He may secure that privilege by renouncing the faith of his fathers and joining some Christian denomination, a form of religious persecution which is abhorrent to the spirit of our institutions.

Another class of offenders against the Russian law that would be debarred by the pending bill are young men who emigrate in order to evade compulsory service in the Russian army. Every young man of the age of 20 must report for two years of active service in the army. His labor may help support his parents and younger brothers and sisters, but he must give two years of his life to the Czar. Most people in Russia do it reluctantly. The Jewish recruit is as a rule transported for service to those Provinces where people of his race are ordinarily not permitted to reside. As soon as his term of service expires, he is ordered to leave the place and return to the place of his legal residence. Can he wax patriotic in the defense of a country from which he himself is excluded as a citizen?

Shall we who have no compulsory enlistments condemn him if he seeks to escape service in the army of a country which he leaves for good in order to become a citizen of the United States?

Still, such a man could not secure a certificate of good moral character from the Russian police.

The other day the cable news carried an item characteristic of Russian conditions. A detachment of 130 Cossacks, serving on the Austrian frontier, crossed over the boundary line to Austria, lay down their arms, and declared that they had left Russia for good. The Cossacks, it must be understood, are a special force used chiefly to suppress revolutionary outbreaks of the people. These 130 Cossacks got tired of such duties and resolved to leave the country rather than to shoot down their countrymen who are fighting for liberty. Should any of these Cossacks come to this country, we shall ask them to produce certificates of good character from the Russian police, and upon their failure to do so we shall send them back to Russia.

We have retrograded in our attitude toward political refugees. The act of August 3, 1882, which for the first time debarred foreign convicts, excepted "those convicted of political offenses." The act of March 3, 1891, made the exemption bill stronger by the insertion of the following proviso:

Provided, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor involving moral turpitude" by the laws of the lands whence he came, or by the court convicting.

The provision was in agreement with the best authorities on international law, which recognize that most political offenses are "admixt crimes," which would be considered common crimes if it were not for the political motive of the offender.

The reason for the exemption in favor of political refugees is the general recognition of the fact that men and women who fight tyranny in the country of their birth may prove very useful and peace-loving citizens in their adopted country. We have erected monuments in this city to two Polish political offenders, Kosciuszko and Pulaski.

I have referred to the German refugees who came to this country after the revolution of 1848 to escape capital punishment in their own country; some of them fought in our Civil

War. One of these revolutionists, Carl Schurz, sat in the Cabinet of a President, an honored leader of the Republican Party. The son of another of these revolutionists, Charles Nagel, is a member of the Cabinet of President Taft, and, by the irony of fate, under the provisions of this conference report, should it become a law, would be compelled to enforce the law barring immigrants guilty of political offenses which do not differ from those committed by the German revolutionists of 1848.

The bill as reported by the conference committee qualifies political offenses by adding the words "purely political," and further as "not involving moral turpitude."

Opinions may differ as to when an act is just simply political or "purely political," also whether or not it involves "moral turpitude." Arson, murder, when committed by an individual from personal motives are crimes involving moral turpitude. Yet when a revolution is on these same acts are generally looked upon as acts of heroism, and free nations erect monuments to their fighters for liberty who committed them.

Within the last few years the Russian Government made demands upon the United States for the extradition of its former subjects on the ground that they were guilty of common crimes, such as murder, arson, and assaults upon officials. In every case the League for the Defense of Political Refugees was able to prove to our officials by documentary evidence that the act complained of was of a political nature. But if this provision becomes law, a Secretary of Commerce and Labor who happens to regard such an act as involving moral turpitude will have the power to shut out such a revolutionist from this country on the ground that he can not produce a certificate of good moral character from his Government.

It appears from the case of the English newspaper man, Mylius, who is just now awaiting deportation under a decision of the Secretary of Commerce and Labor, that our law in effect denies an asylum to persons convicted of political offenses. The facts in this case deserve the closest attention of the Senate.

Mylius was convicted of "seditious libel" for accusing the King of England of bigamy. It appears from the record of the case that the English court regarded the offense as one of a political character. In fact, Mylius was tried not for libel, but for defamation of character. In a prosecution for libel truth is a complete defense. In a prosecution for defamation the defendant is not permitted to prove the truth of his accusations. Mylius offered evidence to prove the truth of his publication, but his evidence was not admitted.

There is a similar distinction in the New York Penal Code. A person may be prosecuted for defamation of character of a private citizen even though his accusations may be true. But there is a very important exception to this rule: If the complainant holds a public office and the accusation is made with a public purpose, truth is a complete defense. It is evident that a King holds a public office, and the allegation of Mylius that the object of his publication was to arouse the public sentiment against the institution of monarchy was very material. Certainly there was no personal malice in his act, for he is too far removed from the King to nurture any personal spite against him. If there ever was a "purely political offense," this was one of them. The Secretary of Commerce and Labor holds the political motive of the publication is insufficient to make it "a purely political offense" and that it "involves moral turpitude." And back to England Mylius must go. Under this interpretation the Declaration of Independence, which charged King George III that "he has plundered our seas, ravaged our coasts, burnt out towns, and destroyed the lives of our people," was libel involving moral turpitude. It is clear that the bill gives no adequate protection to political refugees.

Now, permit me to call the attention of the Senator from Massachusetts to one provision which I believe has wholly escaped the attention of the conferees. In the paragraph—

Mr. LODGE. From what section does the Senator read?

Mr. LA FOLLETTE. It is in section 3, in the paragraph beginning "All aliens." Has the Senator a copy of the conference report before him?

Mr. LODGE. I have that section before me.

Mr. LA FOLLETTE. It is section 3.

Mr. LODGE. Yes; I have section 3.

Mr. LA FOLLETTE. Now, just run along to the third paragraph beginning "All aliens over 16 years." Has the Senator found that?

Mr. LODGE. The illiteracy test?

Mr. LA FOLLETTE. Yes. Now, then:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish—

That is, they are excluded—

Provided, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age—

That was "50 years of age" in the Senate bill. The age limit is raised for some reason.

Mr. LODGE. That is the House bill.

Mr. LA FOLLETTE. The provision continues:

his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter.

There is an omission right at that point. After the word "grandmother," there is omitted "of children over 18 years of age," which appeared in the Senate bill.

Mr. LODGE. The House insisted on their language at that point, and the argument they made was that this would admit the daughter at any age.

Mr. LA FOLLETTE. No; it admits the daughter if she is widowed.

Mr. LODGE. Oh, no; if unmarried or widowed. It admits the daughter at any age.

Mr. LA FOLLETTE. Yes; that is right.

Mr. LODGE. It admits sons under 16.

Mr. LA FOLLETTE. Yes.

Mr. LODGE. The House took the ground that a son over 16 could learn to read and write in order to be able to get in. They made that distinction, and insisted on it.

Mr. LA FOLLETTE. No son over that age; no boy.

Mr. LODGE. No son.

Mr. LA FOLLETTE. No boy over that age can be admitted to this country unless he can read and write although both his father and his mother and all the rest of the family are here. I can not believe that it ministers to the good of this country or to the betterment of social conditions to separate the father and the mother from their 16-year-old boy.

Mr. LODGE. I do not think that the cases that would arise would be very serious or very numerous.

Mr. LA FOLLETTE. Well, but if that rule—

Mr. LODGE. I see the Senator's point. If the matter should be reopened in conference, of course we would bring that point up.

Mr. LA FOLLETTE. It is not a question of how many are hurt, but whether any of those who in good faith cast their lot with us are made to suffer needlessly. The family is separated only temporarily—long enough for the father to come to this country to earn the money with which to bring over the wife and their boys and girls. The Senate of the United States ought not to stand for a provision that would deny the right, when the father and mother and daughters are here, to bring over the boys of 16, 17, 18, and 19, even though they might not meet the literacy test, when the father and mother have been admitted before that test went into effect. What a hardship to that family, and what a cruel wrong to those young boys, who will later, in all probability, come to this country and become a part of our political and social life, but who in the meantime have been deprived of the parents' guidance and of all the precious home ties. It can not make for good citizenship or be an advantage to this country.

There is a provision later on, at the end of that section, which reads:

Provided further, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

But a man must be five years in this country before he can become a citizen of the United States, and many good men within my own knowledge have been in this country much longer than that without becoming citizens. They have moved from one State to another in order to find employment or to secure better advantages for themselves and their families. These changes in residence sometimes make it difficult to secure the necessary two witnesses, so that under the provisions of this conference report many minor boys might be excluded whose parents are already here. It is wrong.

Now, Mr. President, I have taken more time than I intended, as I purposed only very briefly to point out the obvious wrongs that might result if the bill was not amended. I hope that there will be no opposition to sending it back to conference. Here is a great measure, of vital importance to the country. It can not be too well considered. I know that we need legislation upon this subject. Because of the large number of people of foreign birth that we have in Wisconsin, I have watched the progress of this kind of legislation since I was old enough to understand.

It has seemed to me the purpose of our legislation generally should be not so much the limitation as the improvement of immigration, the uplifting of the people who come here to

become a part of our citizenship. With that, Mr. President, I am most thoroughly and completely in sympathy.

But there is going on in many countries of Europe a struggle for larger freedom, with which the American people are in sympathy, and we should not write into a measure of this kind any provision that would militate against the great movement for a truer democracy that is sweeping over the world.

Mr. LA FOLLETTE subsequently said: I ask leave, in connection with my remarks, to print many telegrams which I have received, one of them from a former member of the Russian Douma, now living in Massachusetts, in which he makes a most touching and pathetic appeal for the dropping out of the provision which has been the subject of principal discussion here to-day, which I hope the Senators will find time to read.

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

The telegrams referred to are as follows:

DORCHESTER, MASS., January 20, 1913.

Senator LA FOLLETTE,
Washington, D. C.:

In behalf of my friends and political refugees from Russia I most emphatically protest against the clause of the pending immigration bill requiring from political refugees a certificate of character from their home Government. This will bar all political refugees coming from Russia, where they are denied all political and civil rights merely on account of their republican views inimical to the autocratic government of the Czar. I wish to emphasize the fact that even the members of the Duma who belong to opposition parties are prosecuted for their political beliefs and are forced to emigrate. Furthermore, I wish to state that political refugees never leave their countries upon their free will. They keep their places among their native people in their native country as long as they possibly can, fighting for freedom of their own nation. A successful revolution in any country means more happiness and more contentment among the bulk of the people. Bad home government makes for large immigration. Democratic governments are apt to keep their people home. It is my firm conviction that the great Republic of the United States should not help to thwart the government for freedom in Russia in trying to punish once more those who are being punished severely enough by the Czar's Government, which forces them unwillingly to choose banishment from their beloved country.

JOHN OSHOL,
Ex-Member of the Second Duma of Russia.

CHICAGO, ILL., January 20, 1913.

Senator ROBERT LA FOLLETTE,
Washington, D. C.:

Urge defeat conference bill requiring immigrant bringing certificate of character. Reversal of American policy.

GRACE ABBOTT,
Director Immigrants' Protective League.

NEW YORK, January 20, 1913.

Hon. R. M. LA FOLLETTE,
The Senate, Washington, D. C.:

Many thanks for telegraphing, giving me certificate provision in immigration conference report. Earnestly hope that provision will not be adopted. It would operate to deprive us of finest immigrants from oppressed people.

HERBERT PARSONS,
President Society Friends of Russian Freedom.

NEW YORK, January 19, 1913.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Political Refugees' Defense League, New York, respectfully requests that you oppose provision in immigration bill demanding immigrant furnish certificates good character from Government issuing same. This means Russia only, who refuses such certificates to revolutionists, democrats, liberals, and all only suspected of opposition. Officials exact bribes from all not suspected for issuance certificates. Thousands honest immigrants unable to secure certificates for these and other reasons not within their control will be excluded, for Government will be tool of Russia.

POLITICAL REFUGEES' DEFENSE LEAGUE, NEW YORK,
M. OPPENHEIMER, Chairman.
Dr. PAUL S. KAPLAN, Treasurer.
SIMON O. POLLOCK, Attorney.

NEW YORK, January 19, 1913.

Senator LA FOLLETTE,
Senate, Washington, D. C.:

We protest vigorously against clause said to be included in immigration bill in conference committee which would demand from immigrants good character certificates from their government. Some of the best citizens America has had would have been excluded under such ruling. Please use your influence in Senate against this.

LILLIAN D. WALD,
Head Worker Henry Street Settlement.

CHICAGO, ILL., January 20, 1913.

ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

Members of Immigrants' Protective League protest against proposed requirement of character test as unreasonable, oppressive, un-American, designed to strengthen the hand of oppressive government.

S. P. BRECKENRIDGE,
Secretary Immigrants' Protective League.

NEW YORK, January 19, 1913.

ROBERT M. LA FOLLETTE,

United States Senate, Washington, D. C.:

Conference immigration bill, in section 3, contains provisions not previously considered, excluding subjects of countries issuing character certificate failing to produce such certificate to immigration officials. This will exclude majority Jews coming from Russia and Roumania, owing to practical legal difficulties attending procurement of certificates, the compliance with elaborate conditions imposed, their military regulations, and the large expense involved. How could victims of Kishineff or the thousands constantly expelled from their homes by police or those suspected of being political offenders expect to secure such a certificate? Such reversal of our attitude toward the persecuted can not be intended. Bill should be amended to preclude cruel consequences inevitably resulting from present phraseology.

LOUIS MARSHALL,
President American Jewish Committee.

DORCHESTER, MASS., January 20, 1913.

Senator LA FOLLETTE,
Washington, D. C.:

In behalf of the Boston Political Defense League, we emphatically protest against the pending immigration bill, particularly against the clause requiring from immigrants a certificate of character from their Government. This would be tantamount to absolute exclusion of political refugees from Russia, whose Government stamps as crime any political view differing from those of autocracy and tyranny, and whose courts and officials regard any immigrant leaving the country without the consent of the Czar's Government as criminal and outlaw, whose property may be confiscated. It is our firm belief and hope that the Republic of the United States will not become a party to the oppressive policy of the autocratic Government of the Czar.

For the Boston Political Refugees Defense League,
Mr. M. J. KONIKOW, Secretary.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

Bohemian American National Council appeals to you to lead the fight against the vicious conference immigration bill; un-American, useless; only helps for European Government to oppress.

E. S. VEAY, President.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

Section 3 of the conference immigration bill contains provision for certificate of character that would be complete reversal of the United States attitude toward those of other nations persecuted for political opinion. If this provision were enacted into law it would exclude the majority of Jews coming from Russia and Roumania, owing to legal difficulties in securing certificates. I hope that you will use your influence to have bill amended to preclude cruel consequence inevitably resulting from present phraseology.

ALEX. A. MCCORMACK,
President of the Board of Commissioners of Cook County.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

We have just learned that conference immigration bill, section 3, requires immigrants to produce certificates of character from their home Governments. Should this bill become a law, it would bar political refugees from entering this country, as no Government would give certificates of good character to political agitators who endeavor to secure laws for the betterment of their conditions, while it might readily give such certificates to criminals and other undesirables, in order to be rid of them. This country has always been the asylum of political refugees, and we, on behalf of 70,000 members of the Polish Catholic Union of America, who are citizens of this country, protest against this bill as being unjust and un-American; and we respectfully appeal to you to use your influence to defeat this measure.

STANISLAUS ADAMKIEWOZ,
President Polish Catholic Union of America.
N. S. BUDZBAN, Secretary.

Mr. ROOT. Mr. President, as I was not a member of the committee which reported this bill or of the conference committee, I did not read the terms of the conference report until the report was printed in Saturday's RECORD. I am, however, somewhat familiar with the history of the long struggle of the United States to establish and maintain the American doctrine of expatriation, and I feel deeply interested in having nothing embodied in our legislation which may tend to strike down that doctrine or which may tend to put it in the power of any other country to limit the operation of the doctrine that every man in this world is entitled to change the country of his residence.

I think, upon reading this clause, that it probably would open the door to make it possible that the right of immigration from foreign countries to the United States might be limited or prevented by the action or refusal to act of the country from which the immigrant seeks to come. For that reason I hope that the Senators in charge of the bill will ask to have it sent back to conference, in order that the following words may be stricken out:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

I am in favor of the bill, Mr. President. I think it contains many provisions of very great value, and I would regret exceedingly to have its passage prevented.

Let me make one further suggestion. I think I can appreciate, probably better than most Senators, the reasons which perhaps led to the inclusion of this clause, because it is in my own State and in my own city that the evil resulting from the immigration of criminals has been most deeply felt. It has been a very great evil; it is so now. It is making collections, groups of the most desperate criminals in our American cities, and especially in my own city of New York; and I feel sure that the recommendation for the insertion of this clause by the department was with the sincere desire to make it possible for the immigration officers to keep out the Black Hand and the Camorra, which are so injurious to the maintenance of order and the enforcement of law in the city of New York. I feel sure that the clause was inserted with a good intention. I do not want, however, to let this occasion pass without expressing my belief that this clause was framed by officers who were thinking about keeping out Italian criminals and were not thinking about Russia at all; but because, as so frequently happens, a clause put in with one idea in mind may produce unexpected results in other directions, I think the clause ought to go out.

Mr. President, I think this is a very good illustration of the value and importance of discussion of having for measures of legislation the scrutiny of many, and an opportunity for discussion upon every provision. That opportunity having been given, I hope the evident sense of the Senate on this subject may receive effect on the part of the conferees.

Mr. LODGE. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from New York [Mr. O'GORMAN] have both recognized that the intent of the conferees was not to usurp power or put in any language which they did not think was proper. I think, as a mere question of parliamentary procedure and precedent, we had a right to put in the provision under the very sweeping decisions to which I have referred. However, that is not the question; the question is whether it ought to be there at all.

I hesitate very much to disagree on questions of interpretation of law with either Senator from New York; but I find, Mr. President, that an interpretation of which I did not think it susceptible is given to that clause, not merely by Senators who are opposed to the bill, but by Senators who are as strongly in favor of the bill as I am. If the provision is open to the interpretation which has been given to it here in debate, to which both Senators from New York, the Senator from Wisconsin, and others think it is open, I feel, Mr. President, reluctant as I am to cause any delay in the adoption of this report, that it ought to be sent back to conference. I therefore move that the Senate disagree to the report of the conference committee, and request a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. LIPPITT. Mr. President, before that motion is put, if the bill is going back to conference, I hope the conferees will not overlook the other point which was brought up by the Senator from Wisconsin [Mr. LA FOLLETTE] and which, it seems to me, is very worthy of consideration. I refer to the point which he made in regard to limiting the age at which children may be brought into this country by their parents and under which only the sons under 16 years of age can be brought into this country, unless they can pass the literacy test. I have had recently one or two very sad and deplorable cases brought to my attention, where parents who are in this country have attempted to bring in their children.

One case in particular occurs to me, of a young girl, perhaps 10 or 11 years old, who under the operation of the present law, if in the charity of the Secretary of Commerce and Labor it had not been interpreted very liberally, would have been sent back to Europe under conditions which seemed to me almost equivalent to murder. She would have been landed upon the docks there with absolutely nobody to take care of her, with no relatives, and with no means of support.

In addition to that, as suggested by the Senator, such a provision would have a tendency to break up families and leave boys of 16 years of age to become waifs in the great cities of Europe or to be brought up under conditions that would almost surely make for criminality, or something of that character. I hope that if it is possible that part of the bill will also receive the attention of the conferees.

Mr. LODGE. I assure the Senator that the matters to which the Senator from Wisconsin has called attention will receive the consideration of the conferees.

Mr. LA FOLLETTE. Mr. President, I think if the conferees would restore the language of the Senate bill at that point it would cure what I conceive to be the defect there.

Mr. LODGE. Yes; by restoring the Senate provision.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. LODGE. Mr. President, I moved to disagree to the report. Of course the other motion takes precedence if anyone makes it, but I made the motion to disagree.

Mr. STONE. Mr. President, I made a point of order against the provision which has been discussed most extensively here; but I am not going to press the point of order now, in view of the attitude of the Senator from Massachusetts. I desire to say, however, that it seems to me, notwithstanding the decisions of several Speakers of the House of Representatives, for whom I have great respect, that the better and safer practice is the one laid down in the Manual. I think it is an unwise and dangerous practice to confer power upon conference committees to introduce into legislation important provisions like the one now before us without giving to the Senate or to the House any opportunity to discuss them.

The Senator from New York [Mr. ROOR] well remarked that this is a fine illustration of the necessity of having matters of this kind brought before the body of the Senate—the Senate itself—for discussion and elaboration. True, various Speakers of the House of Representatives have held otherwise, or seemingly so at least; but I do not know whether there are any precedents of the Senate—I have not had time to have them looked up—embodying rulings upon like questions.

Mr. LODGE. Mr. President, if the Senator will allow me at that point, there was a question involving this principle decided both by the Senate and the House in the case where the conference committee put what was known as the "Japanese passport clause" into the immigration bill of 1907. It was absolutely new matter; but it was held under the general rule, which I have cited, that the whole subject was before the committee, and both the Senate and the House ruled it in order.

Mr. STONE. All I care now to say is that if this provision is brought back in any objectionable form—I am not sure, in any form—as an entirely new clause in the bill, I shall ask the judgment of the Senate as to whether the practice which the Senator from Massachusetts says is established in the House shall prevail in the Senate. The Senate, of course, can adopt its own rules—

Mr. LODGE. Oh, absolutely.

Mr. STONE. And its own practices.

Mr. LODGE. The Senator can search this bill from beginning to end and he will not find anything in it that was not in one bill or in the other—

Mr. STONE. Well, we have found one very important provision that was not in either bill.

Mr. LODGE. Except this provision; and of that the conferees were perfectly aware.

Mr. STONE. Now, Mr. President, I am going to ask that the part of an article I have marked, appearing in to-day's New York Times, prepared by Mr. Herbert Friedenwald, with relation to this particular clause, may be inserted in the Record without reading. I now withdraw the point of order.

The PRESIDENT pro tempore. The Senator from Missouri withdraws his point of order. The matter which he desires printed in the Record will be ordered printed, in the absence of objection.

The matter referred to is as follows:

Statement, signed by Herbert Friedenwald, secretary of the American Jewish committee:

"The conference committee on the immigration bill which has for more than a year been under consideration in Congress, reported what is practically a new measure late on Thursday. On the following day the House of Representatives adopted the bill as rephrased by the Senate and the Senate will probably act on it on Monday.

"It has just been discovered that the bill thus reported contains a clause which will exclude the majority of all Jews coming to this country from Russia and Roumania, and practically all immigrants who are suspected of being political offenders, and a large number of immigrants of all religious denominations from continental Europe. This provision adds a new class of aliens to those who are to be excluded from the United States, namely, 'citizens or subjects of any country that issues penal certificates or certificates of character, who do not produce to the immigration officer such a certificate.'

"The Russian laws regulating the issuance of such certificates are minute and onerous in their provisions. First of all, the possession of a Russian passport is required. This calls for the signatures and counter signatures of police and Government officials and of notaries. If the intending immigrant is a male 18 years of age, he must also present documentary proof that he has presented himself for military service and has been refused; if more than 21 years of age, that he has served in the army or is among the reserves. He must procure a police certificate that there is no objection to his leaving his home; that no fine has been imposed upon him; and that there is no civil judgment against him. If any member of the applicant's family is under disabilities his application is rejected.

"The legal fee to be paid for the passport is \$9. The exactions of the police officials frequently amount to much larger sums, and it is conceivable that under the 'system' it will be easier for a real criminal to purchase the necessary certificate of character than it would be for a poor and honest man to obtain it.

"When one considers the exactions to which the Russian Jew is constantly subjected, his harsh and oppressive treatment by police officials,

the fact that he is driven from pillar to post, and is frequently excluded from his home and stripped of his belongings on the pretext that he has everstepped the pale of settlement, it becomes at once apparent that for the average man compliance with the proposed amendment will be a practical impossibility. How could the victims of Kishineff or the thousands who are suspected of political offenses expect to secure such a certificate?

"In Roumania Jews are regarded neither as citizens nor as subjects. They are declared by statute to be 'aliens.' In their case compliance with the act is literally impossible.

"It is thus evident that this objectionable clause must have crept into the bill of the conference committee through inadvertence or without due appreciation of its consequences. It certainly can not have been intended to reverse our historic policy of affording an asylum within our hospitable gates to the persecuted and to those supposed to be political offenders.

"Congress has had no opportunity to give the slightest consideration to this important change in the law. It was never even suggested during the protracted consideration that has been given to the bill, and we are now confronted with the grave peril of having this un-American clause thus hastily injected into our legislation without the realization of its consequences.

"By means of it foreign Governments will be able to regulate immigration into the United States by arbitrarily granting or withholding certificates of character. This feature of the immigration bill, super-added to the literacy test, in itself a sufficient objection, should determine its fate."

Mr. SIMMONS. Mr. President, I desire to detain the Senate only a moment. I want to express my sympathy with the views set forth by the Senator from Wisconsin [Mr. LA FOLLETTE] in regard to the powers of conference committees and the manner in which the two Houses are handicapped under the present rules in dealing with conference reports. I am glad the Senator from Wisconsin brought that matter up, and I am glad we have had this discussion with regard to the rules governing conference reports. I think there ought to be a liberalization of these rules. I believe that the House and the Senate ought to have the right to adopt the report of a conference committee with amendments, and that these amendments should go back to the conference committee for further consideration. I do not suggest that as the best method of reaching and remedying this difficulty, but I do wish to say, Mr. President, that I have felt repeatedly since I have been a Member of this body the necessity of some liberalization of the rules under which the Houses act with reference to conference reports.

Now, one word, Mr. President, in reference to the provision as to penal and character certificates incorporated by the conference committee. I think that if there is anything emphasized under our immigration laws it is the purpose on the part of the people of this country to exclude so far as practicable from admission to our shores the criminal classes of Europe. I am heartily in sympathy with any provision which will accomplish that purpose. I believe that a part of the provision proposed by the conferees does contribute to that end. I believe that that part which refers to penal certificates would be most valuable in accomplishing our fundamental purpose in excluding European criminals.

I think, however, the committee has presented the provision in a form that is rather too drastic, too mandatory, too binding upon our immigration officers, and as this bill, probably by unanimous consent, is to be allowed to go back to the conference committee, I suggest that that provision might be retained not as a mandatory provision, but allowing such certificates to be considered as prima facie evidence of the criminality and the nonadmissibility of the alien.

The great difficulty, Mr. President, in administering the provision of our laws against the admission of criminal aliens is in ascertaining the facts bearing upon the record of the immigrant. If we can secure some official evidence under the laws of the country from which he proposes to emigrate showing that he is or is not entitled to admission, I think it would be a matter of wise precaution to take advantage of that law. I do think, however, that the provision in the conference report is entirely too drastic.

Now, so far as the character of the second certificates provided for in the report are concerned, I am very glad the Senator from Massachusetts feels the force of the argument which has been made with reference to them. I do not think the mischief apprehended by some Senator would follow the adoption of this provision, but it would open the door to possible abuses, which would intrench upon the traditional policy of this Government with reference to expatriation. Feeling that way about it, I went over to the Senator from Massachusetts shortly after the discussion upon this report began this morning and suggested to him that possibly under the circumstances it would be well to let the report go back to the conference committee in order that this subject might have further consideration.

Mr. LA FOLLETTE. Mr. President—

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

Mr. SIMMONS. Yes.

Mr. LA FOLLETTE. Before the Senator takes his seat I wish to call his attention to another provision in this conference

report, which enlarges the powers of the Secretary of Commerce and Labor with respect to the importation of contract labor. I think the provision may have escaped the attention of Senators on the other side.

Mr. SIMMONS. That matter was under discussion here on Saturday, when the Senator, I apprehend, was not present.

Mr. LA FOLLETTE. This conference report was not up at that time.

Mr. SIMMONS. Yes; I think the conference report was up then.

Mr. LA FOLLETTE. I think the conference report has been called up to-day.

Mr. SIMMONS. Yes; but it was called up informally on Saturday and went over until to-day. I ask the Senator from Massachusetts if I am not right about that? I interrogated the Senator from Massachusetts on Saturday with reference to the provision as to contract labor.

Mr. LA FOLLETTE. May I say to the Senator—

Mr. LODGE. If the Senator will allow me, the provision to which the Senator refers was in the Senate bill.

Mr. LA FOLLETTE. I understand that.

Mr. LODGE. It has been reproduced here; but I think it makes no enlargement at all.

Mr. LA FOLLETTE. But oftentimes, Mr. President, bills which pass the Senate contain provisions not well understood by all Senators, and I desire simply to call the attention of the Senator, while he is on his feet, to one provision in this conference report. On page 4, as printed in pamphlet form, at the bottom of the page, the Senator will find this:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country.

That is the existing law.

Mr. SIMMONS. Yes; so I understand.

Mr. LA FOLLETTE. The existing law is enlarged by the conference report to this extent—and I submit this for the consideration of Senators on that side and on this side:

And the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation and such determination by the Secretary of Commerce and Labor, to be reached after a full hearing and an investigation into the facts of the case.

This is new matter and modifies the existing law. It gives the Secretary of Commerce and Labor the right to say when skilled employees shall be imported into this country under a contract to labor in this country. He conducts the hearing. "After a full hearing," it is true, but he determines what constitutes a full hearing, and he conducts that hearing upon the application of any individual who is interested in having that contract labor imported into this country.

Mr. DILLINGHAM. Mr. President—

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

Mr. LA FOLLETTE. Certainly.

Mr. DILLINGHAM. I should like to say, in explanation of that provision, that it was in the bill as adopted by the Senate.

Mr. LA FOLLETTE. I am aware of that.

Mr. DILLINGHAM. There are a great many cases in the development of our industries in this country like one I have in mind that happened in Connecticut, where American citizens proposed to establish a manufactory of lace. They went abroad and purchased machinery for that purpose, the machinery being made under European patents and not procurable in this country. They brought it over here and established their mills, and then it became necessary to bring in foreign labor that was acquainted with that machinery in order to operate it.

There was no such skilled labor in this country as was required to operate that machinery. Under the present law all they could do was to go and make a contract to bring them over, which would be in violation of the law unless it was afterwards ratified by the American authorities. They had to bring them to Ellis Island, and then when objection was made to their coming in as contract laborers under the law they made their appeal to the Secretary of Commerce and Labor, and then he had to hear the question of whether skilled labor was necessary under the existing law and whether for that reason they ought to be admitted. It put these people to the expense, and to the risk as well, of bringing them over, with a possibility that they might be rejected if the decision was adverse.

Mr. LA FOLLETTE. If the Senator will permit me, I should like to inquire right at that point why it would not have been well for the manufacturers seeking to bring in these foreign skilled laborers to have applied for permission to do so before going abroad?

Mr. DILLINGHAM. Because the law gave the Secretary no authority; and this is to give the Secretary the authority to let them come and present their case in advance.

Mr. LA FOLLETTE. That is perfectly true; but the law provided that they should have a hearing.

Mr. DILLINGHAM. But they could not have a hearing until after the persons had been imported, had been held up at Ellis Island, and the question was certified up.

Mr. LA FOLLETTE. It is not proposed here to give them a hearing in advance.

Mr. DILLINGHAM. Yes, it is.

Mr. LODGE. That is the point.

Mr. DILLINGHAM. That is the very point of the amendment and the only object of it.

Mr. LODGE. That is the object of it and that is all there is to it.

Mr. LA FOLLETTE. I want to say this, Mr. President, if the Senator has concluded: I do not believe it should be left to the Secretary of Commerce and Labor to have the final word on that subject without some provision for an appeal, and I want to suggest to the Senator from Massachusetts that the conferees could well incorporate in this connection a provision for an appeal on the part of any dissatisfied party.

We know perfectly well—and we may as well look this matter squarely in the face—that the manufacturers of this country desire to bring skilled labor and other labor into this country from abroad whenever they can, because they can get it cheaper there than they can here. That is the whole basis for our protective system and for our claim of the necessity of a protective tariff. I am in favor of their bringing in that labor if it can not be found in this country. I am not in favor of their bringing it in if it can be found in this country. I do not believe we should give to any single official the final word as to whether they shall have that authority or not. I would not leave the matter in any doubt.

I was going to say to the Senator from Massachusetts, in conclusion, that it is a very easy matter to add to that paragraph, and I would suggest adding that the decision of the Secretary of Commerce and Labor shall be subject to appeal.

Mr. LODGE. I think it is now, as a matter of fact; but it will do no harm to put it in.

Mr. LA FOLLETTE. There will not be any doubt about it if it is specified.

Mr. LODGE. Not the slightest. I am much in favor of such a course.

Mr. DILLINGHAM. I should like to say, in connection with the remarks of the Senator from Wisconsin, that there is no branch of the present immigration law which is enforced with greater strictness than the contract-labor provision. The department is exceedingly careful to see that the law is observed. The execution of the law in some instances seems to be rather drastic, and yet it is nothing to be criticized. I say that because I know the Senator desires to have it so executed; and I can assure him now that that class of immigration gets no sympathy from the department.

Mr. LA FOLLETTE. But I am sure the Senator from Vermont will agree with me that no matter of such tremendous importance should be left to the discretion of any individual. It may be well administered to-day, and it may be ill administered to-morrow.

Mr. SIMMONS. Mr. President, I think I have the floor.

The PRESIDENT pro tempore. The Senator from North Carolina had the floor.

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. SIMMONS. Mr. President, I had about concluded what I had to say with reference to the resubmission of this report to the conferees. The Senator from Wisconsin, when he addressed the Senate on this question a little while ago, referred to the contract-labor provision. I stated then that this conference report had been up on Saturday. I think I was correct in that statement. I remember asking the Senator from Massachusetts for an explanation of that provision of the conference report. I distinctly recall asking for an explanation. I had examined it, and it was not quite satisfactory to me. I had somewhat the same objections that the Senator from Wisconsin has expressed.

Mr. LA FOLLETTE. Mr. President, I think perhaps I was in error in saying to the Senator from North Carolina that the conference report was not before the Senate on Saturday, although perhaps not technically in error. I believe it was not called up until this morning. The Senator from North Carolina may have interrogated the Senator from Massachusetts about it upon its coming into the Senate.

Mr. SIMMONS. The matter was somewhat discussed here on Saturday, and went over by unanimous consent.

Mr. LA FOLLETTE. Perhaps it was.

Mr. SIMMONS. After the Senator from Massachusetts had made the statement on Saturday, it appeared to be the situation, so far as contract labor is concerned. We would, under this provision in the report, admit contract labor under certain conditions. Those conditions raised an issue of fact. Upon the determination of that fact the immigrant was to be admitted or he was to be denied admission, and, of course, somebody had to be vested with the authority to decide that question of fact. The only debatable question is whether the decision so rendered should be final.

There would be great force in what the Senator from Wisconsin suggests if there were no right of appeal from the decision of that officer. But my understanding is that under the present law there exists the right of appeal from the finding upon that question. That right, I understood, is provided in the existing law. I desire to inquire of the Senator from Massachusetts whether I am right about that.

Mr. LODGE. I explained that fully on Saturday.

Mr. SIMMONS. I did not understand the Senator from Massachusetts. There was some confusion at the time. There is the right to appeal, as I understand.

Mr. LODGE. There is the right to appeal. I misunderstood the Senator.

Mr. SIMMONS. I said I would have the same objections which the Senator from Wisconsin has urged unless I thought there was a right of appeal.

Mr. LODGE. The decision of the Secretary can not be final if it is in violation of law. The matter goes into court whenever that question is raised.

Mr. LA FOLLETTE. I just wanted to suggest to the Senator from North Carolina that if the conferees made it specific there could be no doubt about it.

Mr. SIMMONS. But, Mr. President, if the Senator will permit me, I think that right is outside of the immigration bill. It is provided in other law, and therefore need not be repeated in the present one.

Mr. LA FOLLETTE. No harm can come from its repetition.

Mr. SIMMONS. I do not think any harm can come, but I think there is no necessity for duplicating the law.

Mr. WORKS. Mr. President, I think we ought not to pass over the suggestion made by the Senator from Massachusetts and accept it as correct that there is a right of appeal in cases of this kind. The Supreme Court of the United States has held directly the contrary in some cases.

Mr. LODGE. I spoke carelessly when I said "the right of appeal." I meant that the Secretary's decision does not estop suit being brought for violation of the law.

Mr. WORKS. Oh, certainly not; but the Supreme Court has directly held that the decision of the Secretary of Commerce and Labor is conclusive upon that question.

Mr. LODGE. I was not aware of that. If that is the case, it shows the necessity of providing an appeal.

Mr. WORKS. I think the Senator will find that to be so.

Mr. STONE. Mr. President, before this report goes back, if it does, to the conference committee, I should like very briefly to call the attention of the Senator from Massachusetts, who I suppose will be a member of the conference committee on the part of the Senate—

Mr. LODGE. Yes; I am chairman of the committee.

Mr. STONE. I should like to call his attention to one or two other provisions of this bill which seem to me to be objectionable, and which, if it goes to conference again, might receive consideration from the conferees.

There appears to me to be an inconsistency between one of the clauses of section 3 and one of the clauses of section 9 in the particular I shall state.

On page 4 of the report, as part of section 3, is the provision that all aliens over 16 years of age, and so forth, capable of reading may be admitted.

Mr. LODGE. Yes; the illiteracy test.

Mr. STONE. Then follows this proviso:

That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not.

Of course, that plainly permits one living here—a naturalized citizen, for example—to send for the particular relatives named.

Mr. LODGE. It is not limited to naturalized citizens. It applies to any admitted alien.

Mr. STONE. I was using that simply as an illustration.

Section 9 provides that it shall be unlawful for any person, including any transportation company, and so on, to bring in people of certain descriptions—those having certain diseases, idiots, and so forth—without being subjected to an examina-

tion in advance, and without the master of the vessel, or one of the two officers immediately under him, making a statement on the manifest that the passengers have been legally admitted and that they are not subject to any of the objections particularly set forth in section 3. The particular clause to which I want to call the attention of the Senator is at the bottom of page 7:

It shall also be unlawful for any such person—

That is, any transportation company—

to bring to any port of the United States any alien who is unable to read or who can not become eligible under existing law.

And a penalty of \$100 is prescribed if the officer does not comply with that provision of the bill.

I put this question to the Senator to think of it: Suppose a person who is here sends for his wife, mother, or father; how does the master of the vessel know, when the man or woman comes aboard, that he or she sustains that relationship? There must be some method of proof of it or else the master will not take the word of the individual and assume the risk of the imposition of the penalty.

Mr. LODGE. I see the force of the Senator's suggestion, that it might lead to a refusal on the part of the master. The exceptions ought to be expressed in the section.

Mr. STONE. Yes. I think it is sufficient to call the Senator's attention to it.

Mr. LODGE. I am obliged to the Senator for calling attention to it.

Mr. STONE. I do not know whether the Senator from Massachusetts or the conference committee will agree with me, but instead of the clause in section 3, at the top of page 3 of this report, which reads—

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude—

it seems to me it would be better to employ the language of the present law, which, as I understand, is that any person who has been convicted of or admits having committed a felony, crime, or other misdemeanor shall be excluded.

Mr. LODGE. The language here is the language of the Senate bill. It was very carefully considered. It is based on the recommendation of the Immigration Commission. We had a specific case brought to our attention at Messina, where a man had committed murder and escaped to this country, and under that law he could not be turned back.

Mr. DILLINGHAM. And yet the consul at that place knew the facts.

Mr. LODGE. The consul knew the facts and informed our Government; but we were unable to do anything about it, because he never had been convicted.

Mr. STONE. The language here is:

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude.

Who is to judge whether or not he has committed such an offense? How are we to know?

Mr. LODGE. That is a question of evidence, to be passed on by the Immigration Board, of course, as they pass on all these questions.

Mr. STONE. If some foreign official, acting for his Government, telegraphed to his consul in New York that A. B., an immigrant passenger on a certain ship, had committed a crime in his country, and asked that he be deported—

Mr. LODGE. Of course he could ask for extradition if he chose.

Mr. STONE. The offense might be extraditable, or it might not be.

Mr. LODGE. All felonies are extraditable.

Mr. STONE. Suppose he charges that he has committed a crime. Will the immigrant be tried here by the inspector, or will he be tried by a court, and will he not have the benefit of witnesses. He may never have had a trial or a hearing in his native country.

Mr. LODGE. All that is necessary for the immigration officials is to have it proved that he has committed a crime. Then they could exclude him. That is all.

Mr. STONE. Then is he to be tried here, before an administrative officer, with his witnesses in Europe?

Mr. LODGE. Certainly. He can appeal from the decision. That is done now. Cases of exclusion are constantly appealed.

Mr. STONE. Of course he can appeal from it, but I am talking about the difficulties that would confront a man, charged by some one in that indefinite way with having committed an offense, in proving that he had not committed it.

Mr. LODGE. Of course, the board will have to be satisfied by the evidence that he has committed the offense or he has confessed it.

Mr. STONE. But the present law is that if he has been convicted of committing an offense, or admits it, he shall not be permitted to land.

Mr. LODGE. This is enlarged, and was intentionally enlarged, in the bill that passed the Senate.

Mr. STONE. It seems to me that it places in the hands of foreign Governments a large power to retard the landing of people here upon a mere charge by a foreign Government that the person has committed an offense.

Mr. LODGE. We must have evidence of it, of course.

Mr. STONE. I do not see how it would be furnished if the man had not had a hearing or a trial.

Mr. LODGE. He could be extradited if they wished.

Mr. STONE. I simply desire to call attention to it at this time.

Mr. LODGE. Certainly.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Massachusetts [Mr. LODGE] that the conference report be disagreed to.

The motion was agreed to.

Mr. LODGE. I now move that the Senate insist on its disagreement to the amendment of the House, and ask a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. PERCY the conferees on the part of the Senate.

EIGHT-HOUR LAW.

Mr. SHIVELY. Mr. President, I ask unanimous consent of the Senate to call up House bill 18787 for present consideration.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill, which will be read for the information of the Senate.

The Secretary read the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Education and Labor with amendments.

The first amendment was, on page 2, line 8, after the word "dredging," to strike out "snagging"; in line 11, after the word "shall," to strike out "terminate within nine hours from beginning of workday" and insert "be continuous, except for customary intervals for meals or rest"; in line 19, after the word "dredging," to strike out "snagging"; and in line 24, after the word "dredging," to strike out "snagging," so as to read:

That sections 1, 2, and 3 of an act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" be amended to read as follows:

"Sec. 1. That the service and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, which eight hours shall be continuous except for customary intervals for meals or rest; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "persons," to strike out "performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates," and insert "while not directly operating dredging or rock excavating machinery or tools," so as to read:

Provided, That nothing in this act shall apply or be construed to apply to persons while not directly operating dredging or rock excavating machinery or tools.

Mr. CLARKE of Arkansas. Mr. President, I move to amend the committee amendment by adding the words which I send to the desk. I will say in explanation of my action in offering the amendment that it is an exact copy of the exception contained in the eight-hour law, which was approved June 19,

1912. I thought that possibly some provision of this bill might operate to supersede that exception, and as it was thoroughly understood by the Senate that it would constitute an exception, I want to preserve that right by incorporating that feature now. I have presented it to the Senator from Indiana, who has charge of the bill, and if he has any objection he will indicate it.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Arkansas will be read.

The SECRETARY. On page 3, line 7, after the amendment of the committee and before the period, add the following:

Nor to persons engaged in the construction or repair of levees or revetments necessary for protection against floods or overflow on the navigable rivers of the United States.

Mr. SHIVELY. Mr. President, the language of the proposed amendment to the amendment is substantially the same as that creating an exception in the eight-hour bill enacted last year. That exception was at the time of its adoption the subject of some discussion in the Senate. The exception here created is not as broad, however, as in that case. I have not had time in which to fully forecast in my own mind its scope and effect, but it seems to apply to dredge workers on certain work a rule applied under the existing eight-hour law to all the workers on Government work under the same circumstances. In any event while I do not give to the amendment to the amendment an unqualified indorsement, I still do not feel that any consequence attaching to it is such as to justify me in delaying expeditious action on the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Education and Labor was, on page 3, line 17, after the word "dredging," to strike out "snagging," so as to read:

VIOLATION OF ACT BY OFFICER OR CONTRACTOR PUNISHABLE.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

The amendment was agreed to.

The next amendment was, on page 4, line 8, after the word "dredging," to strike out "snagging"; and, in line 11, after the word "act," to insert "or may be entered into under the provisions of appropriation acts approved prior to the passage of this act," so as to read:

EXISTING CONTRACTS NOT AFFECTED BY ACT.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert a new section, as follows:

SEC. 4. That this act shall become effective and be in force on and after January 1, 1913.

Mr. SHIVELY. On page 4, line 15, I move to amend the amendment by striking out "January" and inserting "March," so as to read:

That this act shall become effective and be in force on and after March 1, 1913.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHIVELY. On page 2, line 11, there is evidently a typographical error. After the word "in" the word "and" should be "any." I move to strike out "and" and insert "any."

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROTECTION OF INTERSTATE SHIPMENTS.

Mr. SMOOT obtained the floor.

Mr. CUMMINS. Will the Senator from Utah yield for a moment? I desire to submit a report from the Committee on the Judiciary.

Mr. SMOOT. I yield for that purpose.

Mr. CUMMINS. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, to report it favorably with an amendment (S. Rept. 1132).

I ask unanimous consent for the present consideration of the bill. It is quite important, and I believe there will be no opposition whatever to it.

Mr. SMOOT. I yield for that purpose.

The PRESIDENT pro tempore. The Senator from Iowa asks for the present consideration of the bill just reported. The bill will be read for the information of the Senate.

The Secretary read the bill.

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

Mr. WILLIAMS. Mr. President, reserving the right to object to the present consideration of the bill, I wish to ask the Senator from Iowa a question. I understand the reason for this bill to be that it is difficult, in many cases impossible, to prove the venue.

Mr. CUMMINS. That is the only reason for it.

Mr. WILLIAMS. I understand that is the only reason for it. Then, I should not object to the present consideration of the bill if it were so amended as to provide that in cases where the prosecution had been instituted, and there had been a failure to prove a venue, this should become the law; but in its present shape, it seems to me, it is obnoxious to objection, because, I think, it provides later on in the bill that nothing shall operate to prevent the exercise of the jurisdiction of the State in criminal cases of this sort, and that where one has been convicted before the State court he shall not be convicted before the Federal court. Yet, notwithstanding that, the practical operation of the bill would be this: The carriers interested in the execution of the law would invariably bring their prosecutions in the Federal court for two reasons—first, because it would be more convenient to them; and, secondly, because they have the idea at any rate that conviction would more certainly follow.

I will not object to the bill if the Senator will agree to amend it, and let the bill take effect only in cases where there has been a failure to prove the venue; but, in its present shape, I would object to its consideration at this time.

Mr. CUMMINS. I do not feel that I have any authority to agree to the amendment proposed by the Senator from Mississippi. There is an amendment reported by the committee, namely, that where there is a judgment of conviction, or a judgment of acquittal, if the prosecution be in the Federal court that is a bar.

Mr. WILLIAMS. I understand that it applies to either jurisdiction.

Mr. CUMMINS. If it is in the State court it is a bar in the Federal court.

Mr. WILLIAMS. I understand that.

Mr. CUMMINS. But I do not feel that I could for the committee agree to an amendment which would make the prosecution in the Federal court conditioned upon the failure of the prosecution in the State court. The Senator from Mississippi may remember that this is a House bill.

Mr. WILLIAMS. Yes; but, Mr. President, if the Senator from Iowa will excuse me a moment, I do not want to make the prosecution in the Federal court conditional upon the failure of prosecution in the State court, or vice versa. What I want is that the condition upon which the Federal court shall take jurisdiction shall be the impossibility or difficulty of proving the venue; in other words, that there shall be an affidavit made to that effect as a foundation of the jurisdiction of the Federal court.

Mr. CUMMINS. An affidavit by whom?

Mr. WILLIAMS. By whoever is prosecuting the case.

Mr. CUMMINS. The district attorney oftener than otherwise is the prosecutor, of course.

Mr. WILLIAMS. I understand that.

Mr. CUMMINS. And he might not be able to make an affidavit of that character.

Mr. WILLIAMS. But the carrier would be able to find somebody to make the affidavit. There would be no trouble about making the affidavit and about that becoming a part of the indictment.

Mr. CUMMINS. Of course, if we have the bill up for consideration the Senator from Mississippi can very easily move

that amendment. I do not know that I would oppose it at all, but I do not feel like agreeing for the committee to the amendment.

Mr. WILLIAMS. This is a request for unanimous consent. It seems to me that the danger is so palpable and obvious that if the bill becomes a law it will take the jurisdiction of all offenses of this sort practically out of the State courts into the Federal courts, to the detriment, where a man is really innocent, of the arrested person, forcing him to go to a distant forum instead of one near home; and it will become so evident in the interest of the real prosecutors, the carriers, the express companies, to throw all these cases into the Federal court that it will substantially do away with the jurisdiction of the State courts upon questions of this sort.

So I am not willing to grant unanimous consent for the present consideration of the bill until the committee has at least had an opportunity to consider that point and see if they can not amend the bill to meet the objection. I object to its present consideration.

Mr. CLARKE of Arkansas. Mr. President, I hope the Senator from Mississippi will withdraw the objection until I can say just a few words.

Mr. WILLIAMS. I withhold the objection.

Mr. CLARKE of Arkansas. The objection indicated by the Senator, if it is an objection, is a minor one. The fundamental objection to the bill is that it disregards one of the specific provisions of the Constitution of the United States. If there is a principle in our system of government which is fundamental, it is that the venue of a prosecution shall be established before a trial can take place. The system of dragging persons to distant points and to try them there for offenses went out of existence when the Constitution of the United States was adopted. The mere difficulty of proving the venue does not dispense with the necessity of doing it. It may be that the uncertainty was one of the possible means of escape that was contemplated when this system of government was established. It is no reason for dispensing with the necessary and fundamental principle of proving venue that it is difficult to prove it. There are a number of cases where that result has worked out. It would be better that the defendant should go free than that that fundamental principle of American citizenship should be violated.

I am not prepared to admit that because violence is practiced or crimes committed against property that is in transit in interstate commerce it shall constitute an offense against the National Government. It may be that in these times when that particular feature of our Constitution is growing all the time something has been said heretofore by courts or done by Congress that would make that a necessary extension of a doctrine already established and recognized. It is a close question, with the doubt in my mind against it; but I have no sort of doubt about the proposition that the mere uncertainty of the particular place where a certain crime is committed can not be made to dispense with the sixth amendment of the Constitution of the United States, which says:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district—

Not only the State but the district—

wherein the crime shall have been committed, which district shall have been previously ascertained by law.

Mr. CUMMINS. Mr. President—

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

Mr. CLARKE of Arkansas. I do.

Mr. CUMMINS. Of course, the bill does not relieve the Government from the necessity of proving the venue of the crime.

Mr. CLARKE of Arkansas. It must prove it to be within the jurisdiction.

Mr. CUMMINS. The only difference is that when a case is prosecuted in the Federal court the crime must be proved to have been committed in the district, I assume, in which the prosecution is brought forward, whereas in the other case it generally must be proven to have occurred in the county in which the crime was committed.

Mr. CLARKE of Arkansas. You can not prove that it occurred in a district without proving that it occurred in some county. It is no more difficult to prove that it occurred in a county than to prove that it occurred in a district, because the district is made up of counties.

Mr. CUMMINS. It is a little more difficult, because the county is smaller than the district.

Mr. CLARKE of Arkansas. The particular locus of the crime will be established in either event. But in addition to that very essential feature, I think the Senator from Iowa could enlighten some of us at least if he would give us the benefit of an explanation by him as to why he thinks that the

simple fact that an interstate train has been burglarized—for it is burglary in Arkansas to break into a freight car that has been sealed—constitutes an offense against the National Government.

Mr. CUMMINS. I did not introduce the bill.

Mr. CLARKE of Arkansas. I do not know anyone who is better able to sustain that position, if it is capable of being sustained, notwithstanding the Senator did not introduce the bill.

Mr. CUMMINS. I reported the bill at the command of the Judiciary Committee.

Mr. CLARKE of Arkansas. The committee owes it to the Senate to be able to demonstrate the legality or validity of the bills it presents. If the Senator is not able to do it, I do not know anyone on this floor who can do it.

Mr. CUMMINS. I have no real doubt about its validity if it passes. Of course, if it is passed by virtue of its power to regulate commerce among the States, because we have the right to protect and defend commodities in interstate commerce. The Senator from Arkansas is altogether too well versed in the judicial literature of that subject to need any further suggestion of mine.

Now, as to the necessity for such a bill, all that I can say is that it was represented and proven to us that there had been recently more than one miscarriage of justice because it had been found to be impossible to establish in the State courts the venue of the crime charged, and it was believed that this would enable prosecutions to be more effective. There is one case brought to our attention where a baggageman committed larceny upon a trunk coming up, I think, possibly from Jacksonville, through South Carolina, North Carolina, and Virginia, to Washington. He stole a large amount of jewelry from the trunk. It was found upon his person in the District of Columbia. He was prosecuted in the District of Columbia, and he was acquitted because he did not commit the larceny here and because there is no statute in the District of Columbia making it a crime to be found in the possession of stolen property. That is an instance of the inadequacy of the present law.

Mr. CLARKE of Arkansas. That is a defect in the legislation of the District. That does not tend to support the constitutional principle that the mere circumstance of property being transported in interstate commerce is immune, or rather so completely subjects it to the national authority that any interference with it constitutes an offense against the National Government. That matter can be carried a long way. If that were true, no one would dare to assault, except under pain of prosecution in a Federal court, an employee upon a railroad train hauling interstate freight; two passengers could not engage in a broil without subjecting themselves to prosecution in the Federal court. Felony or larceny or any other offense committed on a train engaged in interstate commerce would immediately cease to become a violation of the law of the particular State in which the transaction took place. That would become a national offense. The logic of the thing leads it beyond the doctrine for which the Senator is contending.

Now, I would suppose that when the Judiciary Committee proposed a measure that so radically interferes with the existing condition of affairs that committee would be able to sustain its position by some tangible reference to existing authority, and would not leave it to be assumed that it is because of the provision of the Constitution of the United States, which gives Congress the power to regulate commerce between the States, was a cure-all and a cover-all that embraces everything anybody chooses to say was within its jurisdiction.

As I caught the reading of the bill, the prosecution was not confined to any particular district. It seemed to be a kind of blanket proposition that if an interstate train was robbed from the time it started out anywhere along the route it would give jurisdiction to deal with the offender if they could find him anywhere.

The Senator from Iowa admits now that the territorial scope has been limited by the provision of the Constitution which I have just read, which brought it down as one of the districts in which the United States court served in the several States, and it would be necessary to establish the venue before the prosecution could take place. That, of course, limits the scope of the bill very much from what those who were so ardently interested in it deemed to be the case.

I think myself this is so radical a measure I believe the Senator from Iowa would be justified in taking a little time to prepare himself and see what has become of similar efforts to extend the national jurisdiction, if any such have ever been made, and see if the adjudicated cases would in the slightest degree justify this attempted extension of national authority.

I am not one of the cranks who think that the National Government has no powers. I think it ought to have ample power to carry out every duty imposed upon it. I am not a

strict constructionist on any line any further than the rationale of the situation requires. When I make the suggestions I do it is not at all out of any special jealousy of the jurisdiction of the State courts. I express a preference in many respects for the measure and character of justice administered in the Federal courts. But what I have to say about it is prompted entirely by considerations from that view of it.

Mr. CUMMINS. Mr. President, I shall not enter upon any argument in regard to the bill now. I have no great interest in the bill. I presented it to the Senate because I was commanded to do so by the Judiciary Committee. I believed it was good legislation and I believe it is constitutional. But, at any rate, it would be idle to discuss the bill at this time inasmuch as it is not to be considered at this time. If hereafter it shall come before the Senate, I will be very glad to respond to some of the suggestions which have been made by the Senator from Arkansas.

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

Mr. WILLIAMS. I object.

The PRESIDENT pro tempore. The Senator from Mississippi objects, and the bill goes to the calendar.

PUBLIC BUILDINGS IN THE STATE OF WASHINGTON.

Mr. POINDEXTER. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 4545) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington, and I also report back with amendments the bill (S. 4547) to provide a site and to erect a public building at Aberdeen, Wash.

Mr. JONES. I ask unanimous consent that the two bills just reported may be put on their passage.

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

Mr. SMOOT. I do. I suppose it will not take any time.

The PRESIDENT pro tempore. The Senator from Washington asks for the present consideration of the bill (S. 4545) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington. Is there objection?

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

The amendment of the committee was, in line 12, before the word "thousand," to strike out "two hundred" and insert "eighty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired in the city of Ellensburg, Wash., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office in the said city of Ellensburg, Wash., the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$85,000.

The amendment was agreed to.

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

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

Mr. JONES. I ask the Senate to proceed to the consideration of Senate bill 4547.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4547) to provide a site and erect a public building at Aberdeen, Wash., reported from the Committee on Public Buildings and Grounds with amendments.

The amendments were, on page 1, line 4, to strike out "purchase or acquire by condemnation of a site for and"; in line 5, after the word "erected," to strike out "thereon" and insert "upon the site already acquired"; in line 11, before the word "building," to strike out the words "site and"; and, in line 12, before the word "thousand," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired a suitable and commodious building for the use and accommodation of the post office and other offices of the Government at Aberdeen, Wash.

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the building complete, the sum of \$120,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 30 feet, including streets and alleys; and no money appropriated for the purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The amendments were agreed to.

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

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

Mr. JONES. I suggest that the title be amended by striking out the reference to a site. The site has already been purchased.

The title was amended so as to read: "A bill to provide for the erection of a public building at Aberdeen, in the State of Washington."

PROPOSED EXECUTIVE SESSION.

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

Mr. MARTIN of Virginia. Mr. President, it is very evident that there is no quorum present. I suggest the absence of a quorum.

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

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

Ashurst	Dixon	Lippitt	Simmons
Bankhead	du Pont	McCumber	Smith, Ariz.
Bourne	Fletcher	Martin, Va.	Smith, Md.
Bradley	Foster	Martine, N. J.	Smoot
Bristow	Gallinger	Nelson	Stephenson
Brown	Gamble	O'Gorman	Stone
Bryan	Gardner	Oliver	Sutherland
Burton	Gore	Page	Swanson
Chilton	Gronna	Paynter	Thomas
Clapp	Guggenheim	Percy	Thornton
Clarke, Ark.	Helskell	Perkins	Townsend
Crawford	Hitchcock	Perky	Wetmore
Culberson	Johnston, Ala.	Poinexter	Williams
Cullom	Jones	Pomerene	Works
Cummins	Kern	Sanders	
Curtis	La Follette	Shively	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question is on the motion made by the Senator from Utah [Mr. Smoot] that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CLARKE of Arkansas. Mr. President, I call for the yeas and nays. I think we are entitled to have a yeas-and-nays vote on the question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and I think upon this question I will observe that pair.

Mr. LIPPITT (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. SMITH] and therefore withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN] and therefore withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from New Hampshire [Mr. BURNHAM] and will vote. I vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I wish to say that my colleague [Mr. OVERMAN] is absent on account of sickness.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], and I therefore decline to vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is detained from the Senate by illness. I transfer that pair to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "yea."

Mr. STONE (when Mr. REED's name was called). I desire to state that my colleague [Mr. REED] has been called from the Senate by imperative business.

Mr. SIMMONS (when his name was called). I wish to ask if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I have a pair with that Senator and therefore withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He not being present, I withhold my vote.

The roll call was concluded.

Mr. LODGE. I transfer my pair with the junior Senator from Georgia [Mr. SMITH] to the Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

While I am on my feet I announce by request that my colleague, the Senator from Massachusetts [Mr. CRANE] is paired with the Senator from Maine [Mr. GARDNER]; that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON]; that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH]; and that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from Georgia [Mr. BACON].

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Maine [Mr. JOHNSON] and will vote. I vote "nay."

Mr. WILLIAMS (after having voted in the negative). I have just been informed of the absence of the senior Senator from Pennsylvania [Mr. PENROSE]. I have a general pair with that Senator, and I therefore desire to withdraw my vote.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "nay."

The result was announced—yeas 26, nays 30, as follows:

YEAS—26.

Bradley	Gallinger	McCumber	Stephenson
Brown	Gronna	Nelson	Sutherland
Burton	Jackson	Oliver	Townsend
Cullom	Jones	Page	Wetmore
Cummins	La Follette	Perkins	Works
Dillingham	Lippitt	Sanders	
du Pont	Lodge	Smoot	

NAYS—30.

Ashurst	Fletcher	Myers	Smith, Ariz.
Bankhead	Gore	O'Gorman	Smith, Md.
Bourne	Heiskell	Percy	Swanson
Bristow	Hitchcock	Perky	Thomas
Bryan	Johnston, Ala.	Poindexter	Thornton
Chilton	Kern	Pomerene	Tillman
Clarke, Ark.	Martin, Va.	Shively	
Culberson	Martine, N. J.	Simmons	

NOT VOTING—39.

Bacon	Crawford	Kenyon	Richardson
Borah	Curtis	Lea	Root
Brandegge	Dixon	McLean	Smith, Ga.
Briggs	Fall	Massey	Smith, Mich.
Burnham	Foster	Newlands	Smith, S. C.
Cañon	Gamble	Overman	Stone
Chamberlain	Gardner	Owen	Warren
Clapp	Guggenheim	Paynter	Watson
Clark, Wyo.	Johnson, Me.	Penrose	Williams
Crane	Johnston, Tex.	Reed	

So the Senate refused to proceed to the consideration of executive business.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 21, 1913, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

Monday, January 20, 1913.

The House met at 12 o'clock noon.

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

Help us, O God, our heavenly Father, to take up the work of the week with joy and gladness, praise and gratitude; putting our minds and hearts into each task, great or small, that we may accomplish something for ourselves, for those we love, and our fellow men that will redound to the glory and honor of Thy holy name. Amen.

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

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will call the first bill on the Unanimous Consent Calendar.

HOMESTEAD ALLOTMENTS OF CHOCTAW AND CHICKASAW INDIANS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. BURKE of South Dakota. I would like to know what bill is up. Is it a bill from the Committee on Indian Affairs?

Mr. MANN. A bill to authorize certain changes in Indian allotments.

Mr. BURKE of South Dakota. I see the gentleman from Oklahoma [Mr. FERRIS] is present.

Mr. FERRIS. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] will consent, this is a bill of my colleague Mr. CARTER, who is ill in bed. I do not know anything about it, and I do not know if he were here he could explain away the objections of the gentleman from Illinois; but I ask that the bill remain on the calendar, without prejudice, on account of Mr. CARTER being absent.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk proceeded with the reading of the bill.

Mr. MANN. Mr. Speaker, is the Clerk reading the original bill or the committee amendment, may I ask?

The SPEAKER. The Clerk is reading the original bill.

Mr. MANN. I ask unanimous consent that the Clerk report the substitute instead of the original bill. It is merely a matter of saving time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the Clerk read the substitute in lieu of the original bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That sections 3 and 4 of the act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, and of an act entitled 'An act to provide for an enlarged homestead,' approved June 17, 1910, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

"SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes."

During the reading,

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I would like to ask if it has not been the custom in submitting request for unanimous consent to first read the title of the bill? I can not see the necessity for reading a bill, especially a bill of some length, if there is going to be an objection.

The SPEAKER. There is no rule about that, but the Chair thinks the better practice is to read the bill, so that Members will be informed as to what it is. The title might convey no information at all. The Clerk will proceed with the reading.

The Clerk resumed and completed the reading of the substitute.

Mr. MANN. Mr. Speaker—

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish the gentleman would state just what this bill accomplishes.

Mr. TAYLOR of Colorado. Mr. Speaker, prior to the enactment of the enlarged-homestead law of February 19, 1909 (35 Stat., 639), many homestead entrymen had made a filing upon 160 acres of land within the territory that was afterwards designated as dry-farming land, subject to entry under the

enlarged 320-acre homestead law. Section 3 of that law as above set forth expressly authorizes any homestead entryman of land of the character therein described, who had not made final proof, to take 160 acres, or such an additional amount necessary, where there was contiguous vacant land, in order that he might have the benefits of the 320-acre homestead law, providing he made the requisite cultivation and complied with the law as to residence. In other words, that section of the law was intended to put the homestead entryman who had already located on the same basis as those who were thereafter permitted to locate, providing there was vacant adjoining or contiguous land which the original entryman could take. It was never intended that he should reside 10 years or any longer period on the land than the 320-acre entryman was required to do to secure title.

This bill is simply intended to carry out the object of section 3, and the purpose of Congress in enacting the enlarged homestead law and to correct the hardships which the adverse ruling referred to has inflicted upon a great many homestead entrymen. In fact, it is quite positively asserted by large numbers of the homestead entrymen that they never would have taken the additional 160 acres if they had had any intimation at that time that the Interior Department would ever require them to make a full additional period of residence upon their claims after the taking of such additional entry before they were permitted to prove up and obtain title to their additional entries.

This bill does not relieve them from making the necessary cultivation and improvements, nor from making the full residence, as required of all homestead entrymen; but it does relieve them from any additional residence requirements. The measure is looked upon as eminently fair and just, and the committee therefore recommends its adoption.

It may be suggested that unless the bill is passed in the very near future that those entrymen can not get the benefit of it, but will be compelled to submit to the inconveniences and hardships of the unjust additional residence before they can be permitted to obtain title to their land. The committee therefore deems it especially appropriate that Congress should act upon this measure as expeditiously as possible.

Mr. McGUIRE of Oklahoma. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Colorado yield?

Mr. TAYLOR of Colorado. Yes.

Mr. McGUIRE of Oklahoma. I understand that under one law the homesteader holds 160 acres of land to which he may obtain title, and under another and subsequent law a homesteader takes 320 acres of land to which he may obtain title. There is that discrimination at present in the law?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. McGUIRE of Oklahoma. And it is only sought here to modify the law so as to give the former entryman and the subsequent entryman an equal show under the law, or to make the law apply to each the same? Is that the only difference?

Mr. TAYLOR of Colorado. That is the only difference; and it applies only in the sections designated as dry or arid land by the Secretary of the Interior; only in portions of the country where dry farming 320-acre homesteads is applicable. That is all there is to the bill. The Secretary of the Interior states that in his judgment it is only fair and just to the original entryman, and approves of the measure.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next one.

EXCHANGE OF SCHOOL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stat., p. 796), and

any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847-848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, does the gentleman from California [Mr. RAKER] desire to pass this over again or not?

Mr. RAKER. I would like the House to take up the bill and act upon it, if possible, I will say to the gentleman from Illinois, and I trust that he will not see his way clear to object.

Mr. MANN. I am afraid I do.

Mr. RAKER. I will state to the gentleman that the Senate bill, of which this is a counterpart, word for word, except the last paragraph, which provides that the act shall not apply to the State of Idaho, should be passed over. There is a Senate amendment put onto this bill, stating that it shall not apply to the State of Idaho at the instance of the late Senator Heyburn. Otherwise the Committee on Public Lands of the Senate, after fully considering the matter, unanimously passed it, and it passed the Senate. Now, the House Committee on Public Lands again took up this bill and recommended that the Senate bill be called up and for the House bill to be laid aside, and that the Senate bill be passed.

Mr. MANN. The Senate bill was on the calendar?

Mr. RAKER. That was before the Senate bill was referred to the committee. Two weeks ago, when the matter came up, the Speaker then referred the Senate bill to the Committee on Public Lands, since which time they have not had a meeting. But I am satisfied, if this bill passes, the Senate will see fit to pass the House bill, although it has already passed the Senate bill. Of course, as to the details of the matter, I am satisfied that the gentleman from Illinois is quite familiar with them.

Mr. MANN. More or less.

Mr. RAKER. Well, both more or less. I feel that it is a just bill, one that our people demand, and one that will actually bring good results.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield?

Mr. RAKER. Yes; I yield.

Mr. BURKE of South Dakota. I would like to ask the gentleman wherein and in what respect this bill, if it becomes a law, will change existing law, so far as concerns the right of a State to select lands in lieu of section 16 and section 36 within an Indian reservation?

Mr. RAKER. It will not change it in any way except that it will make it clear and it will obviate a decision of the Federal judge for the southern district of California relative to land in place. As to Indian reservations, it will make no change at all. The Department of the Interior have been holding that they could make the exchange and that the law was sufficient. Now, the district court of southern California held that a school section in place, surveyed, could not be exchanged. That decision stands and has been acted upon by our courts in California and many others, and it makes a conflict, whereas if this bill becomes a law it will permit the department immediately to take up the matter and make a full and thorough investigation of these school sections on the lands in the reserve and approve or disapprove them, as the case may be. In regard to California, the House last year put on an appropriation bill \$28,000 for the purpose of investigating the lands in that State that were in these reserves, to determine whether or not they were mineral or nonmineral. That work has been practically all done. It is up now to the department to go over each case separately—that is, the lists that have been presented by the State of California—to determine whether or not any of them should be approved. With this bill enacted, the moment they approve them the question of title is eliminated and the parties obtain their title, and the Government of the United States will then have the land exchange complete, with its title free from all complications.

Mr. BURKE of South Dakota. If we reenact existing law for exchanging lands in lieu of those in Indian reservations, I do not see that it will change the matter, so far as your court decision is concerned, if the court has held that the exchange can not be made.

Mr. RAKER. There is a question of interpretation there, and this act would provide that these lands in place are subject to exchange, and it will leave no question outstanding. In other words, it puts it in shape so that the matter can be fully disposed of.

Mr. ADAIR. Why is the State of Idaho excepted from this legislation?

Mr. RAKER. Senator Heyburn was one of the members of the Senate Committee on Public Lands. He made a brief statement in regard to the matter, and said he did not desire the department to have anything to do with the lands in Idaho, and therefore in order to obviate any question as to Idaho, the committee placed upon the bill a provision excluding the lands in that State.

Mr. ADAIR. If this legislation is good for California, why would it not be good for Idaho?

Mr. RAKER. It is, and the Committee on the Public Lands took it up, and there seemed to be no question about it from any section. Gentlemen on the committee who had had wide experience in these matters could see no detrimental effect, but, on the contrary, only a beneficial effect from the passage of this legislation. In other words, if the gentleman will examine the report of the Department of the Interior he will see that the Commissioner of the General Land Office, the Secretary of the Interior, the Assistant Secretary, and the attorney for the Department of the Interior have gone fully into this matter.

Mr. ADAIR. Does not the gentleman believe that the State of Idaho should be included, notwithstanding the fact that Senator Heyburn objected to it?

Mr. RAKER. If I had my personal way about it, knowing all the facts, I should say yes.

Mr. ADAIR. Do you not believe we should make it include Idaho, and that the House should pass it in that way?

Mr. RAKER. I do; yes.

Mr. ADAIR. In other words, there does not seem to be any just reason why any State should be discriminated against, or any State left out of this legislation.

Mr. RAKER. None at all.

Mr. ADAIR. If it is good for one State, it is good for any other.

Mr. RAKER. I think so.

Mr. ADAIR. If it is fair and just legislation, it should apply to all States alike.

Mr. RAKER. The Senator made no special objections.

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

Mr. MANN. Reserving the right to object—

The SPEAKER. The gentleman from Illinois did reserve the right to object.

Mr. MANN. I should like to suggest to the gentleman that if a similar Senate bill is pending before the Committee on the Public Lands it would be a work of supererogation to pass this bill and send it to the Senate.

Mr. RAKER. Mr. Speaker, I do not want to appear over-anxious or tenacious about these matters, but the matter has been up many times and has been gone over in all its phases before the Committee on the Public Lands at least four times. I began last fall to take it up personally with the authorities in California, and with such a general feeling on the part of the authorities of the State and the Land Department in relation to this matter it seemed as though the House ought to take up the bill and consider it and then pass the bill, or take any other course in relation to it. I think the bill as it stands fully and thoroughly covers the matter and that the parties are entitled to have it enacted into legislation. I trust the gentleman from Illinois will see his way clear not to object.

Mr. MANN. I examined the first bills on the subject in the House and at first I thought that they were bad bills. I know the gentleman from California maintains quite a different view. But if the bill is to be acted upon in the House at all naturally it would be the Senate bill which is now reposing in the hands of the Committee on the Public Lands.

Mr. RAKER. Mr. Speaker, while I am not a bit desirous of having any bill contain my name, it is a question of legislation and, out of deference to the gentleman from Illinois, who has the right to object, I would ask that this bill be passed for this call, so that we may take up the Senate bill if it is acted on by the Committee on the Public Lands the coming week.

The SPEAKER. The gentleman from California asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2051. An act to promote the efficiency of the Life-Saving Service;

S. 4002. An act defining the manner in which deposits of borax, borate of lime, borate of soda, and borate material may be acquired;

S. 4256. An act to approve of the celebration of the one hundredth anniversary of the treaty of Ghent;

S. 4309. An act for the relief of Dominick Taheny and John W. Mortimer;

S. 4355. An act incorporating the National Institute of Arts and Letters;

S. 4356. An act incorporating the American Academy of Arts and Letters;

S. 4958. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 5137. An act for the relief of Alice V. Houghton;

S. 5859. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133);

S. 6105. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes;

S. 6506. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal.;

S. 6616. An act to provide for the protection of national military parks;

S. 6744. An act to provide for the erection of a Federal building in Las Vegas, N. Mex.;

S. 6877. An act to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army;

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. 7162. An act to amend section 801 of the Code of Law for the District of Columbia;

S. 7169. An act to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps;

S. 7237. An act to reserve certain lands and to incorporate the same and make them part of the Santiam National Forest;

S. 7294. An act to amend sections 2380 and 2381 of the Revised Statutes of the United States;

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives, and assigns for timber cut on Petaca land grant;

S. 7430. An act providing for the cancellation of certain overdue personal taxes in the District of Columbia;

S. 7509. An act to authorize the extension of Twenty-fifth Street SE. and of White Place;

S. 7568. An act to validate certain homestead entries;

S. 7638. An act to provide for State selections on phosphate and oil lands;

S. 7746. An act to provide for agricultural entry of oil lands;

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8053. An act to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, and prescribing the duties of said commission, and providing for the expenses thereof.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 45. An act affecting the town sites of Timber Lake and Dupree in South Dakota;

H. R. 3769. An act for the relief of Theodore N. Gates;

H. R. 22437. An act for the relief of the heirs of Anna M. Torsen, deceased;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States relating to the carrying of dangerous articles on passenger steamers;

H. R. 24137. An act to refund to the National Cartage & Warehouse Co., of New York City, N. Y., excess duty;

H. R. 25515. An act for the relief of Joshua H. Hutchinson;

H. R. 25764. An act to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry;

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes;

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America; and

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

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. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases;

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910;

H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager;

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor;

H. R. 24266. An act to authorize the sale of burnt timber on the public domain;

H. R. 27062. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8053. An act to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, and prescribing the duties of said commission, and providing for the expenses thereof; to the Committee on Appropriations.

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant; to the Committee on the Judiciary.

S. 7294. An act to amend sections 2380 and 2381, Revised Statutes of the United States; to the Committee on the Public Lands.

S. 7169. An act to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

S. 6105. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes; to the Committee on the Public Lands.

S. 5859. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31st Stat. L., p. 1133); to the Committee on the Public Lands.

S. 4958. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park; to the Committee on the Public Lands.

S. 4256. An act to approve of the celebration of the one hundredth anniversary of the treaty of Ghent; to the Committee on Foreign Affairs.

S. 6616. An act to provide for the protection of national military parks; to the Committee on Military Affairs.

S. 7237. An act to reserve certain lands and to incorporate the same and make them a part of the Santiam National Forest; to the Committee on the Public Lands.

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 8034. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 7746. An act to provide for agricultural entry of oil lands; to the Committee on the Public Lands.

S. 7638. An act to provide for State selections on phosphate and oil lands; to the Committee on the Public Lands.

S. 7568. An act to validate certain homestead entries; to the Committee on the Public Lands.

S. 7509. An act to authorize the extension of Twenty-fifth Street SE. and of White Place; to the Committee on the District of Columbia.

S. 7430. An act providing for the cancellation of certain overdue personal taxes in the District of Columbia; to the Committee on the District of Columbia.

S. 7162. An act to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 6877. An act to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

S. 6744. An act to provide for the erection of a Federal building in Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6506. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal.; to the Committee on the Public Lands.

S. 4355. An act incorporating the National Institute of Arts and Letters; to the Committee on the Judiciary.

S. 4356. An act incorporating the American Academy of Arts and Letters; to the Committee on the Judiciary.

S. 5137. An act for the relief of Alice V. Houghton; to the Committee on Claims.

S. 4309. An act for the relief of Dominick Taheny and John W. Mortimer; to the Committee on Claims.

S. 4002. An act defining the manner in which deposits of borax, borate of lime, borate of soda, and borate material may be acquired; to the Committee on Mines and Mining.

S. 2051. An act to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

TREATMENT OF JUVENILE AND FIRST OFFENDERS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 21594) to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners.

The Clerk read the bill as follows:

Be it enacted, etc., That the President is authorized to appoint three commissioners, one of whom may be nominated by the Attorney General, who shall consider and report upon the general subject of the treatment of juvenile and first offenders, and in connection with the investigation the commissioners, under the direction of the Attorney General, may inquire into the conditions of jails and places of detention throughout the United States in which offenders against Federal statutes are confined, either before or after sentence, and then shall report to Congress at its next session its recommendations with respect to the best system of dealing with juvenile and first offenders and the best system of the detention of Federal prisoners while waiting trial and such other recommendations upon the subject as may seem to them expedient. For the expense of the commission there is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary.

With the following amendment recommended by the committee:

Page 1, lines 4 and 5, strike out the words "one of whom may be nominated by the Attorney General."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have a statement from the gentleman in charge of the bill as to what may be accomplished by it.

Mr. HOUSTON. Mr. Speaker, I think the object of this bill appears very plainly on the face of it. It is in response to a general demand all over the country for some method of treatment of juvenile offenders. A large number of charitable organizations and humane societies have manifested great interest in this subject as to the treatment of this class of offenders and looking into the matter of improving the handling of juvenile offenders. It is admitted that there is no system for treating these offenders that has been satisfactory and sufficient and that there is great need for an improvement in any method so far adopted or suggested.

For that reason, under the limitation of \$20,000, the committee thought it right and appropriate to have a commission of three appointed to investigate the entire subject, also to include in the investigation the best method of detention of Federal prisoners awaiting trial. I say that the expenditure of this amount of money, \$20,000, would be justified and, it is believed, would furnish the information to Congress that would

be very valuable for providing a method for the treatment of these young offenders.

Mr. MANN. Mr. Speaker, we have an International Prison Congress which has had a number of meetings both in this country and abroad for the purpose of studying and devising the manner of treatment of offenders, and now does the gentleman believe that the appointment of three gentlemen to report at the next session of Congress on the subject of the treatment of juvenile offenders would enlighten us much?

Mr. HOUSTON. In reply to that, I will say that the very congress referred to by the gentleman has discussed this subject and asked or suggested that Congress should legislate on the subject. They have not pointed out or designed a method or plan, but have appealed to the Attorney General of the United States, and the Attorney General, at the hearings in the case show, states that this bill is a very proper one, and he favors the appointment of a commission, recognizing the fact that it is better for Congress to investigate before a measure is proposed. The suggestion comes from him as well as the international congress referred to by the gentleman from Illinois.

Mr. MANN. The bill also provides that the commission shall investigate the conditions of the jail and places of detention throughout the United States in which offenders against Federal statutes are confined either before or after sentence. Does not that practically provide for an investigation of State penitentiaries, of county jails, and of many municipal places of confinement? Is it the intention to have three commissioners appointed by the President make a report as to these jails throughout the country, and if so, what purpose is there in that?

Mr. HOUSTON. The limitation on the appropriation providing for the commission would limit the amount of work they could do. As a matter of course, they could not investigate all the jails, but they could make many investigations in different sections of the country of the different conditions from which we could get some idea, and it is thought by the Attorney General a sufficient amount of information to formulate legislation that is much needed and that is called for by the humane organizations throughout the country. The spirit of the age is to devise a more humane system and one that will reform rather than demoralize the youth of the country that fall into this class. The comment has been made that the mode of treating juvenile offenders now in practice in this country makes more criminals than all our reformatory institutions reform.

Mr. MANN. But the gentleman will remember that while the bill carries an appropriation of \$20,000, when that is exhausted it would be in order in the House to make an additional appropriation, because there is no limitation in this bill, except that the commission shall report at the next session of Congress. Whether that would be at the special session that we are about to hold, I do not know, but I am quite certain that the commission would not be able to report at that time.

Mr. HOUSTON. Mr. Speaker, I would suggest that the necessity requiring the commission to report at the next session of Congress necessarily limits the amount of work to be done, and furthermore in the case of a somewhat similar commission it filed a report, and experience showed that it did not take a great length of time, and that some very valuable help was the result of that.

Under leave to print, I append herewith the following:

[House Report No. 919, Sixty-second Congress, second session.]

TREATMENT OF JUVENILE AND FIRST OFFENDERS.

Mr. HOUSTON, from the Committee on the Judiciary, submitted the following report to accompany H. R. 21594:

The Committee on the Judiciary, having had under consideration House bill 21594, report the same back with the following amendment, and recommend that the bill as amended do pass.

Page 1, lines 4 and 5, strike out the words "one of whom may be nominated by the Attorney General."

The Hon. George W. Wickersham, Attorney General of the United States, appeared by invitation of the committee and was requested to give the purpose and scope of this bill and also such reasons as appeared to furnish a necessity for the enactment of this measure. He informed the committee that the bill grew out of suggestions made at the meeting of the International Prison Association last fall, and suggestions made in a letter from Paul U. Kellogg, one of the active participants in the Associated Charities in New York, to Senator Root, which had been transmitted to the Attorney General with a view that it should be taken up by the Department of Justice.

In this letter appears the following paragraph:

"There were several things which the visit to this country of the international leaders in prison reform brought out clearly: First, that to the minds of the great prison men of Europe our county jails are breeding places of crime, and ought to be wiped out. Second, that our plan of iron-bar interior cells, even with more than one person in a cell, is a moral and sanitary anachronism. For two generations prison architects have been copying the cell scheme which was built into Auburn, but of which such men as Maj. Rogers, of the English prison system; J. S. Gibbons, of the Irish prison board; Dr. Vambéry, of Hungary, and others were unsparing in their private comment. Third, that our system of handling minor offenders in the petty courts and jails probably produces more criminals than our world-famous reformatory reform. Fourth, that the prison industries in the different States present a wide

range of good and evil, calling for a thorough overhauling of the whole question."

It is claimed further that—

"We have no criminal statistics worth anything, either to reveal our errors and mistakes or to prove the excellencies of our reformatory institutions."

The Attorney General insists that great difficulty arises constantly in the treatment of juvenile offenders and calls attention to the fact that there are two Federal institutions to which juvenile offenders can be sent; that for boys is the National Training School for Boys, and the maximum age there is 16 years. There is an institution in the District for colored girls; there is no place for white girls. In the case of juvenile offenders over 16 years of age we are dependent wholly on State institutions. He further states that—

"At the present time I believe there is only one institution to which we can now send Federal prisoners over 16 years of age and under 21."

That is, within the reform-school age—

"and that is the Elmira Reformatory, for the reason that in almost all of the States they have adopted the indeterminate sentence plan and they will not receive a Federal prisoner who is not subjected to the complete discipline of the State, which does not involve dealing on the indeterminate sentence basis; and, of course, I have no power under the law to subject a Federal prisoner to an indeterminate sentence by State authority."

He also states that many complaints are made as to the condition of jails to which Federal prisoners have to be sent, who are awaiting trial and can not give bail.

The Attorney General calls attention to the fact that in 1908 an act was passed by Congress (35 Stat., 303) authorizing the President to appoint three commissioners to investigate the condition of the jails of the District of Columbia and, in connection with this investigation, other similar institutions of the United States and report to the President; also, to make such recommendations as seemed to them expedient. As a result of this investigation a report was transmitted to Congress (Doc. 648, 60th Cong., 2d sess.), after which Congress enacted the Federal parole law, applying to persons who are sentenced to the penitentiary for more than one year; a probation law for the District of Columbia; a law for the establishment of the workhouse, which has been erected at Occoquan, and which the Attorney General regards as a model institution of its kind.

The committee regards the subject of this inquiry sufficiently important to authorize the expenditure within the limits proposed in this measure. It is believed that the treatment of juvenile offenders and short-term prisoners should call for careful investigation with the purpose in view of improving, by legislation, the conditions now existing.

The care of juvenile offenders is entitled to the most serious consideration in order that reformation may be effected rather than demoralization by the conditions surrounding their custody.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 18, 1912.

The committee this day met, Hon. HENRY D. CLAYTON (chairman) presiding.

Hon. George W. Wickersham, Attorney General of the United States, appeared by invitation of the committee and was heard on H. R. 21594, which is as follows:

"[H. R. 21594, Sixty-second Congress, second session.]

"A bill to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners.

"Be it enacted, etc., That the President is authorized to appoint three commissioners, one of whom may be nominated by the Attorney General, who shall consider and report upon the general subject of the treatment of juvenile and first offenders, and in connection with the investigation the commissioners, under the direction of the Attorney General, may inquire into the conditions of jails and places of detention throughout the United States in which offenders against Federal statutes are confined, either before or after sentence, and then shall report to Congress at its next session its recommendations with respect to the best system of dealing with juvenile and first offenders, and the best system of the detention of Federal prisoners while waiting trial, and such other recommendations upon the subject as may seem to them expedient. For the expense of the commission there is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary."

The CHAIRMAN. Mr. Attorney General, the committee has invited you to come and give the purpose and scope of H. R. 21594 and the reason for its enactment, and any views that you may think proper in respect thereto. We will be glad to hear you.

STATEMENT OF THE HON. GEORGE W. WICKERSHAM, ATTORNEY GENERAL OF THE UNITED STATES.

The ATTORNEY GENERAL. Mr. Chairman and gentlemen, this bill grew out of a suggestion made to me at the time of the meeting of the International Prison Association here a year ago last fall. At that time I received a letter from Paul U. Kellogg, who is one of the most active people in the Associated Charities in New York, who wrote to me that he had sent a suggestion to Senator Root which, at the suggestion of Senator Root, he transmitted to me, the Senator thinking that that had better be taken up through the Department of Justice than in any other way.

In his letter to Senator Root he said [reading]:

"There were several things which the visit to this country of the international leaders in prison reform brought out clearly: First, that to the minds of the great prison men of Europe our county jails are breeding places of crime and ought to be wiped out; second, that our plan of iron-bar interior cells, even with more than one person in a cell, is a moral and sanitary anachronism. For two generations prison architects have been copying the cell scheme which was built into Auburn, but of which such men as Maj. Rogers, of the English prison system; J. S. Gibbons, of the Irish prison board; Dr. Vambéry, of Hungary, and others were unsparing in their private comment; third, that our system of handling minor offenders in the petty courts and jails probably produces more criminals than our world-famous reformatory reform; fourth, that the prison industries in the different States present a wide range of good and evil, calling for a thorough overhauling of the whole question."

"And finally, to quote Sir Evelyn Ruggles-Brise, the head of the British prison commission, we have no criminal statistics worth anything either to reveal our errors and mistakes or to prove the excellencies of our reformatory institutions."

"These delegates came to this country anticipating great things. They were not altogether disappointed, and stated that American theory and practice, notably the probation system, indeterminate sentences, and the reformatory methods, would influence legislation and procedure in every country of Europe. At the same time their presence here afforded a means for stock taking on the part of Americans, and it strikes me that the congress which met in Washington at the invitation of this Government might be made the occasion for pressing forward for a nation-wide reformation in this field. Mr. Taft's repeated expressions with respect to the law's delays makes me think that he would be responsive to a program of constructive reform in this complementary field. The American member of the International Prison Commission is, as you will remember, in Dr. Barrow's case, officially responsible to the Department of State. Would it be possible, through that department or through the Attorney General's office, to institute such a commission or inquiry as could make a general presentation of the whole situation? I have in mind something as thorough as the United States Industrial Commission of 1900 or the recent poor-law commission in England, which has presented a remarkable report to Parliament within the last two years.

"It may be that a congressional commission would be more effective. The matter is one of which you, as a former Cabinet member and a present Member of the Senate, are in an especially favorable position to judge."

That being transmitted to me, of course I could not see at once that there was much involved in the suggestion which was hardly within the practical cognizance of the Federal Government; but there was also a great deal that was a proper subject of Federal consideration.

A great difficulty arises constantly in the treatment of juvenile offenders. There are two Federal institutions to which juvenile offenders can be sent—that for boys is the National Training School for Boys and the maximum age there is 17 years. There is an institution for colored girls only—that is the Girls' Reform School in the District of Columbia, which has a maximum capacity of about 100. There is no place for white girls. Therefore, in the case of all juvenile offenders over 17 we are dependent wholly on State institutions. At the present time I believe there is only one institution to which we can now send Federal prisoners over 17 years of age and under 21 (that is, within the reform-school age) and that is the Elmira Reformatory, for the reason that in almost all of the States they have adopted the indeterminate-sentence plan, and they will not receive a Federal prisoner who is not subjected to the complete discipline of the State which does not involve dealing on the indeterminate-sentence basis, and, of course, I have no power under the law to subject a Federal prisoner to an indeterminate sentence by State authority.

We have also constant complaints with respect to the conditions of the jails to which Federal prisoners have to be sent who are detained awaiting trial and who can not get bail. The condition of many of these jails is worthy of the Middle Ages rather than of modern times. My attention was called to this by Mr. Kellogg; I determined to see what had been done by Congress along this line. I found that in 1908 the act of May 26 was passed (35 Stats., 303) which authorized the President to appoint three commissioners to investigate the condition of the jail of the District of Columbia, the workhouse, and other buildings adjacent to the jail, and in connection with the investigation to visit and investigate similar institutions of the United States, and to report to the President on the conditions of the buildings so as to secure suitable facilities, and also to make such other recommendations on the subject as may seem to them expedient.

Now, that commission studied the conditions, practically, of adult offenders, both in the District of Columbia and elsewhere, and made a report which was transmitted to Congress on January 20, 1909, which is printed as Document No. 648, Sixtieth Congress, second session, as a result of which Congress has enacted the Federal parole law, applying to persons who are sentenced to the penitentiary for more than one year; a probation law for the District of Columbia; a law for the establishment of the District workhouse, which has been erected at Occoquan, Va., and which is a model institution of its kind—one that I think everyone interested in prisoners, and especially short-term offenders, ought to visit; and it provided for a reformatory, the progress of which has been checked owing to the objections that were raised to it being established within a few miles of Mount Vernon.

It seems to me that a similar inquiry should take in that class of persons, which is not a very large but is still sufficiently numerous to be taken cognizance of by Congress—I speak of juvenile and first offenders—and also to investigate the conditions under which offenders against the Federal law are detained in jails and prisons, held awaiting trial. I should also say that as a result of the investigation referred to and of the legislation that Congress subsequently enacted a year or two later, the jail of the District of Columbia, instead of being a disgrace to civilization as it was two years ago, has become a decent, sanitary, and respectable place. The control of the jail has been turned over to the Commissioners of the District as a result of legislation which was recommended both by the commissioners and by the Department of Justice; and to complete the work which the Federal Government has begun on this great subject I have drafted and ventured to recommend the passage of this bill, which will deal with the subject of juvenile or first offenders and the place of detention of Federal prisoners awaiting trial and under short sentences.

That, Mr. Chairman and gentlemen, is the outline of the plan. In this connection I might say that perhaps one of the most useful things that could be considered by a commission appointed under such a bill as this would be the extension of the indeterminate sentence to Federal prisoners, and particularly to juvenile and first offenders. It seems to be the consensus of opinion of all the most advanced of modern penologists that that is the best way to deal with first offenders. The system has been adopted in a great many of the States, and the Federal Government ought not to be laggard in the careful consideration of this matter.

The CHAIRMAN: Then you think this is proper and necessary as a part of the general scheme for the reform, or a movement that is world-wide to-day?

The ATTORNEY GENERAL: Absolutely.

The CHAIRMAN: Humanity seems to demand it?

The ATTORNEY GENERAL: Yes, sir. I attended the International Prison Congress, which was held here a year ago last fall, and I also attended the last meeting of the American Prison Association at Omaha, and on both of those occasions this subject of the treatment of juvenile offenders, and the subject of the indeterminate sentence, were among those that were pressed most earnestly.

Mr. WEBB: Is it your idea that this commission will have to actually visit the jails of the country?

The ATTORNEY GENERAL: Well, they can not visit them all. They will do as this last commission did; that is, visit some of them. Of

course, we have a great deal of information in the Department of Justice and we can suggest typical institutions which they can visit. They could not, of course, visit them all.

Mr. WEBB: How long do you think it would take them to complete the work?

The ATTORNEY GENERAL: Well, this commission appointed under the act of May 26, 1908, reported to the President on January 11, 1909; that is, they were about six months in doing their work.

Mr. WEBB: Do you think it could be done for \$40,000.

The ATTORNEY GENERAL: Yes; I think it could be done for less.

My attention has been called, Mr. Chairman, to the language of the bill as drafted, which provides that the President is authorized to appoint three commissioners, one of whom may be nominated by the Attorney General, etc. I may say that in drafting the bill in that language I merely adopted the language employed by Congress in the act of May 26, 1908, authorizing the appointment of the commission investigating the workhouse and reformatory system, but I am entirely willing that the committee shall make such modifications of that as it sees fit. I have no personal desire to appoint one of the commissioners; I only followed that language as a precedent which had been set.

Mr. RUCKER: May I ask a question?

The ATTORNEY GENERAL: Certainly.

Mr. RUCKER: What do you mean, exactly, by "indeterminate sentence"?

The ATTORNEY GENERAL: The indeterminate sentence is a sentence of imprisonment for not less than a certain time, or not more than a certain time, with the right of probation and parole. They can discharge the prisoner at any time between those dates, upon such terms as they may see fit to impose.

Mr. RUCKER: You mean the court fixes the punishment at not less than 1 year nor more than 10 years, for instance?

The ATTORNEY GENERAL: Yes, sir. Sometimes, in grave cases, it is for "not less than," so that it may be for life.

Mr. RUCKER: Now, I am familiar with the practice in many of our States—many of our statutes run that way. Some of them say "not less than" a certain time or "not more than" a certain time, but they generally fix some time between those terms, say three years, don't they?

The ATTORNEY GENERAL: Yes, sir.

The CHAIRMAN: The object being to work a reform in the criminal himself.

The ATTORNEY GENERAL: That is it, exactly.

The CHAIRMAN: The inducement is held out to him: "If you don't behave yourself, then you will get the maximum of your sentence," say 10 years?

The ATTORNEY GENERAL: Yes, sir.

The CHAIRMAN: "But if you give evidence of your real determination to become a good citizen—"

The ATTORNEY GENERAL: Yes.

The CHAIRMAN: "You may get off with a shorter sentence, as a parole board may determine?"

The ATTORNEY GENERAL: Yes, sir.

Mr. RUCKER: In some States the law provides that for good behavior the executive may pardon.

The ATTORNEY GENERAL: You get it under the Federal parole law. If a prisoner has served not less than one-third of the sentence, he is eligible to parole, and if the board recommends his parole and that recommendation is approved by the Attorney General, he may be paroled under such terms as may be fixed by the Attorney General, but he is subject to be taken back at any time if he violates his parole.

Mr. RUCKER: Well, I have not been a graduate in law, but I thought it was that if he conducts himself properly he is eligible for a parole.

The ATTORNEY GENERAL: Well, that is the theory, and it is peculiarly so in the case of juvenile offenders. Take a boy who has committed a crime. The probability is that his crime was committed in a spirit of youthful bravado or was the result of bad home surroundings; the possibility is that if he is taken away from his bad surroundings and placed in a good position he may be made into a law-abiding citizen.

Mr. RUCKER: My recollection is that the late Gov. Taylor immediately issued a pardon for every minor under 16 years of age until the State established a reform school, but he would not send them to the penitentiary.

The CHAIRMAN: I want to say that this Federal parole law has done good, and it will do much more good. Some years ago we enacted a parole law in my State—Alabama—and I think there has been no wiser enactment in the history of the State.

The ATTORNEY GENERAL: I think we have, Mr. Chairman—I know I was speaking accurately three or four months ago, and I do not think it has been changed since—we have but one instance of a Federal prisoner violating his parole since that law was put into operation. Our universal experience is that prisoners, when liberated upon parole, obey their paroles, and the theory is that during that period they will get restored into a normal position in the community; then they go out of the path of lawbreakers into the path of law keepers.

Mr. RUCKER: I used to think it was putting it into the power of the judiciary to discriminate, show favoritism, but in the course of a great many years I have come in contact with a great many of the criminals, and I think it is a very wise law.

The ATTORNEY GENERAL: I think the very large preponderance of opinion among the judges of to-day is in favor of that theory.

Mr. RUCKER: Down in my State a man was paroled about three years ago. I am convinced now that it was one of the best things that could be done, because that man was one of the most violent men before and he is now a very good citizen, one of the best men in his town.

The ATTORNEY GENERAL: The House of Representatives has passed at this session a bill which I very earnestly recommended, applying the parole law to life prisoners.

The CHAIRMAN: That is a bill introduced by Representative HOWARD, of Georgia?

The ATTORNEY GENERAL: Yes, sir; he introduced it at my request. I think that embodies the view of the most able penologists of to-day.

Mr. GRAHAM: Is it the experience of European countries that they effect reforms of practiced criminals?

The ATTORNEY GENERAL: Well, there is a good deal of difference of opinion as to this, but I think there is a class of criminals who are always beyond reform.

Mr. GRAHAM: The nature of the crime has a great deal to do with it?

The ATTORNEY GENERAL: Yes.

Mr. GRAHAM: A man who gets into prison for a crime of violence might never commit another?

The ATTORNEY GENERAL: Yes.

Mr. GRAHAM: But the man who is a professional thief—that would not follow, of course?

The ATTORNEY GENERAL. Yes; but criminologists say that while you may cure for a while, you may palliate, there is a residuum that you can not cure. They are devoting more and more time to juvenile offenders and to first offenders. The theory is that if you can take him away from his bad environment you can save him. Personally my interest is far keener in these first offenders than in any others. I recollect a very distinguished specialist in children's diseases whom I met in New York. "On one occasion I asked him what led him to that specialty. He said, 'Oh, I got so tired of patching up old human hulks that I took up this specialty, where the saving of children may mean the saving of human souls for the Nation.'"

The CHAIRMAN. Very much obliged to you.

The ATTORNEY GENERAL. Much obliged to you for giving me this hearing.

WESTBORO, MASS., June 19, 1912,

CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY,
House of Representatives, Washington, D. C.

DEAR SIR: At a meeting of the National Conference on the Education of Backward, Truant, Delinquent, and Dependent Children that was held in Cleveland, Ohio, on Monday, June 10, the following resolution was passed:

Resolved by the National Conference on the Education of Backward, Truant, Delinquent, and Dependent Children, That we respectfully recommend to the favorable attention of the Committee on the Judiciary of the United States House of Representatives the bill to provide a commission to investigate and propose reforms in the system of jails throughout the United States in which Federal prisoners may be confined.

Respectfully, yours,

ELMER L. COFFEEN,
Secretary and Treasurer.

JUVENILE PROTECTIVE ASSOCIATION,
Chicago, November 18, 1912.

The Hon. HENRY D. CLAYTON,

Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR SIR: The Juvenile Protective Association of Chicago is very much interested in the number of young boys—many of them first offenders—held in the county jail and police stations of Chicago awaiting trial.

In an investigation just concluded our association found that last year 1,328 boys between the ages of 17 and 21 were confined in the county jail, and that 599 of these boys were first offenders. While the conditions in the county jail are fairly good, no vocational training is given, nor is any employment provided for the boys. They get very little exercise; they are not kept busy, and the result is that they very quickly deteriorate. The police stations of Chicago, where large numbers of young men and women are held awaiting their preliminary hearings, are in a very terrible condition, and young people held there are in danger of not only moral but physical deterioration through the insanitary surroundings.

I understand that House bill 21594, to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, has been favorably reported on by the Committee on the Judiciary, but has not yet been called up in the House. Our association feels that the passage of this bill is of the utmost importance, and we therefore respectfully urge you to use your best endeavors to bring this about. We feel sure that an investigation which shall inquire into the conditions in jails and places of detention throughout the United States will result in lasting good, and in recommendations by the Government for better methods in dealing with the young and for improved places of detention while awaiting trial.

Sincerely, yours,

Mrs. JOSEPH TILTON BOWEN, President.

WOMAN'S CITY CLUB OF CHICAGO,
December 3, 1912.

Hon. HENRY D. CLAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: At a meeting of the board of directors of the Woman's City Club of Chicago held yesterday, December 2, it was unanimously voted that you be urged to use your influence in support of bill H. R. 21594, which will come before the House of Representatives some time this month.

The Woman's City Club believes the provisions of the bill, that the Federal Government make an appropriation sufficient for the investigation of police stations and jails where first offenders are held awaiting trial, to be wise and just and in accordance with the policy of conserving what is good in the youth of our land.

We respectfully solicit your earnest interest in the passage of this bill.

Very truly, yours,

CAROLINE S. P. WILD,
Secretary.

CHICAGO POLITICAL EQUALITY LEAGUE,
December 11, 1912.

Hon. HENRY D. CLAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: The Chicago Political Equality League emphatically urges the passage of House bill 21594 and put themselves on record as incensing this bill as a step toward protecting boys from the association of hardened criminals.

We hope you will use every influence to further this bill.

Yours, respectfully,

THE CHICAGO POLITICAL EQUALITY LEAGUE,
Per Mrs. A. H. SCHWEIZER,
Corresponding Secretary.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object, although I think the appointment of these commissioners on matters of this sort is not the proper way of getting information in preparation for legislation.

Mr. Sisson. Mr. Speaker, I shall object.

The SPEAKER. The gentleman from Mississippi objects, and the bill is stricken from the calendar.

COAL MINING COMPANIES, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3843) granting to the coal mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The Clerk proceeded to read the bill.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill S. 3843, now before the House, be passed over without prejudice, for the reason that the gentleman from Oklahoma [Mr. CARTER] is sick.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass this bill over without prejudice, on the ground of the sickness of the gentleman from Oklahoma [Mr. CARTER]. Is there objection?

There was no objection.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24927) to regulate the interstate transportation of immature calves.

The Clerk read the bill, as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is six weeks old or over: Provided, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than six weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old and over three weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$20 nor more than \$50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I reserve the right to object if the gentleman from Michigan wishes to use a little time.

Mr. HAMILTON of Michigan. Mr. Speaker, it is very kind of the gentleman from New York [Mr. MICHAEL E. DRISCOLL] to reserve his objection. I only wish that he might continue his kindness by not objecting to the consideration of the bill after he has heard a statement that I desire to make.

This bill was reported by the Committee on Interstate and Foreign Commerce. It has the support of the Department of Agriculture and the support of every humane society in the United States, because its purpose is to stop a traffic which is cruel to animals, dangerous to public health, and disgusting in its revelation of cheap and nasty cupidity.

Mr. GARNER. Mr. Speaker, let me suggest to the gentleman that he address his remarks to the gentleman from New York [Mr. MICHAEL E. DRISCOLL], who seems to have some doubt as to the wisdom of this legislation.

Mr. HAMILTON of Michigan. Mr. Speaker, the gentleman from New York is listening, and possibly I may be able to induce him not to object. My attention was first attracted to this cruel and disgusting practice by a shipper of stock living in my own State. He told me it was the custom of stock shippers to take little calves from their mothers before they had learned to eat or drink, put them in these slat cars, expose them to all kinds of temperature, keep them three or four days on the road without nourishment—a process of slow starvation—and if they survive, then kill them for human food. I thereupon started an inquiry through the Bureau of Animal Industry, which resulted in this bill.

Gentlemen may want to know to what extent this cruel business is carried on. Dr. Francis H. Rowley, of Boston, who in appearing before the Committee on Interstate and Foreign Commerce represented all of the humane societies of the United States, testified that on May 2 and May 3, 1910, 790 calves arrived at Brighton, a suburb of Boston, and out of these 790 calves 183 arrived dead—starved to death. Their stomachs were examined by experienced veterinarians, and were found to be as dry as a powder horn. Those that were still alive were killed for human food. He further testified that in six days on which an account was kept 1,690 of these calves were shipped to the Boston market, and in one week 6,056, and that numbers of these poor little calves were starved to death or trampled to death by larger cattle with which they were shipped.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON of Michigan. Certainly.

Mr. MURRAY. May I inquire of the gentleman from Michigan whether or not an attempt was made to regulate this matter in Massachusetts?

Mr. HAMILTON of Michigan. Yes.

Mr. MURRAY. Through the activities of Dr. Rowley and the humane societies, and that regulation could not be had, and they were forced to come to this Congress for this legislation.

Mr. HAMILTON of Michigan. That is true. We have meat-inspection laws, and, so far as possible, the Federal inspectors protect the public from this nefarious traffic; but the testimony is that in Massachusetts they have accommodating State officials who are not exacting as to State inspection.

Why do men go into this business, Mr. Speaker? The testimony is that there are men who hang around dairy farms and positively know when a cow is about to have a calf. They buy the calf when it is a day old or a week old or two weeks old, and they buy it as cheaply as they can, and the owners of these calves are willing to sell when the calf is young, because they want to sell the milk the calf would require. They tie its legs, they put it in a wagon, and they carry it off to the railroad station, and when they have accumulated enough of these poor little unfortunate calves they start them off for Boston or Buffalo or some other market.

Why do these dairymen sell these very young calves? It was frankly admitted by some of the dairymen who came before the Committee on Interstate and Foreign Commerce that it does not pay to teach a calf to drink and that the milk a calf would drink is more valuable than the calf, and so they are willing to connive at this cruel traffic. But if this suffering does not appeal to men, then I appeal to them on the ground that the public health is involved and on the ground that their own health is involved.

What do these shippers of calves make out of this business? Why, they buy a calf from one of these dairy farms for a dollar and a half. They sell the sweetbreads for 50 cents out of one of these calves; they sell the liver for 60 cents; they sell the stomach for 15 cents; they sell the hide for a dollar or a dollar and a half; and they sell the carcass for from \$3 to \$6. What do they do with the carcass?

Mr. GARNER. Will the gentleman yield?

Mr. HAMILTON of Michigan. In just a moment; I want to emphasize this. What do they do with the carcass? They bone it off, so the witnesses testified, and make canned chicken out of it. Do you gentlemen like canned chicken?

Mr. BUTLER. Not canned chicken?

Mr. FOSTER. Is not that a violation of the pure-food law?

Mr. HAMILTON of Michigan. They do it.

Mr. GARNER. The gentleman must remember that is under a Republican administration. We propose to enforce the law, and there will be no danger of that kind when the Democrats get in.

Mr. HAMILTON of Michigan. This is a calf question; it is not a political question at all. [Laughter and applause.] Mr. Speaker, they make sausage out of this meat.

Mr. GARNER. Pig sausage?

Mr. Sisson. Hog sausage?

Mr. HAMILTON of Michigan. Yes; I suppose so.

Mr. FOSTER. Country sausage?

Mr. HAMLIN. Did not the evidence show that they canned a good deal of this stuff and it was sold as canned chicken?

Mr. HAMILTON of Michigan. Yes; I stated that at the outset. That is one of the important facts developed.

Mr. GARNER. Is not that in violation of the law?

Mr. HAMILTON of Michigan. Yes. They are violating the law not only in this respect, but in other respects.

Mr. GARNER. Why have not they been prosecuted and made to obey the law?

Mr. HAMILTON of Michigan. I will tell the gentleman as I go along; there are several phases I want to develop.

Mr. MURRAY. Will the gentleman yield?

Mr. HAMILTON of Michigan. Yes.

Mr. MURRAY. May I inquire whether it is a fact that attempts were made to reach these people under the interstate-commerce law by the forces that the gentleman has mentioned in Massachusetts and it was found that this legislation was needed to reach the violators?

Mr. HAMILTON of Michigan. It is true. Now I will depart a little from the order in which I desired to present this to the House, and say that they have in the State of New York a law which prevents, or is supposed to prevent, the shipment of calves under 4 weeks old unless they are accompanied by their mothers and are for breeding purposes. Now, what do they do? They collect these calves around these dairy farms, and they put three or four old cows that have not given milk for a generation [laughter] with the little calves, and they arrive at their destina-

tion with the cows' teats lacerated, because the little chaps have been tugging at those dry sources of theoretical supply. [Laughter.]

Mr. HAY. Why does not the gentleman go on and try to pass the bill?

Mr. HAMILTON of Michigan. There is a gentleman talking about objecting to it.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker—

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I do not want to object, but I want to say a word before we get through.

The SPEAKER. What is the point of the gentleman from Illinois [Mr. FOSTER]?

Mr. FOSTER. I want the gentleman to proceed with the explanation of his bill.

Mr. GARNER. Mr. Speaker, I do not want to call for the regular order. I want to give each gentleman an opportunity to explain his bill, so that any other Member in the House may intelligently know whether he wants to object; but I doubt the advisability of taking up the entire unanimous-consent day by a long speech on a bill that we know is going to be objected to in the end.

The SPEAKER. The gentleman has the right at any time to demand the regular order. The gentleman from Michigan [Mr. HAMILTON] may proceed.

Mr. BURKE of South Dakota. I will ask the gentleman from Michigan [Mr. HAMILTON] if he will submit to an inquiry?

Mr. HAMILTON of Michigan. Yes. I want to say before replying that I promise not to continue much longer.

Mr. BURKE of South Dakota. If we pass this bill, how would it affect the condition that there is still in the State of New York; that is, assuming that these calves are shipped within the State?

Mr. HAMILTON of Michigan. This bill prohibits the shipment of calves in interstate commerce under 6 weeks old. And I may say—and I say it looking at my friend from New York [Mr. MICHAEL E. DRISCOLL]—that every witness who appeared before the committee admitted that the traffic was cruel, and admitted that it was dangerous to health, and the only objection finally that any of them made was that the age limit should be reduced to 4 weeks.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield to a question there?

Mr. HAMILTON of Michigan. Yes; in a moment. The difficulty about reducing the age to 4 weeks is—and I have considered it carefully, because I am anxious to get this bill on the statute books, and have conferred with the Agricultural Department in relation to it—the difficulty about reducing the age limit to 4 weeks is that if you do that these men will put calves into these cars that are much under 4 weeks. If you put the age limit at 6 weeks you may get a good many 4-week-old calves, but you will not be so likely to get calves a day old. The testimony is that calves are started out for Boston and other markets when they can scarcely stand on their legs and are not 24 hours old.

Now, I yield to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. The gentleman has substantially answered one of the questions. Is it not true that all the references to the cruelty practiced on these calves applied to calves that were very young—from a day to a week old?

Mr. HAMILTON of Michigan. I can scarcely answer the gentleman as his question implies he would like to have me answer him.

Mr. MICHAEL E. DRISCOLL. Answer according to the truth, whether I like it or not.

Mr. HAMILTON of Michigan. All right. The testimony is that they ship calves that are incapable of taking nourishment. I have the testimony here, but I have not the time to read it—

Mr. MICHAEL E. DRISCOLL. You ought to know the laws on that subject.

Mr. HAMILTON of Michigan. The State law is being evaded. I have a letter of no later date than December 26 last, from an inspector of the Bureau of Animal Industry, setting forth that the custom still prevails of shipping these young calves, and it is not alone the calves that are very young that suffer en route. Few, if any, of these calves have been taught to eat or drink. It is probable, of course—

Mr. MICHAEL E. DRISCOLL. Is there any reference in the whole record to a calf over 2 weeks old?

Mr. HAMILTON of Michigan. Why, the testimony is that the dairymen of New York—and I can cite the gentleman to the exact page—say they do, not think it is worth while to teach calves to drink.

Mr. MICHAEL E. DRISCOLL. That does not answer the question.

Mr. HAMILTON of Michigan. They say the milk is worth more than the calf. If the milk is worth more than the calf, then the testimony is that they get rid of the calf.

Mr. MICHAEL E. DRISCOLL. The testimony is if they keep a calf six weeks it would not pay, but if they keep it four weeks it would pay.

Mr. Sisson. In answer to the gentleman from South Dakota [Mr. BURKE], I believe reference was made to intrastate shipments. Your bill would not affect those shipments, would it?

Mr. HAMILTON of Michigan. It would not.

Mr. Sisson. And could not do that under the Constitution, could it?

Mr. HAMILTON of Michigan. No; and, further than that, let me say this in relation to cattle in the Southwest: When I first drew the bill, or when it was first drawn for me, in part, in the Bureau of Animal Industry, it was not known that sometimes it becomes necessary in the plains country, in case the pasture grows short and in case the grass is destroyed by fire, or otherwise, to move the cattle over a State line, and so a provision was incorporated in the bill subsequently to permit emergency removals.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON of Michigan. Yes.

Mr. GOLDFOGLE. Is it not a fact—

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. To whom does the gentleman yield?

Mr. HAMILTON of Michigan. To the gentleman from New York [Mr. GOLDFOGLE].

The SPEAKER. The gentleman yields to the gentleman from New York.

Mr. GOLDFOGLE. Is it not a fact that the statute of the State of New York fixes the age limit at four weeks?

Mr. HAMILTON of Michigan. I have so stated.

Mr. GOLDFOGLE. And in the State of Pennsylvania I believe that is about the same limit?

Mr. HAMILTON of Michigan. I understand so.

Mr. GOLDFOGLE. In how many States of the Union does the law make a greater limit than four weeks?

Mr. HAMILTON of Michigan. I do not know the laws of all the States, but my judgment is that in most of the States there is no limit whatever. I doubt if there is a limit in the Western States at all.

Mr. GOLDFOGLE. Now, in the State of New York it is possible under the statutes of that State to ship calves four weeks old from Buffalo all the way down to Montauk Point, is it not?

Mr. HAMILTON of Michigan. In the State of New York?

Mr. GOLDFOGLE. Yes; in the State of New York.

Mr. HAMILTON of Michigan. How far is it from Buffalo down to Montauk Point?

Mr. GOLDFOGLE. It is less than 500 miles.

Mr. HAMILTON of Michigan. How long do they keep them in transit?

Mr. GOLDFOGLE. That I do not know exactly.

Mr. HAMILTON of Michigan. The time in transit is important, as the gentleman from New York will recognize, and the testimony is that they keep them all the way from two days to six days under the existing conditions. There should be some time limit, and there should be an age limit. They tried in Massachusetts to fix a limit according to weight.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, the gentleman has had 20 minutes, and I want to talk 5 minutes.

Mr. HAMILTON of Michigan. I would not have talked so long, Mr. Speaker, if I had not been interrupted.

I want to state one other thing, and I want the Members of the House to hear me. Dr. Elliot, former president of Harvard, discussing this abhorrent traffic, says that when an animal is subjected to suffering, such as these calves are subjected to, it sets up toxic processes and make the meat dangerous to human health.

In addition to this, the testimony of experts in the Bureau of Animal Industry is to the effect that the meat of these calves is water-soaked; that it is dropsical; that it is the best kind of a medium for the deposit of germs of disease; that it enables the formation of ptomaine poisons and bacterial toxins; and the doctors who have testified have made statements to the effect that there are many cases of death by reason of eating this poisoned, dropsical, disgusting food.

Mr. MANN. Mr. Speaker, does the gentleman yield for a question?

Mr. HAMILTON of Michigan. Yes.

Mr. MANN. I understood the gentleman to quote Dr. Elliot, former president of Harvard University?

Mr. HAMILTON of Michigan. Yes.

Mr. MANN. He qualifies, no doubt, as an expert on immature calves because he was former president of Harvard University? [Laughter.]

Mr. HAMILTON of Michigan. The gentleman seeks to be facetious.

Mr. MANN. I am very serious about it.

Mr. HAMILTON of Michigan. No; the gentleman is not serious. I stated that Dr. Elliot said this because I thought that the opinion of a man like Dr. Elliot, who carefully weighs his words, might have weight. That is why I quoted him.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan may have permission to extend his remarks in the RECORD.

Mr. HAMILTON of Michigan. I do not care to do so, except that I would like to have unanimous consent to print my report from the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the gentleman from Michigan [Mr. HAMILTON] have the privilege of extending his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. By permission of the House, I will print as part of my remarks the report of the Committee on Interstate and Foreign Commerce accompanying this bill.

The report is as follows:

[House Report No. 837, Sixty-second Congress, second session.]

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 24927:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, having considered the same, report thereon with a recommendation that it pass.

This bill is designed to prevent a cruel, disgusting, and dangerous traffic—cruel to animals, dangerous to human health, and disgusting in its revelation of cheap and nasty cupidity in perpetrating upon unsuspecting consumers food unfit for human consumption.

Dr. Francis H. Rowley, of Boston, who appeared before the Committee on Interstate and Foreign Commerce, as he said, "in behalf of all the humane societies in the United States, that are a unit in their indorsement of this bill and their hope that the bill may become a law," and also "in behalf of the one society in the United States that has put up the hardest fight for the past two years that has been put up by any organization in this country to prevent the horrible abuses connected with the shipment of immature calves," said:

"This meat (of immature calves) is boned off and made up into sausages and sold to the poor. (Hearings, p. 7.) There are men—and I want you to understand, gentlemen, everything I say to you here to-day I can substantiate by facts and figures secured by our agents, and for which we are willing to take our oath—there are men in New York State and in Maine, New Hampshire, and Vermont, knowing the dates when the cows are to calf, and they are there the days the calves are dropped.

"In many instances the calves are taken that day. Their legs are tied together, and in many cases they are thrown under the boot of a wagon.

"They get a carload and then ship them.

"The farmer gets from a dollar to a dollar and a half for this little calf.

"Now, you know that the Holstein and other breeds will weigh, the day of birth, 50, 60, or 70 pounds dressed, and quite frequently 80 pounds the day when born.

"That is a pretty good calf, especially when you blow it up with compressed air.

"If they can get this calf through to market, then they get, say, a dollar or a dollar and a half for the hide.

"If they can get some inspector to pass it, 60 cents for the liver, 50 cents for the sweetbreads, and from three to six dollars for the carcass.

"First, a little return to the farmer of 80 cents or a dollar for the calf, and then one, five, or six dollars to the butcher." (Hearings, p. 9.)

Continuing, Dr. Rowley said:

"On May 2 and 3, 1910, there arrived at Brighton 790 calves in carloads in those two days, of which 183 were dead; dead from starvation; dead from utter exhaustion. We had one of the best veterinarians in Boston examine the stomachs, and the inside of the stomach was as dry as the palm of your hand; they had simply starved to death." (Statement Dr. Rowley, Hearings, p. 10.)

Further on he says:

"These are simply samples of reports handed me by our agents. I just brought a few of the most notable. Here is another: In six days 1,690 calves were brought over from the State of New York.

"Here is a record of one week of 6,056 calves shipped to the New England Dressed Meat & Wool Co. Three hundred of the calves were thrown out by the Federal inspectors as unfit for food.

"That Massachusetts is not the only State that has suffered from this is evidenced by a letter I have from the secretary of the Humane Society of Detroit, Mich. He says that:

"The practice of taking young calves from their mothers in warm stables, driving them several miles through frost and snow, allowing them to stand shivering in the snow for half a day before loading them on the train, is a very cruel practice. Many of these calves are thus exposed in shipping from 30 to 90 hours. Outside of the matter of cruelty, such meat is unquestionably unfit for food."

"Then there is also a similar statement from the president of the Connecticut Humane Society. As we began to make it unprofitable to these butchers, they began to turn them into Connecticut, and this is what the president of their humane society writes. He says:

"On April 25 a carload of about 120 calves was received. They were thin, eyes sunken, and apparently a number of them were dead. On being taken from the car, some revived. These calves were shipped without crates. We had an examination made of two dead calves, and

nothing was found in their stomachs. Out of the entire number it is believed that 75 per cent were bobs.

"Now, you say, why can not this be stopped by State legislation? The attorney general of New York says:

"I find no authority in this provision of law or elsewhere that would justify the commissioner of agriculture to seize shipments of calves destined to a point without the State, under the conditions mentioned in your letter. The above section is intended to prohibit the offering or exposing for sale in the market of calves under 4 weeks of age or when they are not in healthy condition. The shipping therein referred to must be construed as meaning shipping for the purpose of killing within the State and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

"These calves were shipped according to the laws of New York State to 'John Smith,' a little butcher in Connecticut, Rhode Island, or Massachusetts, as a 'dairyman.'"

"Mr. DRISCOLL. Does not this law require that they be shipped in crates or accompanied by their mothers?"

"Dr. ROWLEY. They are shipped there in crates, or are supposed to go with their mothers if not crated. The attorney general of New York can not stop it, because they go out to our State in conformity with the law. We can not do anything in Massachusetts except to cooperate with the Federal inspectors and such local inspectors as we can scare into destroying these calves and not allow them to get on the market as food. In many cases we have driven many of these butchers out of this business."

"Last Sunday a man came through from New York State following one of these carloads of calves. There is an attempt to evade the law by claiming that they are shipping the dams with these calves, because if they ship the dam with the calf they are complying with the law, even if they are only 1 or 2 days old. They take along old, worn-out, dried-up milk cows that are to be made into bologna sausage. They put them into the car with 60 or 70 calves. Capt. Walsh was with us—they unloaded 99 calves and 4 old cows. When these cows come out of the car with the calves they will walk away, with no more thought of the calf than you have of the child walking in the streets of New Orleans now. I have found the teats of these cows raw from the continual sucking of the calves put in with them." (Hearings, p. 13.)

"Mr. Benedict, superintendent Stevens-Swan Humane Society, of Utica, N. Y., says:

"The skins are worth \$1.15 and the stomach is worth 15 cents, making \$1.30." (Hearings, p. 6.)

"Mr. Benedict followed a shipment of calves from New Berlin, N. Y., to Brighton, Mass."

"He says:

"Fifty-seven bob calves, none claimed to be over 1 week of age, were brought for shipment at New Berlin and 10 of them were so exceedingly youthful and weak that they were not placed in the car, and they simply placed 47 in the car."

"One of the calves brought for shipment was so young that it could hardly stand, and the man who brought it stated that it had 'only come last night.'"

"The car started from New Berlin at 11.15 in the morning, and it is fair to assume that these calves had been separated from their mothers up to the time of starting—from two to five hours."

"The car stopped at Leonardsville, and 17 more 'bob-veal' calves were loaded, and at Bridgewater 15 more were brought in a wagon. A bob-veal calf is defined to be a calf from 1 day to 1 week old."

"The car left Bridgewater at 1.30 p. m."

"It was placed in the yard at Utica at 6.50 p. m., and remained there until 1.11 the morning of the 30th, when it was conveyed by a New York Central engine to the New York Central tracks."

"The car left Utica at 4.30 that morning and arrived at New Albany at 5.31."

"Inasmuch as the shipment was being watched by humane officers, a pretense was made of trying to feed these 78 calves in an hour and a half—between the arrival and departure of the car."

"They had two quart dippers and two funnels and pieces of hose attached to the ends of the funnels, so that if any calves could not eat from the pail and the dipper they would raise up their heads and put the rubber hose in their mouths and pour some of the mixture down their throats."

"The pails and dippers were perfectly new, and it was apparent that they were going through the cruel farce of pretending to feed these calves—all of them too young to take other nourishment than milk from their mothers—because they were being watched."

"It was claimed that the stuff in the pails was composed of milk and water. There were in all 9 pails of this stuff for 78 calves."

"Mr. Benedict's testimony was corroborated in detail by Mr. Murray, field secretary of the American Humane Association. (Hearings, p. 32.)"

"The car left by way of the Boston & Albany Railroad for Brighton yard, a stockyard near Boston, and arrived there at 8.47 p. m. Sunday night, March 3."

"At 9.55 that night the calves were unloaded at J. J. Kelly & Co.'s abattoir to be killed, having been more than 58 hours en route without nourishment, unless the pretense of feeding them at West Albany be called nourishment."

"Twelve of them were so weak that they could not stand, and had been trampled upon. They were still alive and were carried to wagons, which transported them and the rest of the carload to a merciful death."

"These calves, according to the testimony, arrived in better condition than calves ordinarily arrive because the shipment was being watched and because, at the outset, 11 calves were rejected as being no more than a day old."

"These shipments are constantly occurring, and the attorney general of the State of New York held, on request for construction of the New York law entitled 'Shipping, slaughtering, and selling veal for food,' that there is 'no authority in the provision of the law or elsewhere that could justify the commissioner of agriculture seizing shipments of calves destined to a point outside the State.'"

"The shipment there referred to must be construed as meaning shipping for the purpose of killing within the State, and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

"Mr. Jefferson Butler, president of the Michigan Humane Association, of Detroit, Mich., in the course of his testimony, said:

"Now, this last winter some organization that was perfected there took up the question and went down and they found two carloads of young calves frozen to death on the Pere Marquette Railroad—the cows got through all right—and they asked the reason from experts, and they said it was simply because they were not in a fit condition. They were not old enough to stand that severe weather. I saw a shipment

of young calves billed from Kalamazoo to East Buffalo. They were put in one end of a car, and they were not able to lie down; there was simply room to stand up, and when I was there it was 9° above zero. We followed that shipment, as best we could, and they were over three days getting from Kalamazoo to East Buffalo. We followed another shipment, and they were six days in that kind of weather, going through in these flat cars where it was only about 12 or 13 above zero." (Hearings, p. 82.)

"It is unnecessary to multiply instances in this report."

"The traffic is not local."

"Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, of the Department of Agriculture, states in a memorandum, supplementing what he said before the committee, that 'the shipment for slaughter of very young calves in interstate commerce has grown into a practice. The reports of department agents and officials of State sanitary live-stock boards, and of the State and National live-stock humane associations, show that shippers of live stock take young calves, not yet weaned and therefore incapable of taking any other kind of nourishment than milk, separate them from their mothers, and ship them to distant points in interstate commerce. At the time of slaughter these young animals have often been separated from their mothers for three or four days, or more.'"

"In his memorandum, Dr. Melvin refers to reports of department agents, some of which are as follows:

"The opinion of Mr. Frank Burke, of Niles, Mich., a well-informed stockman, who expresses the hope that something will be done to put a stop to the cruelty practiced in the shipment of young calves in interstate commerce, is typical of the position of a great many other shippers."

"Another well-informed shipper cites a not uncommon case, in referring to a shipment of calves 3 weeks old from southwestern Michigan to Buffalo. These calves could take no food except from their mothers, and were separated from the cows and sent on the journey, which took 48 hours or longer. They reached their destination nearly dead. The following quotation from a letter from Dr. Francis H. Rowley, president of the American Humane Education Society, to the Assistant Secretary of Agriculture, describes the cruelties incident to the shipment of very young calves:

"The difficulty is that these many thousands of young calves which have been shipped into Massachusetts in crates from New York State, where they can only be shipped to be used for dairy purposes, are shipped here to some of our most disreputable butchers and consigned to them as dairy companies. It seems to me that this shipping of them under false pretenses must be a flagrant violation of interstate regulations at least. They are brought from New York State into Massachusetts under an absolutely false pretense, shipped, for example, to the Tom Keenan Dairy Co., when Tom Keenan is as innocent of any purpose connected with them, except to slaughter them, as possible."

"The following quotations from reports of inspectors of the department regarding the shipment of very young calves are also pertinent in this connection:

"Under date of January 3, 1911, Dr. B. P. Wende, inspector in charge, Buffalo, N. Y., says:

"Such animals are not given any more consideration with respect to feed, water, and rest than other animals, and have often been confined in cars without feed, water, and rest from 38 to 45 hours when unloaded at these yards."

"Dr. James S. Kelly, inspector in charge, Cleveland, Ohio, under date of April 4, 1911, writes as follows:

"On yesterday, April 3, there were several mixed shipments of live stock at the Cleveland Union Stockyards from points in Michigan. Among these shipments were a number of very young veal calves. The Cleveland city inspectors tagged out some 40 or 50 which apparently ranged in age from 8 to 14 days, and which were too young to slaughter under the city code. Not being able to slaughter these calves in Cleveland, they were bunched together with others, by Bower & Bower, livestock commission men, for shipment to Armour & Co., Pittsburgh, Pa."

"In this connection it should be stated that the establishment at Pittsburgh to which the calves were shipped was not under inspection by the Department of Agriculture."

"Here is a letter which Dr. Melvin read to the committee:

"This is a letter written by our inspectors at Worcester, Mass. It is addressed to me."

"For your information I wish to advise you that N. Y. C. car No. 26297, containing approximately 140 calves, 5 cows, and a bull, shipped March 23, 1912, from New York, consigned to J. J. Malone, Providence, R. I., in care of New York Central and E. & R. R., 28-hour limitation, was reported as fed and watered at Albany March 25 at 2 p. m., and arrived at Worcester at 11.30 a. m., March 26, and was transferred to N. Y. N. H. & H. yards at 12.30 p. m. on March 26. There was from March 23, 1912, to March 26, noon, and it was unloaded and fed and watered at 1.30 p. m. At the time of unloading we found 17 calves in one cow bin. Many calves were in a semiconscious condition and, in my judgment, many calves were not over 10 days old, and the cows were in a very poor condition and were nearly exhausted from being nursed by so many calves. The stock was unloaded in the N. Y. N. H. & H. yards and fed, and the dead ones removed. Ten cans, containing 85 quarts of milk, was given to the calves, some of which were too young to drink. The calves were reloaded at 6.30 p. m. at Providence, the remaining four cows and the bull were loaded into a separate car and shipped also."

"I could have brought up a large number of letters similar to that; but I do not think it is necessary. There is a very great cruelty that ought to be abated in some way. If the States will not do it, the Federal Government ought to do it. That is about all the testimony that I care to give."

"Dr. Melvin mentions many other instances, and closes his memorandum with this recommendation:

"From consideration of the whole subject it is apparent that the enactment of a statute prohibiting the shipment of immature calves in interstate commerce is needed in order to prevent the excessive cruelty which is now being practiced. The department is unable to recommend prosecution unless the stock are confined in transit beyond 28 hours without water, feed, or rest, or unless an attempt is made to slaughter immature calves at any packing establishment where Federal inspection is maintained. While both these statutes in respect to immature calves are being enforced rigidly by the department, it is clear that additional legislation is needed in order to prevent the cruelty which is still being practiced."

"A bearing upon time in transit, Dr. Melvin testified (hearings, p. 18): 'This applies to the time that they are in transit. There is possibly half a day to a day before the calves are loaded, and that much time elapses, perhaps, after they are unloaded, so that even when you get

the 28-hour proposition, that can be extended to 36 on the written request of the shipper. Then add this additional time before loading and after loading to that 36 hours and you have got two or three days where the animals are absolutely without anything to eat. They want to eat and can not eat, because they haven't learned how to eat, and that pretense that they go through of feeding them is a mere farce."

THE PUBLIC HEALTH.

As to the danger to the public health from the eating of the meat of these calves, we quote Dr. Rowley, as follows:

"I have here a letter from Dr. Butler, of the Suffolk District Medical Society. This is the leading medical society of Boston. He says: 'Our committee believes that the weight of evidence is in favor of an age limit for the sale of veal, and not a weight limit, as we favor legislation along these lines.'

"To defeat the law, some of the butchers want to make it a weight limit of the calf and not an age limit.

"Dr. A. T. Cabot, of Boston, writes me: 'I am quite willing, in view of the authorities that you cite, to express my conviction that "bob veal" is unsuited for human food.'

"Dr. Herbert Clapp is certainly one of the leading physicians of Boston, and he says:

"During the years of my practice I have seen quite a number of cases of sickness produced by eating veal from immature calves, and some of them were very severe. I think there should be very stringent laws against slaughtering for food calves during the first few weeks of life (no matter what they weigh), not only because their flesh may be poisonous, but also because to most people who know anything about it the very idea is repulsive."

"Dr. Elliot, the former president of Harvard College, when he heard of our contention, wrote me:

"The bill introduced into the Massachusetts Legislature to allow the sale of any calf that will weigh 40 pounds dressed gives no security against the abominable cruelty of taking a newborn calf away from its mother, depriving it of all food, shipping it on long railroad journeys in crowded cars exposed to any extremes of heat or cold, and selling it for human food in this starved and agonized condition. Independently of the question of the wholesomeness of such meat, I think a civilized community has a right to prevent any buying and selling for a money profit which involves such cruelty. Moreover, I can not but think that consumers ought to be protected against all chance of eating the meat of any animal which has been in torment for many hours before the moment of killing. Man is by no means the only animal in which suffering and terror set up toxic processes. The fact that thorough cooking may destroy the germs or poisons in a raw food does not invalidate the instinctive and reasonable objection to food which was noxious when raw. We all vastly prefer as food milk, meats, cereals, vegetables, and fruits which are pure and sound, and always have been, to the same materials in which impurity and rottenness have been artificially corrected or rendered imperceptible; and this preference is wise."

"Mr. Esch. Do the medical authorities and that the eating of 'bob' veal leads to ptomain poisoning?"

"Dr. ROWLEY. Yes; the sickness that results could be so called. May I quote to you a paragraph or two from the Department of Agriculture, which has been sending to me articles on this very question. This is on the health condition—on the quality of this food as food or unfit for eating:

"'Bob veal,' or the flesh of immature calves, is objectionable on esthetic grounds and prohibitive from a hygienic standpoint. It is repulsive in appearance, owing to the water-soaked condition of the flesh and fat. This condition is due partly to the abundance of water, producing a dropsical condition of the connective tissue constituents, and partly to the presence of certain metabolic products in the tissues which are produced in the fetus as the result of tissue changes or metabolism, and which are cleared away and carried off some time after birth, owing to the purgative properties of the colostrum in the milk of the mother."

"Besides reducing its nutritive value, the presence of the greatest amount of water acts also as a good media or fertile soil for germs, and not only lessens the keeping quality of such meat but actually enables the formation of ptomaine poisons, bacterial toxins, toxalbumins, and toxic substances which the unsuspecting purchaser of such meat can not detect. As a consequence of eating such flesh profuse and sometimes fatal diarrhea may develop in the consumer, as has been shown in literature. Meat-poisoning bacilli find a ready media for luxuriant growth in "bob-veal" carcasses even at low temperature."

"Now, at the time I published this in a Boston paper a Boston physician came into my office and said:

"'Last night a patient of mine died. I am perfectly convinced, from eating "bob veal." She ate very heartily, and at 10 o'clock she became very ill, and she died before morning.'

"There are a number of other quotations here to the same effect. I have also a translation from a distinguished German authority, in which bears out the same statement—that the flesh of these prematurely born calves comes under the head of 'spoiled foods' and is not to be eaten."

The following statement bears upon the methods by which this meat enters into human consumption:

"The following are two instances which I quote from a report given me by the New York State department of agriculture: On March 29, 1911, 90 carcasses of calves and 5 barrels of parts of calves, head, liver, etc., were seized. This consignment was made by one George May. Also, April 8, 1911, the department seized 15 boxes and 4 barrels containing boned-out meat of immature calves. These boxes weighed 50 pounds apiece. The consignment was made by T. Morey, Middleville, N. Y."

"The absolute truthfulness of the following I can not vouch for, but a friend of mine asked a large dairyman how he got rid of his newborn calves. The answer was: 'Why, there is a chicken-canning factory not far from my farm.' I can vouch for the statement that many small boxes have been seen by our agents carried away from places where it has been known these little calves were slaughtered. While we had no right to open the boxes, we were morally certain they contained the carcasses of these little calves boned out." (Hearings, p. 87.)

It appears that the meat of these calves is "blown up with compressed air" to deceive the public.

The hide is sold for a dollar or a dollar and a half.

The liver is sold for about 60 cents.

The sweetbreads for about 50 cents.

The stomach for about 15 cents.

And that when the meat is not sold openly as fit for food it is "boned out" and sold for sausage and canned chicken.

TRAFFIC CRUEL AND MEAT UNFIT FOR FOOD.

The issue upon this bill is not as to the cruelty of the traffic.

All the witnesses who appeared before the committee agreed that the traffic is cruel.

The issue is not as to the unwholesomeness of the meat and its danger to the public health.

All the witnesses who appeared before the committee admit that the meat is dangerous to health, and all admit that the traffic is disgusting.

Mr. Boshart, who appeared against the bill, said:

"I am not here to argue anything about the immature—this so-called immature bob veal."

"Mr. HAMILTON. You do not defend that?"

"Mr. BOSHAART. I won't defend that in any way. I am here to defend an honest industry that not only exists in New York State but in every State surrounding it. I know this traffic has gone on, and I am not here to defend it. I am against it."

"Mr. HAMILTON. I am glad to hear you say that."

"Mr. BOSHAART. They are virtually helpless in the State of Massachusetts to stop the transportation of these immature calves. I will tell you just what it is."

"Mr. DRISCOLL. What is that?"

"Mr. BOSHAART. I do not know much about these conditions, but the bill is all right if it will stop it. I should stop it, and if you people here in Washington deem it proper that this system should be stopped you will stop it, and you will stop it with the four weeks' limitation carried on the statute books." (Hearings, pp. 44-45.)

Mr. Vary, who appeared against the bill, said:

"Now, so far as I know, none of the men who are here with me stand for shipping immature veal. We are against it, but we do believe veals are mature and fit for food and that they are at the same time better veals at 4 weeks of age than they are at 6." (Hearings, p. 46.)

"Mr. HAMILTON. Isn't it customary in certain parts of your State, as well as other States—this practice isn't confined to one State—to let the cow have the calf primarily for the production of milk, the object being to get rid of the calf as soon as possible?"

"Mr. VARY. The sooner you can get rid of the calf under those circumstances the more profit there is in it."

"Mr. HAMILTON. Isn't it true that in many parts of the country they sell the calf very soon because the calf is in the way, and what they want the cow for is to have a supply of milk?"

"Mr. VARY. That is, in different sections some do that."

"Mr. HAMILTON. Isn't it from that very very custom that this cruel custom of shipping immature calves arises?"

"Mr. VARY. I am not defending that custom at all. That may be. We are against the shipment of immature calves. We are always against it. I speak for the New York State Grange, and also for the department of agriculture in our State. We are against that, and favorable to any reasonable proposition that tends to do away with it. All we ask is that you fix the age limit at 4 weeks instead of 6, and we will be perfectly satisfied." (Hearings, p. 48.)

Senator Cobb, of New York, who appeared against the bill, declared against the traffic.

"Mr. HAMILTON. As bearing upon your reply to Mr. Martin, I hold in my hand a letter from Hon. James Wilson, Secretary of Agriculture, and I would like to have you state whether you agree with his conclusion."

"Mr. COBB. I have heard that read. I am just as much against it as you are."

"Mr. HAMILTON. I understood you to say that you were able to take care of the cruelty end of it, if I quote you correctly? You agree with that, then?"

"Mr. COBB. There is no one who would do more to prevent abuses than we would."

"Mr. GORKE. I would be glad if Mr. Hamilton would read the whole letter."

"Mr. COBB. I do not want to rest here and have it understood for a minute that we feel that the Secretary is in favor of permitting cruelty in shipments, or anything of the kind. He wants to do everything he can to stop it, the same as we do."

"Mr. SIMS. It is a cruelty to the people who eat these calves more than the cruelty to the animals. I do not want to eat the immature things. If they are sold people will buy them and eat them. The public health is what I am considering more than anything else." (Hearings, p. 59.)

Mr. Gerow, of Washingtonville, N. J., who appeared against the bill, said:

"Mr. GEROW. Of course I think that I voice the sentiment of the farmers, and I think that New York State has been foremost in advocating a pure-food law and doing everything they can to hold the consumer in that way. I think that is the past record of the New York organization of farmers. We want to sell no goods that are objectionable."

"Mr. HAMILTON. I got that impression from the testimony before this committee, that a great many calves shipped to New York and Boston were not taught to eat, did not know how, and they came into Boston or New York in a starved condition, absolutely unfit for food."

"Mr. HAMILTON. And several of them died."

"Mr. DRISCOLL. They were very young calves."

"Mr. GEROW. They were bob veals, were they not?"

"Mr. HAMILTON. I presume they were."

"Mr. GEROW. We are not asking to ship bob veals."

"Mr. HAMILTON. I understand you are not in favor of that?"

"Mr. GEROW. We do not like it."

Mr. J. G. Curtis, Union Stock Yards, New York, who runs a dairy farm and is also engaged in the live-stock commission business, testified as follows:

"Mr. HAMILTON. You do not bother to teach the calves to drink? I suppose on your farm there are produced—about how many calves will there be produced by the 1st of June?"

"Mr. CURTIS. Forty or fifty."

"Mr. HAMILTON. Forty or fifty calves. It would be quite a job to teach them to drink."

"Mr. CURTIS. We do not attempt it."

"Mr. HAMILTON. So, after all, it comes to a commercial proposition; you dispose of those calves as soon as you can. They are not taught to drink?"

Mr. Saunders, a live-stock commission merchant, of Jersey City, N. J., who appeared against the bill, testified as follows:

"Mr. SAUNDERS. Some claim 2 weeks old. You can get a calf 2 weeks old heavier than one 3 weeks old."

"Mr. HAMILTON. Are you prepared to argue that a calf a week old, if it should be shipped from some point in Michigan to Cleveland, being

obviously unable to take any nourishment, and should be held in Cleveland without any nourishment, and finally shipped down to Armour & Co., at Pittsburgh, Pa., and there slaughtered—are you prepared to say that the flesh of that calf is fit for human consumption? Even if you are unwilling to take into consideration the suffering of these poor animals, are you willing to say it is fit for human consumption?

"Mr. SAUNDERS. I am willing to say it is not.

"Mr. HAMILTON. Are you willing to say it is not cruel? You would say it was cruel to the calf, would you not?

"Mr. SAUNDERS. Yes; certainly, to a week-old calf.

"Mr. HAMILTON. To a 2-weeks-old calf?

"Mr. SAUNDERS. It would be cruel; you know what I mean, it is cruel to load any of these cattle in a car. It is cruel the minute you take these cattle away from their homes, for that matter, whether they are 2 weeks old, 2 years old, or 4 years old. It is cruel the moment you take any of these cattle or sheep and put them in the car, and I am not trying to make you people believe it is not cruel to crowd these cattle in the cars; but I do tell you gentlemen the improvements in this business the last two years have been so great that one not in the business would not believe it."

It is clear from the testimony that if 24 hours in transit were permitted, the entire time between the separation of the calf from its mother and its slaughter would be not less than 30 hours, and would probably be nearer 36 hours, because of the time consumed in getting the calf from the farm to the place of loading and the time consumed at destination after unloading and before slaughter.

After the testimony upon the bill as originally introduced had been heard, the first section was changed by adding at the end of the section these words:

"Provided, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 6 weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than 6 weeks old, and over 3 weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours."

After making this change, the bill was ordered by the committee to be reintroduced and reported favorably.

Mr. McConnell, secretary of the Tri-State Live Stock Association, which covers northern Indiana and Ohio and southern Michigan, testified as follows (hearings, p. 76):

"Mr. McCONNELL. Our calves there are usually held about five weeks. I personally and our shippers there will not buy anything unless it is first-class veal; in fact, not 1 veal out of 50 I ship but sells at the top of the market. Most of the farmers in Hilldale market and through there prefer to make a calf prime before they let it go, and that takes four or five weeks; they do not like to hold them over five weeks; but they hold them from four to five weeks and make the calf weight 150 to 180 pounds in that time, where they have grade mothers; that is home weight; a Jersey cow will not do it."

"Mr. HAMILTON. Then, if this bill prescribed that calves should not be shipped under 4 weeks old, it would conform to your views, would it not?

"Mr. McCONNELL. It would; yes, sir.

"Mr. HAMILTON. What would you say about five weeks?

"Mr. McCONNELL. It would not be so much of a hardship with us, although here is a question to decide. Gentlemen, I confess I think a calf 3 to 3½ weeks old, 3 weeks old more particularly, could be distinguished quite readily; after they got up much beyond 3 weeks, I think it would be hard for anybody to tell their age up to a certain point."

The issue is not as to the cruelty of the traffic or as to its danger to health. It is admitted by everybody that the traffic is cruel and that the meat is unwholesome, but it is claimed that the age limit should be 4 weeks instead of 6 weeks, and that the time of transit should be at least 24 hours.

The case is summed up in a letter of Dr. W. O. Stillman, president of the American Humane Association, printed on pages 87 and 88 of the hearings, as follows:

THE AMERICAN HUMANE ASSOCIATION,
Albany, N. Y., April 24, 1912.

Hon. EDWARD L. HAMILTON,
Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. HAMILTON: I understand that a hearing was given before the House Committee on Interstate and Foreign Commerce on April 18, 1912, in regard to the "bob-veal" bill, H. R. 17222. I am also informed that representatives of dairy farmers from New York, Indiana, and Michigan appeared against the bill.

The contentions of those appearing against the bill, it is said, were—
First. That a 6-weeks age limit would be unreasonable, and that 4 weeks would be sufficient.

Second. That the practice of shipping immature calves is a local matter and confined largely to New York State and Massachusetts, and that the conditions complained of should be cared for in each State and regulated only by local laws.

Third. That immature calves do not suffer greatly in being shipped to market, and that there is a very small loss from either injury or death.

In reply to these claims this association respectfully submits—

First. That where the 4-weeks age limit holds large numbers of calves are shipped much under that age and anywhere from 1 to 2 weeks old, or even younger. The constant tendency seems to be, according to the experience of our anticruelty societies, to evade the 4-weeks limit and send the calves to market as soon as possible, for obvious reasons.

From our experience with the 4-weeks limit we are convinced that a 6-weeks limit is positively required and would practically result in large numbers of calves being shipped at considerably under the 6-weeks limit, making the age in actual practice much nearer 4 weeks than 6. In other words, it is desirable to have the limit at least 6 weeks in order to prevent the shipment of calves much under 4 weeks of age.

We claim that a 6-weeks limit is not unreasonable, as the shipment of younger calves is much more likely to be injurious for human consumption, and, furthermore, that it is constantly found in practice that it is the younger calves which are apt to die during transit from starvation and weakness. We submit that this is only reasonable and self-evident.

Second. In regard to the second point we submit that the shipment of immature calves is not a local matter, confined to any one section, but that it is an abuse which exists everywhere that dairy farming is practiced, as a natural result of the desire to sell the cows' milk as promptly as possible for the increased profit which accrues. Many

States have failed to pass laws satisfactorily regulating the shipment and sale of bob veal, and if they did have such laws they would not reach the interstate-shipment abuses. The contention that such cruelty should be controlled under State laws does not work out satisfactorily, even where the State laws are considered efficient.

For instance, under the New York agricultural law, chapter 1, section 106, entitled "Shipping, slaughtering, and selling veal for food," calves under the age of 4 weeks "can not be shipped or killed for food even when they are accompanied by their dams to the point of destination." There is, therefore, an absolute prohibition to the sale of bob veal. An energetic attempt having been made to invoke this law to prevent an interstate shipment of bob veal, the case was submitted to the attorney general of New York, whose opinion was, in part, as follows: "I find no authority in this provision of the law or elsewhere that would justify the commissioner of agriculture seizing shipments of calves destined to a point outside the State. * * * The shipment there referred to must be construed as meaning shipping for the purpose of killing within the State, and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

If the allegation is true that this is only a local abuse, peculiar to New York and Massachusetts, why should farmers be present from Indiana and Michigan in opposition to this bill, and why should the American Humane Association receive complaints from many remote sections of the United States concerning such abuses?

Third. In regard to the allegation that the shipment of immature calves to market is not associated with any great suffering on their part, I must say that an experience of nearly 20 years in enforcing anticruelty laws, of which about 7 have been connected with the American Humane Association, goes to show that such shipments are attended with frightful cruelty. I note that the evidence brought out during the farmers' hearing in opposition to the bill showed that calves, in interstate shipments, sometimes went as long as 40 hours without food or water. Is this not sufficient evidence that young and unweaned calves should be absolutely excluded from interstate shipment for market, and that the calves should be allowed to reach an age when they are stronger and have more resisting power? The constant tendency has seemed to be, on the part of shippers of veal, to try to crowd under the age limit just as far as possible without detection and punishment, although in some instances, particularly in the West, much older calves are frequently shipped.

In conclusion, the American Humane Association would respectfully urge that the shipment of unweaned calves and those under 6 weeks of age must necessarily be fraught with great cruelty and suffering; that the use of the flesh of such calves for human consumption carries with it serious danger; that this abuse is found in every State where extensive dairy farming is carried on, and that it will spread with the development of the country; that in order to supply the enormous amount of veal consumed in large cities, amounting, it is claimed, to 215,000 calves per year in New York City alone, that such calves must necessarily come from long distances, and therefore be subject to interstate-traffic regulation, if regulated at all; that there are no Federal laws at present which may be invoked to prevent this cruel and dangerous traffic; and that with Congress lies the power and the responsibility to relieve the condition which has become at once dangerous and intolerable.

Eagerly soliciting your support of this bill, I am,
Very truly, yours,

W. O. STILLMAN, President.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker and gentlemen, I wrote the views of the minority on this bill, and if you will give me your attention for about five minutes I will tell you why we were opposed to it.

In the first place, it was not necessary for the gentleman from Michigan [Mr. HAMILTON] to harrow your feelings or turn your stomachs on the "bob veal" part of this proposition, because it does not apply; because all the evidence before the committee applied to very young calves, a day old or less than a week old; and we agree with the gentlemen that a law should be enacted to prevent the transportation of that class of calves.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I prefer not to yield at this time.

Mr. HAMILTON of Michigan. The gentleman has made a broad statement.

Mr. MICHAEL E. DRISCOLL. If you will allow me to talk five minutes first, then I will yield.

Mr. HAMILTON of Michigan. The gentleman is mistaken in his statement, that is all.

Mr. MICHAEL E. DRISCOLL. Why do we object to this bill? We said to these gentlemen before the committee, and I have said time and again to the gentleman from Michigan, that if he would consent to an amendment making it four weeks instead of six weeks the farmers of New York, the grazing people of New York, would all be with him for the enactment of this law.

Mr. HAMILTON of Michigan. I am willing the gentleman should offer his amendment reducing the time to four weeks and let the House determine.

Mr. MICHAEL E. DRISCOLL. Here is the situation with reference to the State of New York: The Vermont law provides that calves 4 weeks old are fit for veal. The law of Massachusetts makes the same provision. The law of Connecticut has the same provision, that calves 4 weeks old or older are fit for food. The law of New Jersey makes the limit three weeks. The United States Department of Agriculture puts its stamp of approval on veal of calves 3 weeks old or over.

Mr. HAMILTON of Michigan. Where?

Mr. MICHAEL E. DRISCOLL. It allows that veal to go into interstate commerce.

Mr. HAMILTON of Michigan. Where?

Mr. MICHAEL E. DRISCOLL. I object to these interruptions for the moment.

The SPEAKER. The gentleman from Michigan will not interrupt the gentleman from New York without his consent.

Mr. MICHAEL E. DRISCOLL. As I say, the limit in New York is four weeks. Now, what is the result? The New York Central Railroad tracks run easterly and westerly through the State of New York from Albany to Buffalo and down to the city of New York east of the Hudson without crossing any other State line. Therefore the farmers of New York who ship their calves to New York City by the New York Central road can send them there at 4 weeks of age, but the man from the western or southern part of the State who wants to send his calves to New York by the West Shore, the Delaware, Lackawanna & Western, the Erie, or the Pennsylvania, all of which cross State lines into either New Jersey or Pennsylvania, and therefore shipments over those lines go into interstate commerce, can not ship them under 6 weeks of age.

The man east of the Hudson or between Buffalo and Albany can ship his calves into New York City at 4 weeks of age. The man who ships them by the West Shore road can not ship them under 6 weeks. Is that fair to the farmers of New York? Is it fair that the man from one section may send his calves to New York City at 4 weeks while the man from another section can not send them at less than 6 weeks? We say it is not uniform, we say it is not fair, we say that the 4-weeks' law accomplishes just what the humane society wants. Dr. Rowley, of Boston, and Mr. Coleman, and the others all said that if the calves were 4 weeks of age there would be no complaint, because a calf which is well fed on sweet milk until it is 4 weeks of age becomes prime veal, whereas if they try to feed it sweet milk until it is 6 weeks old it is more expensive. The value of the milk it drinks is greater than the value of the flesh it puts on in those intervening two weeks. Therefore it does not pay to feed a calf all the sweet milk it will drink until it is 6 weeks old, as compared with feeding it until it is 4 weeks old and then butchering it. It is the best veal and it is the most profitable way to dispose of the calves. These humanitarians said that if calves were four weeks old before they were shipped there would be no complaint. They said that so far as they knew a calf 6 weeks of age would suffer as much as a calf 4 weeks of age. Therefore, in order to satisfy these people on this technicality, you want to change the law and make it different from the laws of all the States of the Union and put a part of New York State under one law and a part under another law with two weeks' difference in the age limit. The representatives of the humane society said that if the law providing that a calf should be 4 weeks old were enforced, they would be satisfied, but because they thought it might not be strictly enforced they wanted to make it 6 weeks in order to have two weeks' leeway.

I stand here demanding equality for all the farmers of New York. I stand here opposed to a law which will let the New York Central ship calves to New York City at the age of 4 weeks, when the West Shore, the Erie, the Pennsylvania, and other roads can not ship calves to New York at less than 6 weeks of age.

The SPEAKER. Is there objection?

Mr. BURKE of Pennsylvania. I understand the gentleman from Michigan is willing to have the bill amended.

Mr. MICHAEL E. DRISCOLL. If the gentleman will consent to a change from 6 weeks to 4 weeks we will not oppose the passage of the bill.

Mr. HAMILTON of Michigan. Will the gentleman permit an answer?

Mr. MICHAEL E. DRISCOLL. The gentleman can answer that yes or no.

Mr. HAMILTON of Michigan. But I am not prepared to permit the gentleman from New York to direct how I shall answer.

Mr. BURKE of Pennsylvania. If the gentleman is not willing to have the bill amended, I object.

Mr. MICHAEL E. DRISCOLL. I object.

The SPEAKER. The gentleman from New York and the gentleman from Pennsylvania object, and the bill will be stricken from the calendar.

Mr. MICHAEL E. DRISCOLL. I will print as a part of my remarks the views of the minority.

The views of the minority are as follows:

VIEW OF THE MINORITY.

The undersigned members of the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, which bill has been reported favorably, beg leave to submit herewith our views in opposition to the enactment of said bill into law in its present form.

The report raises and accentuates an issue which does not exist between the majority and minority members of the committee, or between the humane societies and the agricultural organizations. We

wish to make it clear at the outset that we favor the bill if the age limit of "6 weeks" is changed to "4 weeks," and we hope that those who read the report and the minority's views will constantly bear this in mind.

The report says:

"This bill is designed to prevent cruel, disgusting, and dangerous traffic—cruel to animals, dangerous to human health, and disgusting in its revelation of cheap and nasty cupidity in perpetrating upon unsuspecting consumers food unfit for human consumption."

About half of the report is given to prove that very young calves have been shipped in interstate commerce in a cruel manner. That is principally made up of extracts from the hearings, some direct statements and some hearsay, but all tending to show that very young calves have been subjected to cruel treatment in transportation. All this could as well have been omitted from the report; for, while we do not know whether or not these statements are true, we do not deny them, and are ready to join hands with the majority in preventing such practices in the future.

Practically all the balance of the report is given to prove that "bob veal" is unwholesome and unfit for food. Again we agree with the majority, and all the men who appeared at the hearings in opposition to this bill in its present form agreed with the humane societies that the veal of immature calves should not be sold for food. The majority report quotes from the evidence of Mr. Boshart, Mr. Vary, Senator Cobb, Mr. Gerow, Mr. Curtis, Mr. Saunders, and Mr. McConnell, all of whom appeared in opposition to the 6 weeks limit in this bill, and all of whom condemned the practice of selling for food the meat of immature calves, and all of whom stated that calves well fed on sweet milk to the age of 4 weeks make prime veal, which brings the highest price in the market because it is the best veal.

There was no real contention on the facts between those who advocated and those who opposed this bill in its present form. Both groups of men—those who represented the humane societies and those who represented the agricultural organizations—asserted that very young calves should not be permitted to enter interstate commerce or any other commerce. Both asserted that the meat of such calves is unfit for food, and both agreed that the practice should be stopped, to avoid unnecessary suffering of calves and to protect the public from unwholesome and dangerous "bob veal."

In view of this agreement and mutual desire to accomplish the same end, all of the report except the Stillman letter is entirely immaterial so far as the real issue here is concerned, unless the intention is to harrow the feelings and turn the stomachs of those who read it, prejudice their minds, and unfit them to give the bill and the proposed amendment fair and impartial consideration.

What is the difference between the humane societies and the practical dairymen on the question of this proposed legislation? It is two weeks in the age of calves. The humane societies say that calves should be 6 weeks old before they are admitted to interstate commerce, and the dairymen say that calves 4 weeks old or older should be admitted to such commerce. Which view is the reasonable and practicable one and the one which should be enacted into law? Read the report and the hearings so far as they bear on the question of cruelty, and you will find that practically all the cases cited and all the evidence refer to very young calves, from 1 day to 1 week old. One or two references are made to calves from 1 to 2 weeks old, but not one case is cited of cruelty to a calf 3 weeks old or older. Then read the report and the hearings and you will not find one word or suggestion that the meat products of well-fed calves 4 weeks old are not palatable and wholesome food.

No point was made in the hearings that calves 4 weeks of age suffer more in transportation than do calves 6 weeks of age. In the transportation of live animals of any kind suffering can not be avoided. When a calf is taken from its dam both suffer. When a calf of any age is taken from the farm, put into a jolting wagon, thence into a jolting freight car and transported many miles, it suffers pain and privation. Every animal that is slaughtered suffers pain and death; and yet butchers are not held to be guilty of cruelty to animals. According to the law of creation and existence the weaker animals furnish food for the stronger ones, and all the lower animals, directly or indirectly, contribute toward the comfort, enjoyment, convenience, and support of man.

The primary definition of "cruel," according to the dictionaries, is:

"Disposed to hurt or to take pleasure in the hurt of others; inhuman, unfeeling, hard-hearted; void of pity or feeling for others; savage."

And the primary definition of "cruelty" is:

"A cruel disposition or temper; a disposition to take pleasure in inflicting pain or hurt on others, or in looking at the pain of others."

If the humane societies are opposed to inflicting pain and suffering on animals, then, to be consistent, they should not only preach but also practice strict vegetarianism.

We submit, therefore, that the bill, with the proposed amendment changing "6 weeks" to "4 weeks," will accomplish all that the humane societies demand to protect very young calves from unnecessary suffering and to protect the public from the consumption of unwholesome veal.

Most of the evidence before the committee was directed against the practice of shipping very young calves from the State of New York to the State of Massachusetts, where they were butchered and the content sold for food. A few references were made to this practice in other parts of the country, but the real grievance was based upon the interstate commerce in those calves between New York and Massachusetts.

Dr. Francis H. Rowley, of Boston, who had charge of the bill in behalf of the humane societies, admitted that if such a law as is here proposed by the agricultural organizations of the country were enforced it would accomplish all that he demanded or expected in the protection of very young calves from cruel treatment and in the protection of the public from "bob veal." He said (hearings, p. 12):

"We have a law in Massachusetts that I think would control it if we could enforce it. We have two statutes on our books. One says, 'No calf shall be sold for food under 4 weeks of age,' and we have another that says that 'if a calf when dressed will weigh 40 pounds, with 2 pounds allowed for shrinkage overnight'—that is, 38 pounds—it may pass inspection."

It is manifest that, if those provisions of the Massachusetts law could be enforced, Dr. Rowley would not come to Congress for Federal legislation; that he has applied to Congress for this legislation because he admits that Massachusetts is unable to enforce its law.

When pressed for an explanation why he came to Congress instead of protecting the calves and the people of Massachusetts by State legislation, he said (p. 12 of the hearings):

"I am sorry to answer that Massachusetts is not up to New York State. For two years, in the public press and in every possible way,

I have tried to force upon the Boston Board of Health and the State board of health the necessity for action, and it can not be done at the present time. Massachusetts is behind, sadly behind, in its legislation in this matter."

Again he said (p. 12 of the hearings):

"The local inspectors in our 400 little slaughterhouses will act on the 38-pound law—when the calf is dressed—and if you try to enforce it on the 4-weeks law they fall back on the statute which says 'if it weighs 38 pounds,' and the local inspector can be induced to put his stamp on it. If we could only stir up the State of Massachusetts to realize this situation, we could do a great deal."

As bearing on our contention that this bill was conceived and drafted, not to stop the sale of calves 4 weeks old, which make prime veal, but to stop the transportation of very young calves under a week old, which would suffer greatly and which are not wholesome food, and to show what was in the mind of Mr. HAMILTON of Michigan, who introduced the bill, conducted the hearings before the committee, and wrote the report, we refer to the hearings, pages 43 and 44.

After the first witness for the agricultural societies of New York, Mr. Boshart, had stated that he was against the sale of very young calves and was in favor of the strict enforcement of the New York law, which provides that calves under "4 weeks" of age shall not be slaughtered and sold for food, the following colloquy occurred:

"Mr. DRISCOLL. Now, Mr. HAMILTON, can't we agree on four weeks, and not take any more time here? I do not think that anybody will ask for a higher age limit really on the merits. Can't we agree here on four weeks and not consume any more time in this matter?"

"Mr. HAMILTON. I want to ask this gentleman a few questions, but perhaps it isn't important to do that."

"Mr. DRISCOLL. A man who is as fair as he is, and wants to do what is fair—"

"Mr. BOSHAART. We are here to protect an honest and legitimate industry."

"Mr. HAMILTON. The primary purpose of this bill was to prevent, I will say (and I think every member of the committee who has heard the testimony understands it), the cruel and inhuman practice which has grown up of taking calves less than 1 week old, as shown by the testimony, and often as young as a day, and shipping them to Boston, for illustration—that is generally the objective point. Many of them die en route, and some of them arrive at their destination with their stomachs as dry as a powderhorn. The Federal inspection, as this gentleman has said, is recognized to be good and adequate, but the local inspection of Massachusetts is understood to be defective. These calves are consigned under the law of New York for, I have forgotten the term, for agricultural purposes, for farming purposes to Richard Roe or John Doe."

"Mr. DRISCOLL. For breeding purposes?"

"Mr. HAMILTON. For breeding purposes; but, as a matter of fact, John Doe, or Richard Roe, is a butcher, and the calves pass inspection, and the livers are sold for about 60 cents and the sweetbreads for something like that, and the hides for something, and the carcasses are then boned and sold for chicken. The testimony is that the meat is unfit for human consumption, and it has produced ptomaine poison, it is said, in some instances. This abuse is not trivial, but runs up into the hundreds of thousands. That is what this bill was introduced to reach."

This statement of Mr. Hamilton clearly indicates what he had in mind when he introduced the bill, and we submit that the bill as modified by changing "6 weeks" to "4 weeks" would accomplish all that he and the advocates of the bill expected or intended to accomplish by it.

The only statement in the hearings that squints toward an argument in favor of the "6 weeks" limit is contained in a letter from W. O. Stillman, president of the American Humane Association, to Mr. Hamilton, dated April 24, 1912, after the close of the hearings before the committee. In considering his letter due allowance must be given to the fact that it is not verified and he was not subjected to cross-examination. It says (pp. 87 and 88):

"That where the 4 weeks age limit holds large numbers of calves are shipped much under that age and anywhere from 1 to 2 weeks old, or even younger. The constant tendency seems to be, according to the experience of our anticruelty societies, to evade the 4 weeks limit and send the calves to market as soon as possible for obvious reasons."

"From our experience with the 4 weeks limit we are convinced that a 6 weeks limit is positively required and would practically result in large numbers of calves being shipped at considerably under the 6 weeks limit, making the age in actual practice much nearer 4 weeks than 6. In other words, it is desirable to have the limit at least 6 weeks, in order to prevent the shipment of calves much under 4 weeks of age."

Mr. Stillman admits that if a law making the age limit "4 weeks" were enforced, it would be satisfactory to the humane societies and accomplish what they want. He urges a "6 weeks" limit in order to have 2 weeks leeway on the theory that the law will be violated and that a "6 weeks" limit loosely enforced will not accomplish any more or even as much as a law with a "4 weeks" limit strictly enforced. We doubt if that is a sound principle on which to base legislation. A provision should not be placed in the statutes unless there is a public sentiment back of it which will insist on its enforcement and approve severe penalties for its violation. We submit that his letter is really an indorsement of our contention for a "4 weeks" limit, severe penalties, and rigid enforcement.

We now submit the reasons why this bill should be amended by changing "6 weeks" to "4 weeks," as urged by the agricultural and dairy associations.

It would tend toward uniformity of law, which always tends toward obedience to the law and uniformity in practice under it.

New York State has a statute which provides that calves under the age of "4 weeks" shall not be slaughtered and sold for food. Massachusetts, Vermont, and Connecticut have statutes to the same effect. New Jersey has a law providing that calves under the age of 3 weeks shall not be slaughtered and sold for food. The Federal regulation provides that the veal of calves of 3 weeks of age or older is fit for food, and puts the stamp of the Federal Government on such product and permits it to go into interstate commerce.

A Federal statute providing that calves under the age of "4 weeks" shall not be admitted to interstate commerce would conform to the laws of the States where the practice of shipping in interstate commerce immature calves has mostly prevailed, according to the hearings, and could be more effectively administered and enforced because of its harmony with the laws which now exist in those States.

Greater New York and the surrounding cities and towns are the great consuming center of the East, and should be given fair consideration in the enactment of all food laws, particularly those which affect the surrounding States. Since none of the States in that part

of the country requires that a calf shall be over 4 weeks of age when it may be slaughtered and sold for food, a Federal statute prohibiting a calf under 6 weeks of age from interstate commerce would be very difficult of administration and enforcement because of its conflict with the State laws; and if it were enforced its effect would be to raise the price of food, which is now very high.

This bill with the "6-weeks" limit would be unfair to New York City consumers, and would discriminate unfairly between the farmers in different sections of the State. To illustrate: All farmers in the eastern and northeastern parts of the State could ship their calves to New York City at the age of "4 weeks," because they would go by way of the New York Central and not enter interstate commerce; while all farmers in the southern and southwestern parts of the State could not ship their calves to New York under 6 weeks of age, because they would enter that city by way of the West Shore, Delaware, Lackawanna & Western, the Erie, or Pennsylvania Railroad, and would of necessity pass through Pennsylvania or New Jersey, or both, and would therefore constitute interstate commerce. The Hudson River would be the dividing line. One the east side of that river the law would permit farmers to send calves 4 weeks of age to New York City for food. On the west side of that river they could not send calves of less than 6 weeks of age to New York. Such a law would be manifestly so unfair and unreasonable that the average man might feel justified in violating it. It would not only be unfair, but useless and unnecessary either to protect very young calves from cruelty or to protect the public from unwholesome veal. In that event Mr. Stillman's assumption would perhaps be realized, that the 2-weeks part of the Federal law would become dead and inactive and the "4-weeks" law of New York and all the surrounding States would be respected and enforced.

Representatives of humane societies and societies for the prevention of cruelty to animals may be suspicious because in a multitude of transactions they have discovered some violations of law. Yet we believe that the great majority of men are honest and disposed to obey the law, especially when that law is fair and reasonable and not discriminatory.

It appeared in the hearings, without contradiction, that a farmer would make more money by feeding a calf well on sweet milk till the age of 4 weeks than he would if required to keep it until the age of 6 weeks. Indeed, it was stated that he would lose money on it if required to keep it till 6 weeks of age; that it would consume as much milk during the two weeks from 4 to 6 as during the first four weeks, and that it would not increase in weight accordingly. Further, that it would be apt to lose in quality and selling price. That it would require 40 pounds of milk a day to properly nourish it from the age of 4 to 6 weeks, and that if it did not get all it could drink the veal would become stringy and not as palatable or desirable as if well fed to the age of 4 weeks and then slaughtered. It was also strongly urged before the committee that if farmers were not permitted to sell their calves for food until 6 weeks of age it would raise the cost of food.

In conclusion we submit that this bill with the amendment proposed by the farmers' associations will, if enacted into law and strictly enforced, accomplish all that the humane societies demand, and it will fully protect the public from dangerous and unwholesome "bob veal." We therefore recommend that the bill as reported should not pass, but that it should be amended by changing the limit of "6 weeks" to "4 weeks," and as so amended be enacted into law.

WILLIAM RICHARDSON,
WILLIAM R. SMITH,
WILLIAM M. CALDER,
M. E. DRISCOLL.

STATEMENT OF HON. H. M. GOLDFOGLE.

Believing that if the limit were fixed at 4 weeks, as it is in the New York statute, and the law strictly and properly enforced, the purposes the framers of the bill have in view would be met, I concur in the recommendation to amend the bill by making the limit 4 weeks.

H. M. GOLDFOGLE.

STATEMENT OF HON. A. J. SABATH.

I am in favor of the principle underlying this bill, as I have always favored, and favor now, humane treatment for our dumb animals. I regret the inhuman treatment that is being accorded to young calves 1 and 2 weeks old during transportation; but I am of the opinion that to prohibit the transportation of calves under 6 weeks old is unreasonable. That, I believe, would preclude the possibility of calves being transported in interstate commerce at all, as no farmer will keep a calf for 6 weeks with profit, unless, of course, he does so for raising purposes. Four weeks would seem to be the proper limitation. With 6 weeks as the earliest period after birth upon which calves could be permitted to be transported in interstate commerce, it would be cheaper for the farmer to kill when a calf was only a few days old and thereby preventing the large centers from securing any veal and also which would also tend to further increase the already high price of meats.

The city of Chicago being the largest center of the meat industry, and one of the largest consumers, would necessarily suffer more than any other city in the Union, for the reason that 90 per cent of the calves that are shipped to that city come from other States, and these shipments would therefore be affected by this act.

A. J. SABATH.

STANDARD BARREL FOR FRUITS AND VEGETABLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables.

The Clerk read the title to the bill.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

AMENDMENT OF MEAT-INSPECTION LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26329) to amend proviso in meat-inspection

law concerning products prepared according to directions of foreign purchasers.

The Clerk read the bill, as follows:

A bill (H. R. 26329) to amend proviso in meat-inspection law concerning products prepared according to directions of foreign purchasers.

Be it enacted, etc., That the proviso in the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906, which reads as follows: "Provided, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat-food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact manufactured, sold, or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of all the other provisions of this act," be, and the same is hereby, amended by inserting after the word "preservatives" the words "and coloring matter," so that said proviso as amended shall read as follows: "Provided, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives and coloring matter shall not apply to meat-food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of all the other provisions of this act."

The SPEAKER. Is there objection?

Mr. FOWLER. Mr. Speaker, reserving the right to object, I desire to ask the author of the bill if it is not a fact that in coloring oleomargarine a chemical is used?

Mr. MANN. This bill, if passed, would permit a mineral chemical to be used in coloring oleomargarine where it was so ordered by the foreign purchaser, but it could not be used in oleomargarine manufactured and sold in the United States and could not be used if forbidden by the country to which it was exported.

Mr. FOWLER. Can the gentleman give any reason why the United States refused to permit a chemical to be used in the coloring of butter or oleomargarine in this country?

Mr. MANN. I understand the department holds that the use of chemical dyes is deleterious to health.

Mr. FOWLER. In the gentleman's opinion, is the dye deleterious to health which will be necessary to color the oleomargarine provided for in this bill?

Mr. MANN. I do not think that it is.

Mr. FOWLER. The gentleman does not agree, then, with the pure-food authorities of this country?

Mr. MANN. Well, there is a wide difference of opinion; some chemical dyes are supposed to be deleterious to health and some are not. When we passed the pure-food law we made special provisions giving authority to use coloring matters which were not deleterious to health, and in some cases they allowed chemical dyes to be used in food.

Mr. FOWLER. I understand in talking with Members interested in this bill that a reddish color is desired to be produced in oleomargarine sold to some islanders.

Mr. MANN. That is correct.

Mr. FOWLER. What chemical could be used to produce a reddish color that would not be deleterious to health?

Mr. MANN. They have a reddish chemical dye which it is claimed by many people is not deleterious to health; and, as a matter of fact, in some of the Lesser Antilles, such as Barbados, they used to purchase from the United States a reddish-colored butter and oleomargarine. That continued, I believe, until about a year ago, when the department made a ruling that they could not use that chemical dye for the coloring of such substances. Since that time we have lost that trade, but they still use the articles purchased in Europe.

Mr. FOWLER. Does not the gentleman think it would be better for the United States to lose the trade which this bill seeks to secure than to authorize the use of chemicals which are deleterious to health?

Mr. MANN. Mr. Speaker, when we passed the pure-food law I suppose that no matter was more thoroughly discussed than was this. We inserted this proviso in the pure-food law:

Provided, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped.

As a matter of fact, there were various meat articles then being prepared by the use of a preservative which the English purchasers insisted upon and which the English law recognized as proper. It was not intended to permit those articles to be used in the United States, there being a difference of opinion between the scientists of this country and the scientists of England. So we put in a provision that so long as the articles used

were not contrary to the laws of the country to which they were shipped and were ordered to be inserted by the purchaser, that that might be done. It leaves it to that country to determine, and the provision in the pending bill would be in the same way. There is a difference of opinion in reference to these things. Besides that, while all preservatives, in my judgment, are in a way deleterious to health, yet in some cases it is far better to preserve food than it is to let it spoil and take the chance of eating it when it is partly spoiled. The use of red coloring matter, chemical dyes, in the Tropics, where they desire red coloring matter, is probably less deleterious to health than the use of putrid butter.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. Mr. Speaker, as I understand it, these products are sent from Europe now and are colored with this aniline coloring matter, to meet the demand of the trade in the West Indies.

Mr. MANN. They are.

Mr. SLAYDEN. Does the gentleman know whether there has been any ill effect from the use of those dyes?

Mr. MANN. Oh, they have been using this chemically dyed butter and oleomargarine for years down there. I saw them using it when I was there. I do not know whether it is injurious to them or not. They have not as much vitality as some people in the United States.

Mr. SLAYDEN. Perhaps they are still wrestling with the hookworm.

Mr. MANN. Possibly so. There is no complaint there with reference to that, and without the use of the chemical dyes they can not obtain what they want, so they claim. At any rate, they buy that same product from Europe instead of from the United States.

Mr. SLAYDEN. Mr. Speaker, remembering the yeomen service that the gentleman from Illinois [Mr. MANN] rendered in getting passed that very desirable piece of legislation known as the pure-food law, more properly a truthful labor law, I am almost ready to follow the gentleman blindly in matters of this kind.

Mr. MANN. I never have proposed anything to this body that I thought would put bad food or improperly labeled food upon anyone.

Mr. SLAYDEN. I am quite certain of that.

The SPEAKER. Is there objection?

Mr. FOWLER. Mr. Speaker, still reserving the right to object, I desire to ask the gentleman if he is willing to commit America to a commercial policy which would be detrimental to the health of the people who buy our products?

Mr. MANN. I would not be, I will say to the gentleman very frankly.

Mr. FOWLER. Then, if this aniline dye, or whatever is used for coloring this butter, is deleterious to health, does the gentleman believe it is wise for us to pass such a bill in order to gain the trade of a few negroes in a few of the islands?

Mr. MANN. I do not believe it is deleterious to health. I do not think anyone claims as a matter of fact that it is deleterious to health.

Mr. CARY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present; not a quorum.

Mr. GARNER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Carter	Focht	Howland
Aiken, S. C.	Claypool	Fornes	Hughes, Ga.
Akin, N. Y.	Conry	Fuller	Hull
Ames	Cooper	Garrett	Humphreys, Miss.
Andrus	Cravens	George	Johnson, Ky.
Ansberry	Crumpacker	Gillett	Kahn
Austin	Curley	Goeke	Kent
Ayres	Curry	Gregg, Pa.	Kitchin
Barchfield	Dalzell	Gregg, Tex.	Lafean
Bartholdt	Davis, W. Va.	Griest	Lafferty
Bartlett	Denver	Hamill	Langham
Bates	Defenderfer	Hamilton, W. Va.	Langley
Bathrick	Dixon, Ind.	Hardwick	Legare
Berger	Dwight	Harris	Lever
Boehne	Dyer	Hart	Lewis
Brown	Ellerbe	Hartman	Lindsay
Calder	Fairchild	Heald	Littleton
Campbell	Farr	Healin	Lloyd
Cantrill	Fields	Hill	Longworth
Carlin	Flood, Va.	Hinds	Loud

McCall	Pujo	Smith, J. M. C.	Underwood
McCoy	Randell, Tex.	Smith, Cal.	Vare
McCreary	Reyburn	Smith, N. Y.	Volstead
McKellar	Richardson	Speer	Vreeland
McMorran	Riordan	Stack	Warburton
Mahor	Roberts, Mass.	Steenerson	Webb
Martin, Colo.	Rothermel	Stephens, Nebr.	Whitacre
Matthews	Rucker, Mo.	Sulloway	White
Merritt	Sabath	Taggart	Wilson, Ill.
Moon, Pa.	Saunders	Talbott, Md.	Wilson, N. Y.
Needham	Scully	Talcott, N. Y.	Wood, N. J.
Oldfield	Sells	Taylor, Colo.	Woods, Iowa
Olmsed	Sherley	Taylor, Ohio	Young, Mich.
Palmer	Simmons	Thistlewood	
Parran	Slomp	Townsend	
Patten, N. Y.	Small	Turnbull	

The SPEAKER. On this call 242 Members, a quorum, have answered to their names.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Is there objection to the consideration of this bill?

Mr. FOWLER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar, and the Clerk will call the next bill.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

Mr. ADAMSON. Mr. Speaker, before we get too far away from the dead-calf question I want to make a request. I desire permission to extend my remarks on the subject, in order to show that if the people up there can not protect themselves against these dead calves we ought to make beef cheaper—

The SPEAKER. The question is not debatable. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Then I will put it in; I will say it anyhow [laughter]—by prohibiting the slaughter, shipment, and sale in interstate commerce of calves before they are large enough to make beef. It will not do to say the people of Boston and New York ought to have more sense than to eat dead calves, for everybody knows that all Boston people are highbrows and have more culture and literary attainments than anybody else since Adam, while it is equally notorious that the people of New York have more financial sense and know more about fiscal legerdemain and practice it more than anybody since Shylock. Neither is it proper to say they ought to have better taste. Taste is not debatable, therefore I will not say that they ought to have better taste than to eat dead calves; but if any of them had been here to-day to hear the revolting details of that traffic as stated by the eloquent and able gentleman from Michigan [Mr. HAMILTON], which caused me to cancel my order for lunch, they certainly would have been moved by some sort of qualms of conscience, stomach, or brain to abstain from eating veals, sweetbreads, and liver forever. The liver of any sort of an animal is the scavenger of the system, and, of course, introduces that much poison into the stomach which receives the liver. Veal is not fit to eat, and it is a waste to kill the calf before it has an opportunity to grow into palatable beef.

If babies were treated as cupidity permits the dairyman and townfolk to treat calves there would not be enough people on earth to elect one Congressman. It would be more deplorable than the slaughter of the first born in Egypt, or the wholesale order of Herod for the destruction of all children. Too parsimonious to sustain the calf until he can eat grass and other food, the people who keep milch cows give the calves over to the butcher more for the sake of getting rid of the calf than for the price they receive for him. I shall go to work to study out a plan which will enable us by amendment of the interstate-commerce law to prevent animals of the cattle kind from being slaughtered, shipped, and sold in interstate commerce until they are large enough to make palatable beef. There is no doubt on earth that that will reduce the price of beef, and I ask some of my philanthropic friends from Boston, who are always talking about humanitarianism and trying to improve the practices and morals of other people, why they do not establish a foundling asylum for calves and save from death the innocents discarded by their owners and doomed to destruction before they have an opportunity to grow into usefulness? And right here I will suggest that any man would find it profitable if, having a few acres of land in the vicinity of any town where there are many cows, he would collect up the calves and keep them for a year or two until they are fit for beef. On this subject I ask the reading of the following abstracts from a

current newspaper, which contains some wise suggestions and wholesome statements of facts:

IN THE ARGENTINE YOU CAN NOT KILL A COW LESS THAN 7 YEARS OLD, IT'S AGAINST THE LAW—WE SHOULD HAVE SOME SUCH LAW IN AMERICA—STOP THE KILLING OF YOUNG CALVES, WE SHALL BE SHORT OF MEAT VERY SOON.

(Copyright, 1912, by the New York Evening Journal Publishing Co.)

Mr. M. J. Sulzberger, vice president of the big packing concern that bears his name, sat philosophizing in his solid mahogany office in Chicago.

"When my father first went into the business," said he, "you could buy a steer for about the price that you pay now for a hog."

"People complain about the cost of meat. They don't complain any more than the packers complain, and not as much."

"It would surprise the public—and it would be absolutely true—if the statement were made that there is no profit in the beef business. There is an actual loss on every steer slaughtered so far as the beef goes. If it were not for the by-products and the extreme economies of the packing business it would be a business entirely impossible."

Every day the problem becomes more difficult. It is rather startling to say that you once could buy a steer for the price that you pay now for a hog. But figures are remorseless. With ranch lands vanishing, farms cut up, population increasing, it is not as ridiculous as it sounds to say that unless something is done we shall some day have the hog that costs the price of the steer, followed by the chicken that costs the former price of a hog.

Of course, the necessary thing will be done. For human intelligence always meets emergencies as they arise. But it is time for human intelligence to get to work, think over the beef problem, realize that we can no longer export a pound of beef to England—except the few head that are sent over alive to be killed on the other side. It is time to realize that the Argentine is to supply the beef of the world, and that this country, which once proudly talked of itself as the Nation feeding all nations, is getting rapidly to a condition where it won't be able to feed itself.

Mr. Sulzberger, in describing the great development of beef production in the Argentine and other South American countries, mentioned casually the fact that in the Argentine the killing of a cow under 7 years of age is forbidden. The idea is to compel development of the beef industry by forbidding the slaughter of cows that produce the calves and the beef.

Long ago this newspaper suggested that a law might be passed here preventing the constant wasteful slaughter of young calves.

Out of a thousand beef cattle born in the United States, except on the big ranches, only a very small number are actually brought to maturity.

And, worst of all, in the big dairies the calf is killed as soon as it is born. The mother never sees it. And the carcass, unfit for food, is thrown away.

That is a criminal waste. And with all due respect for the vested rights of property and the proud privilege of knocking calves on the head, the Government should interest itself in the matter.

Naturally the milk supply is important. The dairyman, looking at the matter from a cash standpoint, is hardly to be blamed, under modern conditions of competition, when he knocks his young calves on the head the hour they are born or when he makes up his mind that it is cheaper to "burn a cow up," as the expression goes, and kill her at the end of two years of maximum milk production.

The Government and the people, taking a broader view, realizing that the price of beef can not rise forever, understanding what it means when the people pay for a hog what they used to pay for a steer, should make provision for a continued supply of beef, as the German Government, for instance, in its wonderfully wise forestry makes provision for continued supplies of lumber.

The young calves should be protected. A premium should be put upon the raising of calves or a punishment upon their destruction.

We might borrow an idea from the Argentine, that insists upon keeping cows alive until they should have had a reasonable number of years in which to make good the havoc wrought by the slaughterhouses.

There will, of course, be wise men to tell you that supply and demand rule all these things, but intelligence could rule.

When five children out of seven died of preventable disease, they used to say that it was the will of God. But it wasn't.

It was the stupidity and the brutality of man. Clean streets, decent plumbing, boards of education, vaccination, scientific institutions have protected the lives of children and lengthened the lives of human beings.

The Government might in one way or another protect the lives of calves and let them stretch out into beef for the benefit of the race.

The great problem to-day is feeding. Science might supply to the calf after a few weeks inexpensive substitutes for the mother's milk—one that would supply bone and a good quality of beef.

At all events, it ought to be somebody's business to think about it. With pork selling at \$8.15 a hundred pounds and good beef entirely beyond the reach of poor people and with tens of thousands of calves being knocked on the head annually—every one of them unfit for food, for veal is not fit to eat—it is time to think about the beef supply.

Here is a chance for those whose favorite topic is conservation of national resources.

When you see a little newborn calf staggering on its thin, weak legs in the field, you see in front of you the possibility of 1,400 pounds of good meat. But the calf is killed, and in place of 1,400 pounds of good meat two years from now you have a few pounds of bad veal, not fit to eat.

Wise gentlemen at Washington in and out of the Department of Agriculture, please think about this.

BRIDGE ACROSS NORTH RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4978) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

Mr. GOLDFOGLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. MANN. Mr. Speaker, reserving the right to object—

Mr. GOLDFOGLE. I ask to have the bill passed over without prejudice.

The SPEAKER. The gentleman from New York asks leave to pass this bill over without prejudice, and the gentleman from Illinois [Mr. MANN] reserves the right to object. Is there any objection to the request of the gentleman from New York [Mr. GOLDFOGLE] to pass this bill over without prejudice?

Mr. GOLDFOGLE. Mr. Speaker, I received a telegram advising me that the mayor of the city and the board of estimates and apportionment have under consideration, in the way of hearings or in some other way, the proposition embodied in this bill, and therefore I ask that until this matter is disposed of this bill be passed over.

The SPEAKER. Is there objection to passing this bill over without prejudice? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE HUDSON RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York and New Jersey bridge companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

AIDS TO NAVIGATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

The Clerk read the bill, as follows:

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

To construct and equip a lighthouse tender for general service at cost not exceeding \$250,000.

FIRST LIGHTHOUSE DISTRICT.

To establish a light at or near Dog Island, entrance to St. Croix River, Me., at a cost not exceeding \$3,500.

To construct and equip a light vessel to be placed near Mohegan Island, off the entrance to Penobscot Bay, Me., at a cost not to exceed \$125,000.

THIRD LIGHTHOUSE DISTRICT.

Improvements at Great Salt Pond Light Station, R. I., including moving the fog signal and building a keeper's dwelling, at a cost not to exceed \$25,000.

Improvement of the offices and laboratory at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding \$21,000.

Completion of the reestablishment of Passaic Light and Fog-Signal Station, Newark Bay, N. J., including authority to build on a new site, if necessary, at a cost not to exceed \$45,000.

FIFTH LIGHTHOUSE DISTRICT.

Aids to navigation in Cambridge Harbor, Md., at a cost not to exceed \$4,000.

SIXTH LIGHTHOUSE DISTRICT.

Purchase of a site and construction of a wharf and buildings, and purchase of 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.

EIGHTH LIGHTHOUSE DISTRICT.

Aids to navigation in Atehalafaya Entrance Channel, La., at a cost not to exceed \$50,000.

To construct and equip light vessels for South Pass and Southwest Pass Entrances to the Mississippi River, La., at a cost not to exceed \$250,000.

Improvements of the aids to navigation and establishment of new aids on the Mississippi River below New Orleans, La., at a cost not to exceed \$50,000.

NINTH LIGHTHOUSE DISTRICT.

Light station on Navassa Island, in the West Indies, at a cost not to exceed \$125,000, of which authorization not exceeding \$500 shall be applied to securing and placing in some appropriate place on the lighthouse or the base thereof a durable and ornamental tablet, on which shall be made suitable memorial mention of the researches and contributions of Commander Matthew Fontaine Maury, United States Navy, to the science and cause of navigation.

Purchase for lighthouse purposes of approximately one-half acre of land in the vicinity of the lighthouse reservation at Port Ferro Light Station, Porto Rico, for the purpose of constructing a watershed and cistern, and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected, is hereby made available for the purchase of said site.

TENTH LIGHTHOUSE DISTRICT.

Rearrangement, rebuilding, and improvement of the aids to navigation at Ashtabula Harbor, Ohio, at a cost not to exceed \$45,000.

Removal, reconstruction, and improvement of the fog-signal station at Cleveland, Ohio, at a cost not to exceed \$17,600.

Light and fog-signal station and improvement of aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed \$35,000.

Establishment of aids to navigation at Huron Harbor, Ohio, at a cost not exceeding \$4,500.

ELEVENTH LIGHTHOUSE DISTRICT.

Additional aids to navigation at Ashland, Wis., at a cost not to exceed \$25,000.

A pierhead light and lighted buoy at Oconto Harbor, Wis., at a cost not to exceed \$5,000.

Improvements at Detroit Lighthouse Depot, Michigan, at a cost not to exceed \$15,000.

TWELFTH LIGHTHOUSE DISTRICT.

Establishment of aids to navigation in the harbor of Manistique, Mich., at a cost not to exceed \$20,000.

Improvement of the fog signal at Manistee Pierhead Range, Michigan, at a cost not to exceed \$9,000.

Improvement of the fog signal at Poverty Island, Mich., at a cost not to exceed \$9,000.

SIXTEENTH LIGHTHOUSE DISTRICT.

Light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed \$115,000.

SEVENTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvements of existing aids in Puget Sound and adjacent waters, Washington, at a cost not to exceed \$30,000.

Improvement of Warrior Rock Light Station, Columbia River, Oreg., including the purchase of additional land, at a cost not to exceed \$2,000.

For the construction and equipment of a light vessel to mark Orford Reef, Oreg., \$125,000.

EIGHTEENTH LIGHTHOUSE DISTRICT.

Improvements at Point Pinos Light Station, Cal., at a cost not to exceed \$30,000.

To authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County, Cal., at a cost not to exceed \$3,000.

For establishing a light and fog-signal station on or near North Farallon Island, Cal., \$100,000.

Light and fog-signal station at or near Point Vicente, Cal., at a cost not to exceed \$75,000.

NINETEENTH LIGHTHOUSE DISTRICT.

Aids to navigation in Pearl Harbor, Hawaii, at a cost not to exceed \$80,000.

Improvements of light station at Kauhola Point, Hawaii, at a cost not to exceed \$15,000.

Hereafter the purchase of necessary additional land for light stations and depots is authorized under rules prescribed by the Secretary of Commerce and Labor: *Provided*, That no single acquisition of such additional land shall cost in excess of \$500.

Hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefrom from the respective appropriations for special works.

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service the same shall be appraised and sold, either by sealed proposals for the purchase of the same or by public auction after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interests require, the proceeds of such sales, after the payment therefrom of the expenses of making the sales, to be deposited and covered into the Treasury as miscellaneous receipts as now provided for by law in like cases.

Hereafter the salaries of lighthouse inspectors, including one inspector for the general service, and excepting the inspector of the third lighthouse district, shall not exceed \$3,000 each, or an average of \$2,700 each.

The following committee amendment was read:

Amend. page 2, by inserting, after line 7, the following as a separate paragraph:

"To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding \$23,000."

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. MOORE of Pennsylvania, and Mr. MANN reserved the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Maryland [Mr. COVINGTON], who is in charge of the bill, as to the reason for bringing in a bill authorizing large appropriations to be considered on the Unanimous Consent Calendar? Is not it unusual?

Mr. COVINGTON. I will say to the gentleman from Pennsylvania [Mr. MOORE] that it is unusual to bring in a bill authorizing appropriations of large sums of public money and place that bill upon the Calendar for Unanimous Consent. But it will be recalled by all of the Members of this House that at the last session of Congress the general lighthouse bill was reported from the Committee on Interstate and Foreign Commerce and placed upon the calendar, carrying about the usual number of authorizations for urgently needed public works in the Lighthouse Service, and that the stress of that session and the peculiar situation existing between the Senate and the House caused that bill to be stripped down to the point where it was denominated as "an emergency lighthouse bill," carrying only three or four hundred thousand dollars in authorization for the most immediate and urgent needs. At that time it was generally understood that in lieu of that bill there would be introduced, considered, and reported for passage at this session of Congress a lighthouse bill carrying authorization for

all such works as are really needed for the proper maintenance of the Lighthouse Service. When this bill was reported to the House after full hearings in the committee it was found that the situation of the call of committees on Calendar Wednesday is such that there is practically no possibility for the Committee on Interstate and Foreign Commerce to be reached in that call during the present Congress. Having regard, therefore, for the fact that there had been no general lighthouse bill in the last Congress, and that all of the works reported in this bill are needed for the proper maintenance of the Lighthouse Service, the committee thought it was proper that this rather unusual course should be pursued and the bill placed on the Calendar for Unanimous Consent.

Mr. MOORE of Pennsylvania. Does the gentleman put it entirely on the ground of the urgency of the work provided for?

Mr. COVINGTON. The gentleman puts it on the ground of urgency and necessity for the passage of a lighthouse bill.

Mr. MOORE of Pennsylvania. There has been a great deal of damage along the Atlantic coast during the winter as the result of very heavy storms. I observe some matters that have been before the Interstate and Foreign Commerce Committee are not incorporated in this bill, but that very large appropriations are made to certain other sections of the country, where perhaps the same emergency may not have arisen. We had great floods on the Mississippi River last year, about which we heard a great deal, and very heavy appropriations have been made for the purposes of navigation and for reconstruction of levees along the banks of that river, and I notice this bill carries over \$300,000 for aids to navigation along the lower Mississippi. I wanted to know if this bill is so urgent, or these aids to navigation are so urgent, that it is advisable to put a bill of this character where we may not have an opportunity to amend it—on the Unanimous-Consent Calendar?

Mr. COVINGTON. I will state to the gentleman that in framing this bill the committee had before it the Commissioner of Lighthouses, and in order to determine which were the more urgent projects, it considered them all, and in the end took less than half of the items that are embodied in the report of 1912 as necessary by the Commissioner of Lighthouses himself. I do not now recall any particular items along the Atlantic seaboard that the commissioner urged as of immediate necessity that were not included.

Mr. STEVENS of Minnesota. Mr. Speaker, may I ask the gentleman a question right there?

The SPEAKER. Does the gentleman yield?

Mr. COVINGTON. Yes; I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. Did not the subcommittee also take into consideration every bill and every project submitted by any Member of this House and consider each one of them in preparing this bill?

Mr. COVINGTON. I will state to the gentleman from Minnesota, who was with me as a member of the subcommittee, that it is a fact that the subcommittee took into consideration every bill introduced by a Member of Congress and every Senate bill which had been passed and had come to the House of Representatives and been referred to the Committee on Interstate and Foreign Commerce in addition to the recommendations of the Commissioner of Lighthouses; and in formulating that bill I may say it was made up with due regard for what were considered the more urgent projects, having in view not merely the commissioner's report, but the bills introduced by Members and the bills that had been passed by the Senate. The hearings were, in fact, quite exhaustive, and the bill was afterwards considered thoroughly in the full committee.

Mr. MOORE of Pennsylvania. May I ask the gentleman about the Atchafalaya Channel, which comes in the eighth lighthouse district? Is that an approach to the Passes of the Mississippi?

Mr. COVINGTON. That is not, I will say to the gentleman, an approach to the Passes of the Mississippi River. The "Chafellaya" River, as I believe they call it—and I was not aware of that peculiar and remarkable pronunciation myself until I was told of it by Members of the Louisiana delegation—is a river to the westward of the Mississippi River, and it carries a somewhat large and important commerce. That river has been improved at a considerable expense, and the lights therefor are in line with the channel and river and harbor improvements made thereto in recent years.

Mr. MOORE of Pennsylvania. In the report accompanying the bill, if the gentleman will allow me, reference is made to "the completion of the channel now being dredged in the Atchafalaya to the 20-foot contour in the Gulf of Mexico."

Mr. COVINGTON. That is true. The channel from the Atchafalaya to the 20-foot contour in the Gulf of Mexico has been completed. This is a direct channel in the Atchafalaya River. That has no connection with the Mississippi River, and it leads into a portion of Louisiana that has a large and important commerce.

Now, it is stated in the report of the Commissioner of Lighthouses that that channel is important enough to warrant Congress in including it in an urgent list of places where additional aids to navigation ought to be constructed.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman whether the committee was influenced by the amount of commerce that is transported upon this Atchafalaya entrance channel?

Mr. COVINGTON. I will state to the gentleman that the committee did not attempt to draw exact comparisons of commerce in providing the projects in the present bill, nor did it attempt to have the Commissioner of Lighthouses arrive at what were the comparative volumes of commerce on waterways to be benefited by additional navigation aids.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Maryland yield?

Mr. COVINGTON. I do.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. I would like to ask the gentleman from Maryland, in charge of the bill, if it is not entirely competent for the House, in the consideration of the bill, in the event the House grants unanimous consent to consider it, to amend it on the motion of any Member by striking out any project that it deems improper or by inserting any other that it wishes to insert?

Mr. COVINGTON. I understand, if it comes up without objection and is to be considered in the House, that as a matter of right under the rules it would be open to amendment under the five-minute rule. I would not have placed it on the Calendar for Unanimous Consent if such were not the case.

Mr. ADAMSON. That is what I wanted to bring out.

The SPEAKER. Does the gentleman from Wyoming [Mr. MONDELL] still wish to propound his parliamentary inquiry?

Mr. MONDELL. Yes. Mr. Speaker, my inquiry is as to what order we are proceeding under?

Mr. MOORE of Pennsylvania. Under unanimous consent.

The SPEAKER. The gentleman from Maryland [Mr. COVINGTON] is trying to get unanimous consent.

Mr. MONDELL. This discussion is quite interesting if we are going into the merits of the bill, but it is rather apparent that there is such a wide diversity of opinion as regards the merits that a great deal of time is being consumed before we know whether or not there is to be an objection.

Mr. MOORE of Pennsylvania. That is the point. Here is an appropriation bill, brought in on the Unanimous Consent Calendar, and we are supposed to pass it without consideration, unless a gentleman arises and offends the rest of the Members of the House by proposing to take up a little time to discuss it.

The SPEAKER. This is a proposal to get unanimous consent to consider the bill. If unanimous consent is given the bill will come under the general rule.

Mr. MOORE of Pennsylvania. I do not want to object to the consideration of the bill, Mr. Speaker. If the bill is to be considered section by section, I am satisfied. But I do want to ask the gentleman from Maryland [Mr. COVINGTON] one more question before we proceed, if the gentleman will permit.

Mr. COVINGTON. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from Maryland whether it has been the policy of the committee he represents, in considering these authorizations, to take up the question of commerce and obtain a statement as to whether commerce in the vicinity warrants the expenditure contemplated by the Government?

Mr. COVINGTON. I will state to the gentleman that I sent to the clerk of the Committee on Rivers and Harbors and asked him to take from the various reports of the Chief of Engineers for channel improvement as best he could the statement relative to the amount of commerce on the various waterways for which we have provided aids to navigation. That was the only practical method, it has occurred to me, that we could take to arrive at the question of the amount or volume of commerce on rivers and other waters where aids to navigation are either to be improved or newly established. The Committee on Interstate and Foreign Commerce was satisfied that the

water commerce at all places covered by the present bill is of such volume as to make the proposed projects a real necessity.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, may I ask the gentleman whether the salaries of the lighthouse inspectors are now \$2,400 a year, outside of the one in the third district?

Mr. COVINGTON. They are.

Mr. MANN. This proposes to increase the average to \$2,700.

Mr. COVINGTON. That is about the purpose of the new legislation in the final paragraph of this bill. I think that the gentleman from Illinois ought to understand—and by reason of his long and unusually capable service as chairman of the Committee on Interstate and Foreign Commerce he probably does understand—that the duties of the various inspectors of lighthouse districts of the United States vary both in the volume of work that they have to perform and in the quality of service that the inspectors must give. In the present situation they get \$2,400 a year each, without regard to whether they are in a relatively unimportant district in the less traversed waters of the country or in a metropolitan district having great and important aids to navigation. That seemed to the committee to be a sufficient reason why there should be some latitude in the Commissioner of Lighthouses in the Department of Commerce and Labor in apportioning the salaries of the inspectors.

The gentleman knows full well that some years ago—I think while he was a member of the committee—it was necessary to give to the inspector of lighthouses for the New York district a salary of \$3,600 because his services were of such a character that a competent man could not be obtained for less money. The present item only pushes that principle a little further. Some districts are of such a character that a \$2,400 man may adequately perform the service. There are other districts where a \$2,400 man is not the kind of man who can properly perform the work.

Mr. MANN. Mr. Speaker, the third lighthouse district is the general depot for lighthouses of the United States. That is the reason why that salary was made higher. The man there has a great deal more work and responsibility than simply the inspection service.

Mr. COVINGTON. That is true.

Mr. MANN. In the reorganization law we authorize a rearrangement of the districts. Now, where are the districts in which we are to pay salaries of \$2,400 as compared with the \$3,000 salary in another district? Is it the New England district, or the New York district, or the Pennsylvania and Maryland district, or the Carolina district? Is it the Florida district, or the Gulf district, or either one of the Pacific coast districts? Where would you make this discrimination, so as to pay \$3,000 and yet make only an average of \$2,700? It seems to me quite certain that if you pay one of these superintendents \$3,000 in the end you will have to pay all the others \$3,000. Perhaps that is proper. I doubt whether it is proper to put the lighthouse superintendent under the pressure of having one inspector of one district seeking to have his salary raised at the expense of the inspector of another district.

Mr. COVINGTON. I can only say to the gentleman in reply that that is a pressure to which the commissioner of lighthouses himself seemed to be willing to be subjected, for he stated that the districts did have that disparity of service in them which made it possible and proper that there should be an unequal apportionment of salaries. I can give you a concrete instance. I do not propose to discuss those districts where the service is not of an important character, but the gentleman well knows that in the great lighthouse district at Baltimore, which takes in the entire area of the Chesapeake Bay and the Virginia capes, and the hundreds of lights and other aids to navigation, from the mouth of the Susquehanna River down to the Atlantic Ocean, there are several times the amount of work to perform that there are in several other districts of the United States.

Mr. MANN. The gentleman speaks of one district where probably he has greater knowledge than he has of other districts. On the contrary, I should say that the Lake Michigan district, with which I have had close connection, is of much more importance than the Maryland district. Every gentleman will say that about the district which he knows the most about. Will the gentleman permit me to ask him another question?

Mr. COVINGTON. First let me say that when the gentleman says that every Member will say that about the district he knows the most about the gentleman is speaking in regard to the district in which he lives, and I speak of the district in which I do not live.

Mr. MANN. Oh, yes; the gentleman lives in the Maryland district.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

WESTERN AVENUE NW., DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Western Avenue NW. from its present terminus at Beech Street northeastward along the northwestern boundary line of the District of Columbia, with a uniform width of 120 feet, to Rock Creek Park: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceedings hereunder, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings herein provided for and for the payment of the amounts awarded by the jury as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

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

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. MANN. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole?

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk again read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

FIFTH-THIRD NATIONAL BANK OF CINCINNATI, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26279) granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller of the Currency be, and he is hereby, authorized and directed to issue to the Fifth-Third National Bank of Cincinnati, Ohio, charter No. 20 in lieu of their present charter No. 2798, said charter No. 20 being the original charter number of the Third National Bank, of Cincinnati, Ohio, which bank was merged and consolidated with the Fifth National Bank, of Cincinnati, Ohio, in the year 1908, under the name of the Fifth-Third National Bank, of Cincinnati, Ohio, said consolidated bank having succeeded to all the assets, good will, rights, privileges, and emoluments of the said Third National Bank, of Cincinnati, Ohio.

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

There was no objection.

Mr. ALLEN. Mr. Speaker, unless some Member desires me to make a further explanation other than what the report shows, I do not care to say anything. I ask for its passage.

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

On motion of Mr. ALLEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS ROCK RIVER, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27157) granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for the construction, maintenance, and operation of a bridge and approaches thereto across the Rock River at a point suitable to the interests of navigation at or near Colona Ferry, in the State of Illinois, by the counties of Henry and Rock Island, in the State of Illinois, in accordance with the provisions of the act entitled "An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois," approved August 19, 1911, is hereby extended to one year from the date of the passage of this act.

SEC. 2. That the construction, maintenance, and operation of the bridge and approaches thereto therein authorized by the aforesaid act shall be in all respects in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I think the bill needs to be amended, and I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 1, by striking out all of line 3, after the second word "the," and lines 4, 5, 6, 7, and line 8 up to and including the word "of," and insert in lieu thereof the words "commencement of the bridge authorized," so that it will read: "that the time for the commencement of the bridge authorized by the act entitled," etc.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PURCHASE OF MOTOR BOAT FOR CUSTOMS SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26549) to provide for the construction or purchase of motor boat for customs service.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct or purchase one gasoline motor boat for service in the Corpus Christi collector's district at a cost not to exceed the sum of \$6,000.

With the following amendment recommended by the committee:

In line 5, page 1, strike out the words "Corpus Christi collector's district" and insert in lieu thereof the words "customs collection district of Corpus Christi, Tex."

And add at the end of the bill the following proviso:

"Provided, That the Secretary of the Treasury may use this boat elsewhere than at Corpus Christi, as the exigencies of the service may require."

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEN FOR TAXES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3186 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sec. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person: *Provided, however,* That such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the collector in the office of the registrar or recorder of deeds of the county or counties or parish or parishes in the State of Louisiana within which the property subject to such lien is situated: *Provided further,* That the provision herein relating to the filing of notice shall be applicable whenever, and only whenever, the laws of the State wherein the property is situated shall authorize the filing of such notice in the office of the registrar or recorder of deeds as provided herein."

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill to explain the purposes of this change or amendment to existing law.

Mr. STERLING. Mr. Speaker, the purpose of the bill is to amend section 3186 of the Revised Statutes. That section relates to liens for delinquent taxes, and in order that the House may know just what is sought to be done in the matter I will read section 3186:

Sec. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person.

Under that provision of the statute, whenever any internal revenue in the way of whisky tax or tobacco tax or corporation tax becomes due, it becomes a lien on all the property of the delinquent, wherever it may be situated in the United States, and there is no provision in the law for the protection of innocent purchasers or mortgagees or judgment creditors without notice.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Illinois a further question. One of the differences between the existing law and this amendment, as I understand it, is that the existing law makes a tax assessment a lien from

the date of the assessment, and this makes it a lien from the date of demand for its collection?

Mr. STERLING. No; the gentleman is not exactly correct about that. But I want to say this: When this bill was prepared the law was copied from the statute of 1874. That statute provides that it shall be a lien from the time it was due, and continuing until it is paid. I have an amendment to offer here in reference to that. A little later the Forty-fifth Congress amended the statute of 1874 by providing that the lien should begin from the time the assessment list was filed with the collector until it was paid. After the bill was introduced I discovered that mistake in quoting the statute. That is, the old statute was quoted instead of the statute now in force, and I have an amendment here correcting that, leaving the language in that regard just the same as it is in the present statute, substituting for the three words in the ninth line, "it was due," the words now in the statute, as follows: "when the assessment list was received by the collector, except when otherwise provided." I shall offer that amendment and ask that it be adopted.

I will say in regard to the purpose of the bill, it simply provides that notice may be given to purchasers or mortgagees of property on which there is any possibility of a lien of this kind by requiring the collector to file notice of the lien in the office of the recorder of deeds or the registrar of deeds in any county in the United States in which the delinquent happened to have property.

Mr. CULLOP. Mr. Speaker, will the gentleman permit another question there?

Mr. STERLING. Yes.

Mr. CULLOP. Is that a requirement to be fulfilled when the tax is levied or only when it becomes delinquent?

Mr. STERLING. When it becomes a lien, and that is the time when the assessment list is placed in the hands of the revenue collector. Then it will be his duty, if he desires to preserve the lien as against innocent purchasers or mortgagees without notice, to file this notice in the office of the recorder of deeds.

Mr. CULLOP. That is, where a mortgage is given between the time of the assessment list accruing and the delinquency, in order to get ahead of the mortgage creditor, the lien must be filed by the collector in the county in which the land is situated.

Mr. STERLING. That is the idea, and I will say further that it becomes applicable only when the States adopt legislation providing for the filing of these notices. It is left entirely with the States as to whether or not they will undertake to protect their citizens who in good faith purchase property in a way that they can purchase it without taking the chance of liens of this character.

Mr. CULLOP. Does the gentleman mean that if no legislation is passed in States requiring notice of existing tax lien to be filed that this law will not be applicable?

Mr. STERLING. I would not say that the States ought to adopt legislation requiring notice to be filed, but rather permitting it to be filed in the records of the county where the property is situated. Without such legislation a notice of that kind, I think, would be of no avail. Let me suggest to the gentleman this: That provision is identical with the provision in the United States statute which allows the judgment of the Federal court to be indexed or recorded in the several counties. That only takes effect when the States adopt legislation providing for it, and this provision is identical with that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STERLING. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out the words "it was due," in the ninth line, page 1, of the bill, and insert in lieu thereof the following: "When the assessment list was received by the collector, except when otherwise provided."

The question was taken, and the amendment was agreed to.

Mr. STERLING. Now, Mr. Speaker, it is suggested that in lines 3 and 4, page 2 of the bill, that a comma should be inserted after the word "counties" in the third line, and after the word "Louisiana" in the fourth line, which I think is proper, and I ask that that amendment be made to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 3, insert after the word "counties" a comma, and in line 4, after the word "Louisiana," insert a comma.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STERLING, a motion to reconsider the vote by which the bill was passed was laid on the table.

STATE SELECTION OF PHOSPHATE AND OIL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26812) to provide for State selection of phosphate and oil lands.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States in the State of Idaho which have been withdrawn or classified as phosphate or oil lands, or are valuable for phosphates or oil, shall be subject to selection by the State of Idaho under indemnity and other land grants made to it by Congress whenever such selections shall be made with a view of obtaining or passing title, with a reservation to the United States of the phosphates and oil in such lands, and of the right to prospect for, mine, and remove the same.

SEC. 2. That the State of Idaho, when applying to select lands classified as phosphate or oil lands, or valuable for phosphates or oil, with a view to securing or passing title to the same in accordance with the provisions of the indemnity and other granting acts, shall state in the application for selection that same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this act the State shall be entitled to a patent to the lands selected by it, which patent shall contain a reservation to the United States of all the phosphates and oil in the land so patented, together with the right to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such phosphates or oil. The reserved phosphate and oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 1, line 6, after the word "shall," by inserting "if otherwise available under existing law."

Amend, page 2, by striking out all of section 3 and inserting in lieu thereof a section reading as follows:

"SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this act, the State shall, upon approval of the selection by the Secretary of the Interior, be entitled to have the lands certified to it, with a reservation to the United States of all the phosphates and oil in the land so certified, together with the right in the United States, or persons authorized by them, to prospect for, mine, and remove the same; but before any person shall be entitled to enter upon the lands certified for the purpose of prospecting, mining, or removing phosphates or oil therefrom he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for and removal of phosphates or oil. The reserved phosphate and oil deposits in approved selections under this act shall not be subject to exploration or entry other than by the United States, except as hereinafter authorized by Congress."

Mr. FOSTER. Mr. Speaker, reserving the right to object, I take it that this permission to settle on the oil and phosphate lands does not permit any exploration to be made except by the United States Government.

Mr. FRENCH. That is all, except under laws that may hereafter be passed by the Congress.

Mr. FOSTER. Is it the gentleman's idea that, while we provide for damages to the person owning the surface of the land in case an exploration is made, there ought not to be such an exploration on public lands?

Mr. FRENCH. That point is covered by an amendment which I propose to offer and which has been submitted to the department and meets with the department's approval.

Mr. MANN. What was the gentleman's question?

Mr. FOSTER. That this permits no exploration except that done by the Government of the United States.

Mr. MANN. The bill so provides.

Mr. FOSTER. Yes. Then I want to know, when we provide for damages to be paid to the owner of the surface land, that in case anyone prospected there we should limit it to the United States Government.

Mr. FRENCH. That is a matter that can be taken up later on if Congress wants so to provide, and the difference between this bill and the law that it follows to some extent is that the existing law provides for the acquisition of certain coal lands, while there is no general law providing for the disposition of such lands as these, and it is with that in view that the language is a little bit different here from that provided in the bill authorizing the selection to be made of coal lands.

Mr. FOSTER. I will say to the gentleman in prospecting, for instance, for oil it does not injure the farm very much in doing that work, and I do not see the necessity of providing in a bill of this kind, if you safeguard the owner of the surface, that you should confine it to the United States Government.

Mr. MONDELL. Will the gentleman yield? The gentleman understands that the bill authorizes the State of Idaho to select the surface of certain lands?

Mr. FOSTER. Yes.

Mr. MONDELL. Of course, in passing that limited title to the State it is essential that all the rights of the United States or any of its grantees ought to be fully reserved in the patent

issued to the State, and it is for the purpose of preserving those rights of entry and those rights of allowing others to enter that these provisions are contained in the bill. Of course, at the end of the bill there is a provision to the effect that until Congress shall act upon these particular lands there shall be no right granted to any individual to go upon them. But when Congress does act, then the State will have its limited act with all necessary reservations under which the Federal Government can act.

Mr. FOSTER. As I understand, the United States Government has now proposed to permit the State of Idaho to take the surface of these lands; reserving the phosphate and oil that may be under the surface. It is proposed here that no one shall have the right to prospect except the United States Government itself.

Mr. MANN. At present.

Mr. FOSTER. At present; yes; unless other laws are passed. Now, then, if we should provide that the owner of the surface has ample bond for any damage that may occur to him on account of prospecting for oil—and I will say that it does not hurt the land very much to prospect for oil—why should we limit it?

Mr. MANN. They are not permitted to prospect anywhere on these lands that are reserved at present, and will not be until Congress legislates. This simply maintains the status quo.

Mr. FOSTER. As to all public lands.

Mr. MANN. As to all the lands that will be withdrawn because of these deposits, from entry.

Mr. FOSTER. I understand that.

Mr. LENROOT. As the bill now stands, the United States itself can not prospect without paying something.

Mr. FOSTER. Certainly. I understand that. The United States under the bill would have to give bond to prospect.

Mr. MANN. The gentleman has an amendment which I understand he is to offer in order to make it complete, if that does make it complete, in reference to prospecting hereafter when the Government does allow it, so that if the State makes a selection now and patents the land, it patents it with the conditions that hereafter if Congress allows prospecting it may add "and damages paid for."

Mr. FOSTER. Does not my colleague think this is a little different state of affairs than that in which the Government owns all the surface and all beneath the surface? Here is a case where you are giving away the surface of the land and the Government is retaining all the oil and phosphate that may be under that surface. And does not the gentleman think it a little different case than where the Government has retained both the surface and what is beneath it?

Mr. MANN. The Government has withdrawn this land from entry on the ground that it is oil and phosphate land. Now no one can take it or do anything with it. We have passed a law in reference to coal on some other lands, and permit people to take the land up for agricultural purposes without having the right to the deposits under the land. This extends to the State of Idaho that privilege as to these oil and phosphate lands. There is no reason why you should take those deposits out on the same terms that control the deposits on other lands where the Government retains both above and underneath. The Government does not desire to give the right to take the surface in order to have somebody get hold of the deposits until further legislation is had.

Mr. FRENCH. And the Government desires to protect itself in the future in different grants it may make by laws under which mining or exploration for phosphate or oil may be carried on, and reserves to itself the complete authority to determine under what terms mining and exploration may be conducted.

Mr. Speaker, I desire to have several amendments that I propose to offer read at this time.

The Clerk read as follows:

First. Amend, page 3, line 1, by striking out "them" and inserting "it."

Second. Amend, page 3, line 3, by striking out the comma after the word "prospecting," together with the words "mining, or removing," and insert in lieu thereof the word "for."

Third. Amend, page 3, line 4, by striking out the word "therefrom."

Fourth. Amend, page 3, line 8, by striking out the words "and removal of."

Fifth. Amend, page 3, line 8, by inserting the following sentences after the sentence ending with the word "oil": "Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine or remove the same, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil or phosphate therefrom and mine and remove the oil or phosphate upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right of the State of Idaho to present and have prompt consideration of applications to select lands, which have

been classified as oil or phosphate lands, with a view to disproving such classification and securing a certificate without reservation."

Sixth. Amend, line 8, page 3, by inserting before the word "The" as a part of the sentence to which the word belongs the following words: "And provided further, That."

The SPEAKER. Is there objection?

Mr. FOSTER. Just a moment, Mr. Speaker.

Mr. MURRAY. Mr. Speaker, does the gentleman yield?

Mr. FOSTER. I just wanted to say to the gentleman from Idaho that, from listening to the reading of his amendments, it appears that the State of Idaho would have the right to determine whether or not there was any oil or phosphate underneath this land.

Mr. FRENCH. Oh, no. As the gentleman may probably be aware, all of this land is now under a blanket reservation. It has not been sufficiently explored to enable anybody to know whether or not it contains oil or phosphate. If it should be developed that some of the land does not contain oil or phosphate, the Government does not care to include it within the area to which the phosphate law may apply. The provision to which the gentleman refers seeks to give the State the privilege of making that representation to the Government if it can do so.

Mr. FOSTER. Do I understand from the gentleman from Idaho that he or anybody can tell without exploration whether there is oil or phosphate underneath this land?

Mr. FRENCH. Oh, no. The final determination rests with the Federal Government, not with the State of Idaho. We only have the privilege, under the amendments read, of making application to remove these restrictions, and if it is shown to the satisfaction of the Government that there is no oil or phosphate there, the Government may eliminate those parts from the reservation. It can eliminate that part which does not contain oil or phosphate from the withdrawal.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Idaho yield to the gentleman from Massachusetts?

Mr. FRENCH. Yes.

Mr. MURRAY. Mr. Speaker, I rise, as a member of the committee having this matter in charge, simply to say that these amendments which the gentleman from Idaho presents are designed to meet the objections that were made when the bill was before the House a couple of weeks ago. Some of us believe that these amendments cure such defects as may have been in the bill heretofore, and that they meet objections such as those made by the gentleman from Illinois [Mr. FOSTER] and the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Wyoming [Mr. MONDELL] and others, who at that time made objection. I believe that in its amended form the bill will meet those objections and ought to pass.

Mr. FERRIS. Mr. Speaker, in addition to what has been suggested by the gentleman from Massachusetts [Mr. MURRAY], I want to say that the committee in the first instance reported the bill precisely as the Secretary of the Interior recommended, putting in each and every amendment that he suggested. Objection was made on the floor two weeks ago owing to the fact that the legislation was not uniform with the other surface land legislation that had been enacted before. We now have the additional amendment that the Secretary wants in order to make the legislation uniform, and each one is offered so that in any event the bill is fully satisfactory to the Secretary and the department which has given it attention. It has been presented to the Secretary twice.

Mr. FOSTER. This complies with recent acts in reference to surface land and the reservation of oil and coal?

Mr. FERRIS. Precisely. The gentleman will remember that we had quite an extended debate a couple of years ago—in 1910, I think it was—on surface and coal land legislation.

Mr. FOSTER. Yes.

Mr. FERRIS. It was thought that we ought to make it uniform. It was carried back to the Secretary to enable him to examine it, in order to reach that uniformity, and these amendments that have been read at the desk were suggested in order to meet each one of those objections.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FRENCH. Yes.

Mr. LENROOT. There is just one question that I have any doubt about. I want to ask the gentleman from Idaho if he thinks the United States should be compelled to furnish an indemnity bond to a private individual? That is required under the bill as it stands now.

Mr. FRENCH. I imagine that that provision is in the bill in order that the Government of the United States might be fully authorized to impose such a provision upon a private individual, should legislation along that line be deemed advisable later on.

Mr. LENROOT. Very true; but if the bill passes in the present form the Government of the United States could not enter upon that land without furnishing such a bond.

Mr. MANN. What makes the gentleman from Wisconsin think that?

Mr. LENROOT. Line 2, page 3, contains the clause, "Before any person shall enter upon the land," and so forth.

Mr. MANN. Does the gentleman think that includes the Government?

Mr. LENROOT. It says, "Before any person shall enter upon the land a bond must be furnished." My suggestion would be to change it so that it would read, "Before any person not employed by or acting for the Government of the United States shall enter upon the land a bond must be furnished."

Mr. MONDELL. Does the gentleman think that the United States, in making this grant to the State of Idaho, should reserve to itself the right to send its agents there to acquire all the surface it may need for its operations, to do all that may be necessary, without paying anything?

Mr. LENROOT. This only applies to the prospecting. I would not raise to actual occupation the objection that I now raise to prospecting.

Mr. MONDELL. Without further examination, I must say that my thought has been that so far as the prospecting was concerned it would not apply.

Mr. LENROOT. It ought not to, and yet clearly the bill reads in that way.

Mr. FRENCH. The Government must necessarily reserve to itself the right to determine the phosphate or oil character of the lands. Suppose the State should apply to have parts of it eliminated, I think the Government ought to have the right to send its agents to make such an examination. If there is any question about it, I would be very glad to have those words included.

Mr. MONDELL. I make this suggestion to the gentleman: My thought is that originally this would not apply to the Government. There is a question as to the character of the land in the first instance. The Government, claiming the mineral, would have the right to do any such prospecting as was necessary to determine whether the mineral was there or not.

Mr. LENROOT. Of course, up to that point there could be no possible damages, because there would be no private entering.

Mr. MONDELL. Yes; as to the private entering—

Mr. LENROOT. That is after the Government has made the determination that the gentleman speaks of.

Mr. MONDELL. If that were true, the worst that could happen would be that the Secretary of the Interior would file with himself a formal bond.

Mr. LENROOT. That would raise the question whether there is any authorization for him to furnish such a bond.

Mr. FRENCH. I should be glad to see incorporated the words that the gentleman proposes.

Mr. LENROOT. There could not have been any intention on the part of the committee that this should apply to the Government.

Mr. FRENCH. I do not think so.

Mr. GREEN of Iowa. Possibly the gentleman from Wisconsin has overlooked the final clause in the act, which provides that—

The reserved phosphate and oil deposits in approved selections under this act shall not be subject to exploration or entry, other than by the United States, except as hereinafter authorized by Congress.

Mr. LENROOT. That is not at all inconsistent with the idea of the United States furnishing a bond. If the United States furnishes a bond, it can explore as much as it pleases.

Mr. GREEN of Iowa. I will say to the gentleman that it hardly seems to me that the word "person" could possibly apply to the Government of the United States. It is true that when a person goes on the land, in one sense it would apply to any individual; but in the legal sense it means the person for whom the entry is being made, and if it is made by some person for the United States, it is the United States entering upon the land and not the person himself.

Mr. LENROOT. I think possibly that might be, but it is certainly not without doubt; and if that is so, there ought not to be the slightest objection to changing the language.

Mr. FRENCH. I have no objection to that.

Mr. FERRIS. I rather think if the gentleman had before him the fifth amendment suggested by the Interior Department in its last draft this objection would not lie. The fifth amendment proposed by the Secretary reads like this:

Amend, page 3, line 8, by inserting the following sentences after the sentence ending with the word "oil,"

"Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine and remove the same, may reenter and occupy"

And so forth.

Mr. LENROOT. That certainly removes any question as far as operation is concerned, but the part of the bill I am now directing my attention to relates to prospecting only, and this amendment does not. It relates to operation. I have no objection to the operating part.

Mr. FERRIS. The gentleman's idea was that the one relating to prospecting should be the same as the one relating to operation?

Mr. LENROOT. Yes.

Mr. FRENCH. I think the language the gentleman proposes is what we have tried to incorporate in the bill, and I should be very glad to agree to the amendment.

Mr. FERRIS. I do not see any objection to it, as it certainly was not intended to exclude the Federal Government.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FRENCH. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk, reading the bill for amendment, read as follows:

That from and after the passage of this act unreserved public lands of the United States in the State of Idaho which have been withdrawn or classified as phosphate or oil lands, or are valuable for phosphates or oil, shall be subject to selection by the State of Idaho under indemnity and other land grants made to it by Congress whenever such selections shall be made with a view of obtaining or passing title, with a reservation to the United States of the phosphates and oil in such lands, and of the right to prospect for, mine, and remove the same.

With the following amendment recommended by the committee:

In line 6, page 1, after the word "shall," insert the words "if otherwise available under existing law."

The amendment was agreed to.

The Clerk read as follows:

Sec. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this act, the State shall be entitled to a patent to the lands selected by it, which patent shall contain a reservation to the United States of all the phosphates and oil in the land so patented, together with the right to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such phosphates or oil. The reserved phosphate and oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

With the following amendment recommended by the committee:

Strike out all of section 3 and insert the following:

"Sec. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this act, the State shall, upon approval of the selection by the Secretary of the Interior, be entitled to have the lands certified to it, with a reservation to the United States of all the phosphates and oil in the land so certified, together with the right in the United States, or persons authorized by them, to prospect for, mine, and remove the same; but before any person shall be entitled to enter upon the lands certified for the purpose of prospecting, mining, or removing phosphates or oil therefrom he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for and removal of phosphates or oil. The reserved phosphate and oil deposits in approved selections under this act shall not be subject to exploration or entry, other than by the United States, except as hereinafter authorized by Congress."

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. The committee has offered an amendment to strike out section 3 and insert a new section. The amendments that the gentleman from Idaho proposes to offer are amendments to the amendment of the committee?

Mr. FRENCH. That is correct; and I offer the first amendment now.

The Clerk read as follows:

Amend the amendment by striking out, on page 3, in line 1, the word "them" and insert in lieu thereof the word "it."

The amendment to the amendment was agreed to.

Mr. LENROOT. Now, Mr. Speaker, I offer my amendment.

The SPEAKER. Is the amendment of the gentleman from Wisconsin an amendment to the amendment?

Mr. LENROOT. It is.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend, page 3, line 2, by inserting after the word "person" the following: "not employed by or acting for the United States."

Mr. MANN. Mr. Speaker, I would like to ask the gentleman if it would not be better to make it "not representing the United States." In other words, if a man employed by the United States took up an entry himself, you would not have it refer to him. You might use the words "not acting for the United States."

Mr. LENROOT. Mr. Speaker, I ask to modify the amendment by inserting after the word "person" the words "not acting for the United States."

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amend the amendment by inserting after the word "person," in line 2, page 3, the words "not acting for the United States."

The amendment to the amendment was agreed to.

Mr. FRENCH. Mr. Speaker, I have several amendments, which I have sent to the desk.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. I would like to know the status of my amendment now.

The SPEAKER. The status is this: That the committee offered an amendment or a substitute to section 3, and the amendment of the gentleman from Wisconsin was an amendment to that amendment.

Mr. LENROOT. I ask to have the Clerk report the amendment as agreed to.

The Clerk read as follows:

Amend, page 3, line 2, by inserting after the word "person" the following: "Not acting for the United States."

Mr. LENROOT. And the record shows that that was the amendment adopted?

The SPEAKER. It does.

Mr. FRENCH. Now, Mr. Speaker, I offer the following amendments to section 3.

The Clerk read as follows:

Amend, page 3, line 3, by striking out the comma after the word "prospecting," together with the words "mining or removing," and insert in lieu thereof the word "for."

The amendment to the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 3, line 4, by striking out the word "therefrom."

The amendment to the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 3, line 8, by striking out the words "and removal of."

The amendment to the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 3, line 8, by inserting the following sentences after the sentence ending with the word "oil":

"Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil or phosphate therefrom and mine and remove the oil or phosphate upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right of the State of Idaho to present and have prompt consideration of applications to select lands, which have been classified as oil or phosphate lands, with a view to disproving such classification and securing a certificate without reservation."

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

The amendment to the amendment was agreed to.

The Clerk read as follows:

Amend, line 8, page 3, by inserting before the word "the," as a part of the sentence to which the word belongs, the following words: "And provided further, That."

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

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment in the nature of a substitute as amended.

The question was taken, and the amendment in the nature of a substitute was agreed to.

The SPEAKER. The question now is on the engrossment of the third reading of the bill as amended.

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

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the title be amended by striking out the word "State" and inserting, after the word "selection," the words "by the State of Idaho."

The SPEAKER. Without objection, the title will be amended in accordance with the statement of the gentleman from Idaho.

There was no objection.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURE APPROPRIATION BILL.

By unanimous consent, Mr. LAMB, chairman of the Committee on Agriculture, at the direction of that committee, reported the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, which was referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 1348), ordered printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—
Mr. McCox, for three days, on account of important business.
Mr. J. M. C. SMITH, for one week, on account of important business.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. If there be no objection, this being unanimous-consent day, the Chair will lay before the House the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, with Senate amendments thereto.

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, I hope the gentleman will not prefer that request at this time, but will prefer a request to have the bill printed with the Senate amendments thereto.

Mr. JOHNSON of South Carolina. Very well. Mr. Speaker, I ask unanimous consent that the bill be printed with the Senate amendments properly numbered, and I shall make the other request later.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to have the bill printed with the Senate amendments thereto properly numbered. Is there objection?

There was no objection, and it was so ordered.

HOMESTEADERS ON COEUR D'ALENE RESERVATION.

The next business on the Calendar for Unanimous Consent was H. J. Res. 326, providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho.

The Clerk read the resolution, as follows:

Resolved, etc., That the provisions of an act of Congress approved April 15, 1912, authorizing the extension of time within which to make payments of certain moneys by homestead entrymen upon the Coeur d'Alene Indian Reservation, in the State of Idaho, be extended and held to apply to payments that became due prior to the passage of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask how many entrymen would be affected by this proposition?

Mr. FRENCH. Mr. Speaker, the department reports about 96, and 96, I think, is the accurate figure.

Mr. MANN. Are these people still on the land, or where are they? Have they lost their rights?

Mr. FRENCH. Of course they have lost their rights unless this resolution be passed, and I would say that these entrymen forfeited their rights prior to the passage of the act. I assume a large number of them are living upon their lands, because the demand has been made or the request has been taken up with me that the legislation be extended. I am also advised that the department has not taken adverse action in the way of canceling the entry in any case.

Mr. MANN. Nobody else has made application?

Mr. FRENCH. I would say with respect to that, that in the original bill we have this language:

That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The question has been raised whether or not the resolution is broad enough to prevent a conflict on that score, and this amendment has been suggested, "that nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this resolution." That amendment I propose to offer at the proper time, because I desire, of course, to head off any difficulty in that regard.

Mr. BURKE of South Dakota. Mr. Speaker, may I ask the gentleman for what reason that provision was not put in when the bill was considered by the committee? I was not present.

Mr. FRENCH. The provision is in the act itself, and as I drafted the resolution I did not think it necessary to restate it in the resolution, and apparently the department did not think

it necessary, and the matter was not raised in the committee, and I assume no member of the committee thought it was necessary, but I see there is that possibility.

Mr. BURKE of South Dakota. One further question. These acts that are passed granting extensions of time, I supposed always extended the time as to any entry subject to the provisions which the gentleman now proposes, and how does it happen there were 96 who did not come under the provisions of the act passed at the last session?

Mr. FRENCH. Because they had forfeited their entries prior to the passage of the law.

Mr. BURKE of South Dakota. Well, did not the law provide—

Mr. FRENCH. No; the law did not reach back and take care of the 96.

Mr. BURKE of South Dakota. This is one time when the gentleman from Idaho was not as careful of his constituents as he usually is.

Mr. FRENCH. I overlooked a point that time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, I have this amendment to offer, which I send to the Clerk's desk.

The SPEAKER. To which section?

Mr. FRENCH. There is only one section.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the provisions of an act of Congress approved April 15, 1912, authorizing the extension of time within which to make payments of certain moneys by homestead entrymen upon the Coeur d'Alene Indian Reservation, in the State of Idaho, be extended and held to apply to payments that became due prior to the passage of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 10 the following: "That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this resolution."

The question was taken, and the amendment was agreed to.

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

On motion of Mr. FRENCH, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DONATION OF OLD GOVERNMENT DOCUMENTS TO THE OLD NEWBURY HISTORICAL SOCIETY.

The next business on the Calendar for Unanimous Consent was H. J. Res. 369, authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury is hereby authorized to give to the Old Newbury Historical Society, of Newburyport, Mass., any or all documents in the customhouse building at Newburyport, Mass., which are of no further value to the United States Government.

The SPEAKER pro tempore (Mr. FERRIS). Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. SLAYDEN. Mr. Speaker, this resolution being on the Union Calendar I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SLAYDEN. Mr. Speaker, the resolution simply proposes to give the historical society of that town some old documents which would be destroyed otherwise. There can be no possible objection to it.

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

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, had further insisted upon its disagreement to the amendment of the House of Representatives, had asked a further conference with the

House, and had appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. PERCY as the conferees on the part of the Senate.

REPEALING CERTAIN PROVISIONS OF THE INDIAN APPROPRIATION ACT OF JUNE 30, 1907.

The next business on the Calendar for Unanimous Consent was the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed.

The Clerk read as follows:

Be it enacted, etc., That so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, approved June 21, 1906, providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855 (said section of said act relating to the sale of said land), be, and the same is hereby, repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object to whoever has this bill in charge, I would suggest that they examine the law which it is proposed to repeal, because I am quite confident that no one on earth, much less in heaven, can tell from this bill and an examination of the original law what is intended to be repealed.

Mr. JACKSON. Mr. Speaker, I will state to the gentleman that the understanding of the committee was that the provision originally was contained in an annual appropriation bill. That seems to be the understanding of the persons who drew the bill.

Mr. MANN. The bill was not drawn here and probably not drawn by anybody who is a Member of the other body, and the bill is very much like the title. The title itself repeals the law. Of course, it is not a proper title, and the bill is drawn just as loosely. I examined the original act, and I defy, in my judgment, anyone to state what is repealed by this bill if it becomes a law.

Mr. JACKSON. The gentleman will see the committee recommends a change of the title. Of course the gentleman understands what is intended.

Mr. MANN. I see the title is amended. The committee examined the title and probably did not examine the law which is proposed to be repealed. I think the gentleman ought to ask to pass this bill over and put in proper shape whatever is intended to be done.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. I suggest that the amendment to the title, as suggested by the Committee on Indian Affairs, might possibly clear up any doubt as to what was intended to be repealed. The suggestion of the amendment is to the title—

Mr. MANN. I have read the suggestion.

Mr. TAGGART. It reads:

An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians, in Kansas City, Kans.

It means that portion of the appropriation bill.

Mr. MANN. I have read the report and the original act. The original act contained a lot of matters relating to the sale of property which I am sure it is not the desire of the gentleman to repeal. I do not think anyone can tell what is repealed by this provision.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I will.

Mr. FERRIS. This matter has been hawked around in courts for a great many years, and I rather think this is a solution of a very troublesome proposition, so far as Congress, the department, and everybody connected with it are concerned. I want to ask the gentleman if he would not let us go into the committee—

Mr. MANN. It would be a very easy matter to insert by way of amendment, which could be prepared, the language that should be repealed. There is no language inserted here. So much of an act providing for a tract of land is repealed. Now, there were a great many provisions in the original act providing for the sale of this land which I think it is not intended to repeal, and some of them, I think, ought not to be repealed. Will the gentleman pass it over and prepare an amendment covering the language which it is proposed to repeal, so that he can show what you want to repeal?

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to pass the bill over without prejudice.

The SPEAKER. The gentleman from Kansas asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection.

NEW DIVISION OF WESTERN JUDICIAL DISTRICT OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24194) "to create a new division of the western judicial district of Texas, and to provide for terms of court at Pecos, Tex., and for a clerk for said court, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Reeves, Ward, Martin, Reagan, Winkler, Ector, Gaines, Andrews, Upton, Midland, Loving, Jeff Davis, and Crane shall constitute a division of the western judicial district of Texas.

Sec. 2. That terms of the district court of the United States for the said western district of Texas shall be held twice in each year at the city of Pecos, in Reeves County, and that, until otherwise provided by law, the judge of said court shall fix the times at which said court shall be held at Pecos, of which he shall make application and give due notice.

Also the following committee amendment was read:

Page 2, line 3, after the word "notice," insert:

"Provided, however, That suitable rooms and accommodations shall be furnished for the holding of said court and for the use of the officers of said court at Pecos, free of expense to the Government of the United States."

The SPEAKER. Is there objection?

Mr. MONDELL. I reserve the right to object. I would like to know how large this district is, and how large the area is which it is proposed to include in this subdistrict.

Mr. SMITH of Texas. You mean the whole judicial district?

Mr. MONDELL. What is the area of this subdivision?

Mr. SMITH of Texas. It comprises 13 counties, the smallest of which are 30 miles square, and some of them are larger, returnable to this division of the court mentioned in this bill.

Mr. MONDELL. And within which there is now no provision for holding court?

Mr. SMITH of Texas. No court.

Mr. MONDELL. How large a population is there, approximately?

Mr. SMITH of Texas. About 25,000. There is no court within 200 miles of this proposed site.

Mr. MONDELL. No court within 200 miles?

Mr. SMITH of Texas. No, sir.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to ask the gentleman if there is no public building at this place now.

Mr. SMITH of Texas. There is no public building there now.

Mr. FOSTER. How large a city is Pecos?

Mr. SMITH of Texas. It is a city of about 2,000 people.

Mr. FOSTER. I suppose this means that in the course of a little time a public building will be asked for there?

Mr. SMITH of Texas. I suppose in the course of events it may be so, but there is nothing pending to that effect at the present time. The gentleman will note that the Committee on the Judiciary requires that quarters be furnished for this court without expense to the Government.

Mr. FOSTER. I understand; but that does not provide any definite time?

Mr. SMITH of Texas. No.

Mr. FOSTER. The gentleman would not be willing to put in an amendment to furnish quarters for a definite length of time?

Mr. SMITH of Texas. I think not. I do not think this provision should be put in. It was already in the bill, but rather than raise a row about it I thought we would let it go through.

Mr. FOSTER. Is it usual to put on bills of this kind, establishing a court, a provision that there shall be suitable offices or quarters for holding the court when it is established?

Mr. SMITH of Texas. I was told by some member of the committee that was so, but I know of some bills which passed without that provision.

Mr. GARNER. And I might suggest to the gentleman from Illinois [Mr. FOSTER] that in a case like this such a provision ought not to be carried in the bill. It will be a hardship on these people to furnish these quarters. This court is being established because it is a hardship for them now to be without one and be compelled to travel from 200 to 500 miles to attend Federal court. And now, because they ought to be relieved of this burden, and because it is a rural population, it is a hardship to establish quarters for the purpose of holding a court, and Congress ought not to demand such an unreasonable proposition.

Mr. FOSTER. I may say that the gentleman from Texas [Mr. GARNER] may be right on that proposition. If it is neces-

sary to establish a court, the Government ought to furnish the necessary accommodations. But I notice there is a provision here that suitable rooms and accommodations shall be furnished free of charge to the Government, and I want to know how long it will last?

The reason the gentleman from Texas accepted that is because his people are suffering by reason of the fact that they have to travel so far to attend a Federal court, and he is willing to go to this extra expense in order to relieve the situation.

Mr. MANN. What expense is there in allowing a Federal court to use a building?

Mr. SMITH of Texas. I am making no objection.

Mr. MANN. That has been inserted in these bills for many years.

Mr. FOSTER. I am not going to object. The only thing I was driving at is that possibly in 10 years from now they will not want to hold this court without a public building—

Mr. MANN. In less than 10 years from now they will erect a public building there.

Mr. FOSTER. The gentleman did not wait until I had finished my sentence. I was saying that before that time they would be asking a public building, and one of the reasons will be that they are holding United States court there.

Mr. MANN. Why, certainly; that is one of the ways of getting a public building.

Mr. FOSTER. Yes.

Mr. MANN. That is a legitimate way.

Mr. FOSTER. I guess it is legitimate; yes. I am not complaining of that.

Mr. SMITH of Texas. I suppose the gentleman does not want to pledge here that he will never ask for a public building.

Mr. FOSTER. No; I would not ask the gentleman to do such a thing as that. The only thing in my mind was, if the accommodations are to be furnished in that particular locality, whether or not there should be a definite time fixed in which they should be furnished. It should not be held out as an excuse for urging the necessity of an appropriation.

Mr. MANN. It is just the other way, I will say to my colleague. They are required to furnish these quarters.

Mr. FOSTER. But there is no definite time set.

Mr. MANN. As long as the court remains there.

Mr. FOSTER. Under this provision I do not understand they would have to furnish it next year.

Mr. MANN. Oh, certainly. They have to furnish these quarters free as long as the court is maintained there, until the Government provides a Government building.

Mr. SMITH of Texas. It would be a question for the Government to determine hereafter.

Mr. FOSTER. I understand; but there is no provision saying that "so long as the court is held at that place," and so forth.

Mr. SMITH of Texas. That is what it means.

Mr. MANN. That is the construction of the language. It has been inserted in the bills all these recent years, partly to keep out the claims for public buildings.

Mr. FOSTER. I will ask my colleague, with all his experience in this House, whether that has succeeded in keeping out appropriations for public buildings? Has it not been more often a claim for a public building?

Mr. MANN. This provision does not make a claim for a public building.

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas [Mr. SMITH] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk again read the bill, as follows:

Be it enacted, etc., That the counties of Reeves, Ward, Martin, Reagan, Winkler, Ector, Gaines, Andrews, Upton, Midland, Loving, Jeff Davis, and Crane shall constitute a division of the western judicial district of Texas.

Sec. 2. That terms of the district court of the United States for the said western district of Texas shall be held twice in each year at the city of Pecos, in Reeves County, and that, until otherwise provided by law, the judge of said court shall fix the times at which said court shall be held at Pecos, of which he shall make application and give due notice.

With a committee amendment:

Amend by adding, after the word "notice," in line 3, page 2, the following:

"Provided, however, That suitable rooms and accommodations shall be furnished for the holding of said court and for the use of the officers of said court at Pecos, free of expense to the Government of the United States."

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

Mr. MANN. Mr. Speaker, may I ask the gentleman a question?

Mr. SMITH of Texas. Certainly.

Mr. MANN. On page 2, line 2, just what is meant by the statement, "of which he shall make application and give due notice"? What does the language mean there—"make application"?

Mr. SMITH of Texas. I am glad the gentleman called attention to that. I think that should be "proclamation."

Mr. MANN. "Make proclamation and give due notice?"

Mr. SMITH of Texas. Yes.

Mr. Speaker, I ask that that amendment be made; that the word "application" be stricken out and the word "proclamation" be inserted.

The SPEAKER. Is that an amendment to the amendment?

Mr. MANN. No.

Mr. SMITH of Texas. That is an amendment to the original bill.

The SPEAKER. The vote will be taken first on the committee amendment. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will now read the other amendment.

The Clerk read as follows:

On page 2, line 2, strike out the word "application" and insert in lieu thereof the word "proclamation."

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "To create a new division in the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes."

On motion of Mr. SMITH of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. This ends the Unanimous Consent Calendar. When the House adjourned—

Mr. GARNER. Mr. Speaker, does this complete the Unanimous Consent Calendar?

The SPEAKER. It does. There were two or three more bills on the calendar, but they have not been on long enough.

Mr. GARNER. Mr. Speaker, the next bill on the calendar was placed there on the 15th of January.

Mr. MANN. It was not reported into the House until the 16th.

Mr. GARNER. Is it exclusive of the day it is placed on the calendar?

The SPEAKER. You can not count both the day it was put on and to-day.

THE ROCKEFELLER FOUNDATION.

The SPEAKER. When the House adjourned two weeks ago to-day the unfinished business was the bill (H. R. 21532) to incorporate the Rockefeller Foundation. A motion had been made to suspend the rules and pass the bill, a second had been ordered, and the debate had been had. The House voted on it, and the gentleman from Illinois [Mr. MANN] raised the point of no quorum, whereupon the House adjourned. So the question now is on suspending the rules and passing that bill.

Mr. PETERS. Mr. Speaker, before putting that motion, I ask unanimous consent to offer at this time an amendment to the bill.

The SPEAKER. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent to offer at this time an amendment. Is there objection to the request of the gentleman from Massachusetts [Mr. PETERS]?

Mr. MANN. I take it that the gentleman is asking unanimous consent to modify his motion to suspend the rules, so that it will include this amendment. It could not be acted upon in any other way.

Mr. PETERS. That is my request.

The SPEAKER. The gentleman is technically correct. The gentleman asks unanimous consent to modify his motion by including the amendment.

Mr. MANN. Let the amendment be reported.
The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

Insert, page 8, after line 21, as a separate section:

"SEC. 14. That said corporation shall not have power to buy, sell, rent, lease, own, hold, or maintain any real estate or any interest in any real estate for the purpose of deriving profit therefrom except as herein otherwise expressly provided: *Provided*, That said corporation shall have power to loan its funds upon real estate securities and to acquire such real estate in collection of debts due to it: *Provided further*, That said corporation shall have power to receive donations, grants, gifts, and devices of real estate and interests in real estate: *And provided further*, That any real estate or any interest in any real estate that shall be acquired or received by said corporation in compliance with the provisions of this act shall within four years after the same is so acquired or received be sold, and in the event it shall not be so sold said real estate or interest in real estate shall escheat to the State or Territory in which it is situated."

The SPEAKER. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent at this stage of the proceedings to modify the bill in the manner which has been read. Is there objection?

[Mr. SHACKLEFORD addressed the House. See Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, it occurs to me that it is hardly fair to ask to suspend the rules on a particular bill and then permit an individual amendment. I should like the chance to amend this bill in a good many particulars. I want to be frank and say that I am opposed to a national incorporation anyway. I think we ought not to give special charters; but particularly I would like to see an amendment prohibiting exemption from taxation. I know no reason why this fund should be exempt from taxation. What we are asked now is to enable an individual to amend the bill without giving the rest of us a chance to do so. If the gentleman is willing to throw his bill open to amendment and let the House have a chance at it, that is another proposition.

The SPEAKER. That can not be done under a motion to suspend the rules.

Mr. PETERS. It is impossible to throw the bill open to amendment at this stage of the proceedings under the procedure of the House. If the gentleman from Kentucky has any specific amendment which he wishes to suggest, I would be glad to consider it.

Mr. SHERLEY. I will make it specific. I would like an amendment which would prevent the exemption from taxation from Federal or other taxes.

Mr. PETERS. By whom?

Mr. SHERLEY. I would have this fund subject to taxation just as the fund of a private individual would be subject to taxation.

Mr. CANNON. This is taxable in all the States.

Mr. SHERLEY. Not where church property would be exempt, according to the statement of the gentleman a few moments ago.

The SPEAKER. The Chair will inquire for his own information, has the gentleman from Kentucky any amendment?

Mr. SHERLEY. No. Supposing under the suspension of the rules that there would be no opportunity to amend, I could not be expected to have.

The SPEAKER. There can not be any amendment except by unanimous consent.

Mr. SHERLEY. I understand that there can not.

Mr. SAUNDERS. Mr. Speaker, I suggest that the bill itself per se does not operate to relieve this property from taxation. It is taxable by the State, and it is only exempt in the District of Columbia and the Territories. It is taxable in all the States pursuant to the laws of the States.

Mr. MANN. Why not strike out section 11 entirely?

Mr. SHERLEY. Mr. Speaker, I suggest striking out section 11. The gentleman wanted a specific amendment, and I propose that one.

Mr. PETERS. I will accept it and will include it in my motion.

Mr. SHERLEY. The gentleman appreciates that I am still opposed to his bill.

The SPEAKER. Will the gentleman from Kentucky state what it is he wants.

Mr. SHERLEY. To strike out section 11.

The SPEAKER. Is there objection?

Mr. DIES. I object.

The SPEAKER. The gentleman from Texas objects, and the question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SHACKLEFORD demanded a division.

Mr. FOWLER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Illinois raises the point of no quorum. The Chair will count.

Mr. FOWLER. Mr. Speaker, I withdraw the point of no quorum.

Mr. DIES. I renew the point of no quorum.

Mr. MANN. I make the point of order that no quorum is present, as that is the easiest way to get the yeas and nays.

The SPEAKER. The gentleman from Texas and the gentleman from Illinois make the point that no quorum is present, and the Chair will count. [After counting.] One hundred and five gentlemen present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PETERS) there were 49 ayes and 48 noes.

Mr. CANNON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. This question is being taken on the motion to adjourn. All those in favor will answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 36, nays 179, answered "present" 9, not voting 159, as follows:

YEAS—36.

Adamson	Daugherty	Johnson, S. C.	Sheppard
Bell, Ga.	Dies	Korbly	Sherley
Booher	Garner	Linthicum	Sisson
Byrnes, S. C.	Garrett	Macon	Stephens, Miss.
Callaway	Gudger	Mays	Taylor, Colo.
Candler	Harrison, Miss.	Moon, Tenn.	Tribble
Cline	Hensley	Moss, Ind.	Willis
Collier	Houston	Raker	Wilson, Pa.
Cullop	Humphreys, Miss.	Roddenbery	Witherspoon

NAYS—179.

Adair	Esch	Jackson	Pickett
Aiken, S. C.	Estopinal	Jacoway	Plumley
Ainey	Evans	James	Post
Alexander	Faison	Jones	Powers
Allen	Fergusson	Kendall	Redfield
Anderson	Ferris	Kennedy	Rees
Ashbrook	Finley	Kinkaid, Nebr.	Reilly
Barnhart	Fitzgerald	Kinhead, N. J.	Roberts, Mass.
Bates	Floyd, Ark.	Knowland	Roberts, Nev.
Beall, Tex.	Foss	Konop	Rothermel
Blackmon	Foster	Kopp	Rouse
Borland	Fowler	Lafferty	Rubey
Broussard	Francis	La Follette	Russell
Buchanan	French	Lawrence	Saunders
Bulkley	Fuller	Lee, Ga.	Scott
Burke, Pa.	Gallagher	Lee, Pa.	Sharp
Burke, S. Dak.	Gardner, Mass.	Lenroot	Sherwood
Burnett	Gillett	Lever	Sims
Byrnes, Tenn.	Godwin, N. C.	Levy	Slayden
Cannon	Goldfogle	Lindbergh	Sloan
Cary	Good	Lobeck	Small
Clark, Fla.	Goodwin, Ark.	Loud	Smith, Saml. W.
Claypool	Gould	McDermott	Smith, Tex.
Clayton	Gray	McGillicuddy	Stanley
Cooper	Green, Iowa	McKenzie	Stedman
Cox	Greene, Mass.	McKinley	Steenerson
Crago	Gregg, Tex.	McKinney	Sterling
Cravens	Guernsey	McLaughlin	Stevens, Minn.
Currier	Hamilton, Mich.	Madden	Stone
Dalzell	Hamilton, W. Va.	Maguire, Nebr.	Sweet
Danforth	Hardy	Martin, S. Dak.	Switzer
Davis, Minn.	Harrison, N. Y.	Mondell	Talcott, N. Y.
Davis, W. Va.	Hay	Moore, Pa.	Taylor, Ala.
De Forest	Hayden	Morgan, La.	Thayer
Dent	Heflin	Morgan, Okla.	Thomas
Dickinson	Helgesen	Mott	Tilson
Dodds	Helm	Murdock	Towner
Donohoe	Henry, Conn.	Murray	Underhill
Doremus	Henry, Tex.	Neeley	Warburton
Doughton	Higgins	Nelson	Watkins
Draper	Hobson	Norris	White
Driscoll, D. A.	Holland	Nye	Wilder
Driscoll, M. E.	Hughes, Ga.	Padgett	Young, Kans.
Dupré	Hughes, W. Va.	Page	Young, Tex.
Edwards	Humphrey, Wash.	Peters	

ANSWERED "PRESENT"—9.

Boehne	McGuire, Okla.	Mann	Sparkman
Browning	McMorran	Morrison	Talbot, Md.
Butler			

NOT VOTING—159.

Akin, N. Y.	Brown	Curry	Focht
Ames	Burgess	Davenport	Fordney
Andrus	Burke, Wis.	Davidson	Fornes
Ansberry	Burleson	Denver	Gardner, N. J.
Anthony	Calder	Dickson, Miss.	George
Austin	Campbell	Diffenderfer	Gill
Ayres	Cantrill	Dixon, Ind.	Glass
Barefield	Carlin	Dwight	Goeke
Bartholdt	Carter	Dyer	Graham
Bartlett	Conry	Ellerbe	Greene, Vt.
Bathrick	Copley	Fairchild	Gregg, Pa.
Berger	Covington	Farr	Griest
Bradley	Crumpacker	Fields	Hamill
Brantley	Curley	Flood, Va.	Hamlin

Hammond	Lewis	Payne	Smith, N. Y.
Hardwick	Lindsay	Pepper	Speer
Harris	Littlepage	Porter	Stack
Hart	Littleton	Pou	Stephens, Cal.
Hartman	Lloyd	Pray	Stephens, Nebr.
Haugen	Longworth	Prince	Stephens, Tex.
Hawley	McCall	Prouty	Sulloway
Hayes	McCoy	Pujo	Taggart
Heald	McCreary	Rainey	Taggart
Hill	McKellar	Randell, Tex.	Taylor, Ohio
Hinds	Maher	Randell, La.	Thistlewood
Howard	Martin, Colo.	Ransdell	Townsend
Howell	Matthews	Rauch	Turnbull
Howland	Merritt	Reyburn	Tuttle
Hull	Miller	Richardson	Underwood
Johnson, Ky.	Moon, Pa.	Riordan	Vare
Kahn	Moore, Tex.	Rodenberg	Volstead
Kent	Moore, Wis.	Rucker, Colo.	Vreeland
Kindred	Needham	Rucker, Mo.	Webb
Kitchin	Oldfield	Sabath	Weeks
Konig	Olmsted	Scully	Whitacre
Lafean	O'Shaunessy	Sells	Wilson, Ill.
Lamb	Palmer	Shackleford	Wilson, N. Y.
Langham	Parran	Simmons	Wood, N. J.
Langley	Patten, N. Y.	Slemp	Woods, Iowa
Legare	Patton, Pa.	Smith, J. M. C.	Young, Mich.
		Smith, Cal.	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:
For the session:

Mr. BARTLETT with Mr. BUTLER.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. LITTLETON with Mr. DWIGHT.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. FORTNE with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. PALMER with Mr. HILL.

Until further notice:

Mr. RAINEY with Mr. MCCALL.
Mr. PUJO with Mr. MCMORRAN.
Mr. CONRY with Mr. LANGHAM.
Mr. UNDERWOOD with Mr. MANN.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SCULLY with Mr. BROWNING.
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. FIELDS with Mr. LANGLEY.
Mr. HULL with Mr. NEEDHAM.
Mr. HENSLEY with Mr. KOPP.
Mr. KITCHIN with Mr. FORDNEY.
Mr. ANSBERRY with Mr. BARTHOLOMT.
Mr. AYRES with Mr. CALDER.
Mr. BATHRICK with Mr. AMES.
Mr. BRANTLEY with Mr. ANTHONY.
Mr. BROWN with Mr. AUSTIN.
Mr. BURGESS with Mr. BARCHFELD.
Mr. BURLESON with Mr. COPELY.
Mr. CANTRILL with Mr. DYER.
Mr. CARLIN with Mr. FARR.
Mr. COVINGTON with Mr. FOCHT.
Mr. CURLEY with Mr. GARDNER of New Jersey.
Mr. DAVENPORT with Mr. CURRY.
Mr. DENVER with Mr. GREENE of Vermont.
Mr. DIFENDERFER with Mr. GRIEST.
Mr. DIXON of Indiana with Mr. CRUMPACKER.
Mr. EDWARDS with Mr. HARTMAN.
Mr. ELLERBE with Mr. HAUGEN.
Mr. FLOOD of Virginia with Mr. HAWLEY.
Mr. GEORGE with Mr. HAYES.
Mr. GLASS with Mr. HEALD.
Mr. GOEKE with Mr. HINDS.
Mr. GRAHAM with Mr. HOWLAND.
Mr. HAMILL with Mr. KAHN.
Mr. HAMLIN with Mr. LAFEAN.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. HAMMOND with Mr. HOWELL.
Mr. HART with Mr. MCCREARY.
Mr. HOWARD with Mr. MATTHEWS.
Mr. JOHNSON of Kentucky with Mr. MILLER.
Mr. KINDRED with Mr. MERRITT.
Mr. KONIG with Mr. MOON of Pennsylvania.
Mr. LAMB with Mr. OLMSTED.
Mr. LEWIS with Mr. PATTON of Pennsylvania.
Mr. LITTLEPAGE with Mr. PORTER.
Mr. LLOYD with Mr. PAYNE.
Mr. MCCOY with Mr. PRAY.
Mr. MCKELLAR with Mr. PRINCE.
Mr. MAHER with Mr. PROUTY.
Mr. OLDFIELD with Mr. REYBURN.
Mr. O'SHAUNESSY with Mr. RODENBERG.
Mr. PATTEN of New York with Mr. SELLS.
Mr. PEPPER with Mr. SIMMONS.
Mr. POU with Mr. SLEMP.
Mr. RAUCH with Mr. J. M. C. SMITH.

Mr. RICHARDSON with Mr. SMITH of California.
Mr. RUCKER of Missouri with Mr. SPEER.
Mr. RUCKER of Colorado with Mr. STEPHENS of California.
Mr. SMITH of New York with Mr. THISTLEWOOD.
Mr. SABATH with Mr. TAYLOR of Ohio.
Mr. STEPHENS of Texas with Mr. VOLSTEAD.
Mr. STEPHENS of Nebraska with Mr. VARE.
Mr. TAGGART with Mr. VREELAND.
Mr. TOWNSEND with Mr. WEEKS.
Mr. TURNBULL with Mr. WILSON of Illinois.
Mr. TUTTLE with Mr. WOODS of Iowa.
Mr. WEBB with Mr. SULLOWAY.
Mr. WILSON of New York with Mr. WOOD of New Jersey.
Mr. RANDELL of Texas with Mr. YOUNG of Michigan.
Until February 1:
Mr. SHACKLEFORD with Mr. LONGWORTH.
Mr. BUTLER. Mr. Speaker, I would inquire if the gentleman from Georgia, Mr. BARTLETT, voted. I have a general pair with him.

The SPEAKER. The gentleman from Georgia did not vote.
Mr. BUTLER. Then I will withdraw my vote of "nay" and answer "present."

The name of Mr. BUTLER was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I voted "nay." I desire to withdraw my vote and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."
The result of the vote was announced as above recorded.
A quorum being present, the doors were opened.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.
Mr. SHACKLEFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The question was taken; and there were—yeas 155, nays 65, answered "present" 4, not voting 159, as follows:

YEAS—155.

Adair	Esch	Kent	Pickett
Alken, S. C.	Estopinal	Kinkaid, Nebr.	Plumley
Ainey	Evans	Kinhead, N. J.	Post
Alexander	Faison	Kopp	Pou
Allen	Fitzgerald	Korbly	Powers
Ashbrook	Floyd, Ark.	Lafferty	Redfield
Barnhart	Foss	La Follette	Rees
Bates	Foster	Lawrence	Relly
Boehne	French	Lee, Ga.	Roberts, Mass.
Brantley	Fuller	Lenroot	Roberts, Nev.
Broussard	Gallagher	Lever	Rothermel
Buchanan	Gardner, Mass.	Levy	Rouse
Bulkley	Gillett	Linthicum	Russell
Burke, Pa.	Godwin, N. C.	Littlepage	Saunders
Burke, S. Dak.	Good	Lobeck	Scott
Burleson	Gould	Loud	Sherwood
Burnett	Green, Iowa	McCall	Sims
Byrns, Tenn.	Greene, Mass.	McCoy	Slayden
Cannon	Greene, Vt.	McDermott	Sloan
Cantrill	Gregg, Pa.	McGillcuddy	Small
Cary	Gregg, Tex.	McKenzie	Smith, Saml. W.
Clayton	Gudger	McKinley	Steenerson
Covington	Guernsey	McKinney	Sterling
Cox	Hamilton, Mich.	McLaughlin	Stevens, Minn.
Crago	Hamilton, W. Va.	Madden	Stone
Currier	Hardy	Mann	Sweet
Dalzell	Hay	Martin, S. Dak.	Switzer
Danforth	Heflin	Moore, Pa.	Talcott, N. Y.
Davis, Minn.	Helgesen	Morgan, La.	Taylor, Ala.
Davis, W. Va.	Helm	Morse, Wis.	Taylor, Colo.
De Forest	Higgins	Mott	Thayer
Dent	Hobson	Murray	Thomas
Dodds	Holland	Norris	Tilson
Doremus	Houston	Nye	Towner
Doughton	Hughes, Ga.	O'Shaunessy	Underhill
Draper	Hughes, W. Va.	Padgett	Weeks
Driscoll, M. E.	Humphrey, Wash.	Page	White
Dupré	James	Patton, Pa.	Wilder
Ellerbe	Kennedy	Peters	

NAYS—65.

Adamson	Dies	Kendall	Roddenberry
Anderson	Donohoe	Konop	Ruby
Beall, Tex.	Edwards	Lee, Pa.	Sheppard
Blackmon	Fergusson	Lindbergh	Sherry
Booher	Fowler	Lloyd	Sisson
Borland	Francis	Macon	Smith, Tex.
Burgess	Garner	Maguire, Nebr.	Stephens, Miss.
Byrnes, S. C.	Garrett	Mays	Tribble
Callaway	Goodwin, Ark.	Moon, Tenn.	Warburton
Clark, Fla.	Gray	Morgan, Okla.	Willis
Claypool	Harrison, Miss.	Morrison	Wilson, Pa.
Cline	Hayden	Moss, Ind.	Witherspoon
Cooper	Henry, Tex.	Murdock	Young, Kans.
Cullop	Hensley	Neeley	Young, Tex.
Daugherty	Humphreys, Miss.	Nelson	
Dickinson	Jackson	Porter	
Dickson, Miss.	Jacoway	Raker	

ANSWERED "PRESENT"—4.

Browning	Butler	McMorran	Sparkman
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NOT VOTING—159.

Akin, N. Y.	Finley	Lafean	Rucker, Colo.
Ames	Flood, Va.	Lamb	Rucker, Mo.
Andrus	Focht	Langham	Sabath
Ansberry	Fordney	Langley	Scully
Anthony	Fornes	Legare	Sells
Austin	Gardner, N. J.	Lewis	Shackleford
Ayres	George	Lindsay	Sharp
Barchfeld	Gill	Littleton	Simmons
Bartholdt	Glass	Longworth	Slemp
Bartlett	Goeke	McCreary	Smith, J. M. C.
Bathrick	Goldfogle	McGuire, Okla.	Smith, Cal.
Bell, Ga.	Graham	McKellar	Smith, N. Y.
Berger	Griest	Maher	Speer
Bradley	Hamill	Martin, Colo.	Stack
Brown	Hamlin	Matthews	Stanley
Burke, Wis.	Hammond	Merritt	Stedman
Calder	Hardwick	Miller	Stephens, Cal.
Campbell	Harris	Mondell	Stephens, Nebr.
Candler	Harrison, N. Y.	Moon, Pa.	Stephens, Tex.
Carlin	Hart	Moore, Tex.	Sulloway
Carter	Hartman	Needham	Taggart
Collier	Haugen	Oldfield	Talbot, Md.
Conry	Hawley	Olmsted	Taylor, Ohio
Copley	Hayes	Palmer	Thistlewood
Cravens	Heald	Farran	Townsend
Crumpacker	Henry, Conn.	Fatten, N. Y.	Turnbull
Curley	Hill	Payne	Tuttle
Curry	Hinds	Pepper	Underwood
Davenport	Howard	Pray	Vare
Davidson	Howell	Prince	Volstead
Denver	Howland	Prouty	Vreeland
Difenderfer	Hull	Pujo	Watkins
Dixon, Ind.	Johnson, Ky.	Raney	Webb
Driscoll, D. A.	Johnson, S. C.	Randell, Tex.	Whitacre
Dwight	Jones	Ransdell, La.	Wilson, Ill.
Dyer	Kahn	Rauch	Wilson, N. Y.
Fairchild	Kindred	Reyburn	Wood, N. J.
Farr	Kitchin	Richardson	Woods, Iowa
Ferris	Knowland	Riordan	Young, Mich.
Fields	Konig	Rosenberg	

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CANDLER with Mr. DYER.

Mr. COLLIER with Mr. HAUGEN.

Mr. FERRIS with Mr. HENRY of Connecticut.

Mr. FINLEY with Mr. KNOWLAND.

Mr. GOLDFOGLE with Mr. MCKENZIE.

Mr. DENVER with Mr. MONDELL.

Mr. HARRISON of New York with Mr. PAYNE.

Mr. STANLEY with Mr. ANTHONY.

Mr. JOHNSON of South Carolina with Mr. PRAY.

Mr. RAINEY with Mr. RODENBERG.

Mr. UNDERWOOD with Mr. OLMSTED.

Mr. LEWIS with Mr. SLEMP.

Mr. SHARP with Mr. HARTMAN.

Mr. STEDMAN with Mr. MCCREARY.

Mr. WATKINS with Mr. WILSON of Illinois.

Mr. BUTLER. Mr. Speaker, may I withdraw my vote? I voted "aye," but, being paired, I feel obliged to withdraw that vote and answer "present."

The name of Mr. BUTLER was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PETERS. Mr. Speaker, I move that the motion to reconsider the vote by which the bill was passed be laid on the table.

The SPEAKER. That motion is unnecessary and out of order.

Mr. HOBSON. Mr. Speaker—

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

Mr. RUSSELL. Mr. Speaker, before that I would like to ask unanimous consent to call up a bill and agree to a Senate amendment.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. The gentleman from Alabama addressed the Chair and was recognized. Now, can the gentleman from New York take the gentleman off his feet by a motion?

The SPEAKER. The gentleman from New York can do a thing which is equivalent to that. The gentleman from Alabama had a right to make his motion, but the gentleman from New York had a right to make a preferential motion to adjourn, so the Chair shortened it a little—

Mr. HOBSON. I will make my motion, Mr. Speaker—

Mr. FITZGERALD. Mr. Speaker, I move to adjourn.

Mr. HOBSON. I have the floor, Mr. Speaker.

The SPEAKER. The Chair will recognize the gentleman—

Mr. FITZGERALD. But I object to any consent being given to make any motion.

Mr. GARNER. Mr. Speaker—

The SPEAKER. But the gentleman from Alabama was trying to make a motion before the gentleman from New York got up.

Mr. FITZGERALD. I have already made the motion to adjourn, which is a preferential motion.

Mr. HOBSON. Mr. Speaker, I move to suspend the rules and take up for consideration the bill H. R. 1309—

The SPEAKER. The gentleman from New York moves to adjourn.

Mr. RUSSELL. Mr. Speaker, before that I would like to ask unanimous consent to agree to a Senate amendment on a bill.

Mr. FITZGERALD. I withhold my motion for that purpose, and for that purpose only.

Mr. RODDENBERRY. Mr. Speaker, reserving the right to object—

The SPEAKER. The Chair thinks if the gentleman from New York [Mr. FITZGERALD] makes a motion to adjourn and withdraws it, the gentleman from Alabama [Mr. HOBSON] has the floor.

Mr. FITZGERALD. I said I would withhold it for that purpose and no other.

The SPEAKER. The gentleman withholds it for that purpose. Now, what does the gentleman from Missouri [Mr. RUSSELL] want?

Mr. RUSSELL. I want to ask unanimous consent to call up the House bill and agree to the Senate amendment.

Mr. RODDENBERRY. I reserve the right to object. [Cries of "Regular order!"] I object.

Mr. HOBSON. Mr. Speaker, I have the floor.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] made a preferential motion.

Mr. HOBSON. How does he know it has the highest preference?

The SPEAKER. The Chair knows it, even if the gentleman from New York [Mr. FITZGERALD] does not. [Laughter.] A motion to adjourn is the highest motion that can be made in the House.

Mr. HOBSON. But it can not interrupt a sentence that is being spoken.

The SPEAKER. The gentleman had finished his sentence. He had moved to suspend the rules, and the gentleman from New York made a motion to adjourn.

Mr. HOBSON. And pass this bill. That is all I desire to see in the RECORD, Mr. Speaker.

Mr. FITZGERALD. I have no desire to stand in the way of the gentleman doing that.

Mr. HOBSON. I move that the House suspend the rules and pass the bill H. R. 1309.

The SPEAKER. That is the motion the gentleman made a short time ago, and the Chair recognized him for that purpose, and then the Chair recognized the gentleman from New York to move to adjourn.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Tuesday, January 21, 1913, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Wyoming at an election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

2. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Colorado at an election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

3. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed in the State of Nebraska at an election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

4. A letter from the Secretary of State, transmitting, pursuant to law, an authentic copy of the certificate of final ascertainment of electors for President and Vice President appointed

in the State of Mississippi at an election held therein on November 5, 1912; to the Committee on Election of President, Vice President, and Representatives in Congress.

5. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief Clerk of the Treasury Department submitting an urgent deficiency estimate of appropriation for 12 clerks for the general supply committee (H. Doc. No. 1286); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation for the National Home for Disabled Volunteer Soldiers (H. Doc. No. 1287); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for pay of the Army (H. Doc. No. 1288); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 28282) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 1347), 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. BROWN: A bill (H. R. 28275) to amend section 113 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BROWNING: A bill (H. R. 28276) amending section 1 of the act of May 11, 1912, relating to pension of Civil War soldiers and sailors; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 28277) to impose a tax upon the production, manufacture, sale, and distribution of certain drugs, and providing for registration with the collectors of internal revenue of dealers in or producers of certain drugs; to the Committee on Ways and Means.

By Mr. GOULD: A bill (H. R. 28278) authorizing the Secretary of War to furnish to the Hannah Weston Chapter, Daughters of the American Revolution Society, of Machias, in the State of Maine, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 28279) providing for a monument to commemorate the services and sacrifices of the women of the country at the time of the American Revolution; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: A bill (H. R. 28280) to authorize the use as a site for the United States Immigration station and grounds at the port of Baltimore of a piece of land acquired by the United States about the year 1836 as part of an addition to Fort McHenry, in the State of Maryland, and which is now under the control of the War Department, and authorizing the Secretary of the Treasury to acquire an outlet therefrom to the city streets and to contract and arrange for necessary railroad facilities; to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 28281) authorizing the erection of a public building at Salamanca, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LAMB: A bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914; to the Committee of the Whole House on the state of the Union.

By Mr. AINEY: A bill (H. R. 28284) for the purchase of a site and erection of a public building thereon at Sayre, Bradford County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KORBLY: A bill (H. R. 28285) to amend section 5192 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. BULKLEY: A bill (H. R. 28286) to amend sections 4931 and 4934 of the Revised Statutes of the United States; to the Committee on Patents.

Also, a bill (H. R. 28287) to amend section 4934 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. DICKSON of Mississippi: A bill (H. R. 28288) authorizing the purchase of certain lands in Louisiana and Mississippi; to the Committee on Rivers and Harbors.

By Mr. LAFFERTY: A bill (H. R. 28289) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads," approved June 6, 1912; to the Committee on the Public Lands.

By Mr. WILLIS: Resolution (H. Res. 781) for printing additional copies of Bulletin No. 85, Bureau of Soils; to the Committee on Printing.

By Mr. BATES: Joint resolution (H. J. Res. 387) to discontinue publication of the CONGRESSIONAL RECORD; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 28282) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BARCHFELD: A bill (H. R. 28290) granting an increase of pension to Thomas H. McIlvaine; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 28291) for the relief of the heirs of William A. Griffin, deceased; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 28292) granting a pension to Barbara Ann Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28293) granting a pension to Ida Pasteur, alias Ida Pastor; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 28294) granting an increase of pension to Allen P. Gilson; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 28295) granting an increase of pension to Gertrude Meyer; to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 28296) granting an increase of pension to Ira N. Haney; to the Committee on Pensions.

By Mr. FERGUSON: A bill (H. R. 28297) granting an increase of pension to Juan de la Luz Gallegos; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 28298) granting a pension to Mary Bradley; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 28299) granting an increase of pension to Stephen M. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28300) to correct the military record of Augustus Ronco; to the Committee on Military Affairs.

By Mr. HINDS: A bill (H. R. 28301) granting a pension to Isaac E. Foss; to the Committee on Pensions.

Also, a bill (H. R. 28302) granting a pension to Elizabeth L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28303) granting a pension to Mary J. Gooding; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 28304) granting a pension to John Galloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28305) granting a pension to William J. Smith; to the Committee on Pensions.

Also, a bill (H. R. 28306) granting a pension to J. P. McClintock; to the Committee on Pensions.

Also, a bill (H. R. 28307) granting a pension to Absalom Maynard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28308) granting a pension to John Muck Maynard; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 28309) granting a pension to Edward Coffee; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 28310) granting an increase of pension to William Axe; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 28311) for the relief of Jarrett C. Coffey; to the Committee on War Claims.

Also, a bill (H. R. 28312) for the relief of the heirs of Ebenzer Park; to the Committee on War Claims.

Also, a bill (H. R. 28313) granting a pension to Ross D. Caudill; to the Committee on Pensions.

Also, a bill (H. R. 28314) granting a pension to William Little; to the Committee on Pensions.

Also, a bill (H. R. 28315) granting a pension to Henry Fields; to the Committee on Pensions.

Also, a bill (H. R. 28316) granting a pension to James H. Gilley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28317) granting a pension to William Cuna-gim; to the Committee on Pensions.

Also, a bill (H. R. 28318) granting a pension to Susan Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28319) granting an increase of pension to Alexander Childers; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 28320) granting an increase of pension to Gustav A. Haas; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 28321) granting a pension to Otto Haner; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 28322) granting a pension to Joseph B. Thompson; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 28323) granting an increase of pension to Orion P. Howe; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 28324) for the relief of Harvey W. Lane; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 28325) for the relief of the estate of E. R. Gaines, deceased; to the Committee on War Claims.

By Mr. WHITACRE: A bill (H. R. 28326) to authorize the Secretary of the Interior to issue a deed to the persons herein-after named for part of a lot in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Papers to accompany bill to increase the pension of Thomas H. McIlvaine; to the Committee on Invalid Pensions.

By Mr. BATES: Petition of the Erie Board of Trade, favoring the passage of Senate bill 7503, for a reduction of postage on first-class mail; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of James Milton Conover, Carlisle, Pa., favoring the passage of legislation for the founding of the proposed university of the United States at Washington, D. C.; to the Committee on Education.

By Mr. BURKE of Wisconsin: Papers to accompany bill (H. R. 28093) granting an increase of pension to Frederick Strasburg; to the Committee on Invalid Pensions.

Also, petition of the Wisconsin State Board of Forestry, favoring the renewal of the appropriation as provided for in the Weeks law for the protection of the forest and timberlands in northern Wisconsin from forest fires; to the Committee on Agriculture.

By Mr. CALDER: Petition of Illinois Chapter, American Institute of Architects, protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. CARY: Petition of the Wisconsin Talking Machine Co., of Milwaukee; Eastern Talking Machine Dealers' Association, of New York; Peter F. Plazacki, of Milwaukee; and Nordberg Manufacturing Co., protesting against the passage of the Oldfield patent law, prohibiting the fixing of prices by manufacturers of patent goods; to the Committee on Patents.

Also, petition of W. F. White, protesting against the reduction of tariff on Japanese matting; to the Committee on Ways and Means.

Also, petition of the Milwaukee-Florida Orange Co., protesting against the reduction of tariff on fruits; to the Committee on Ways and Means.

Also, petition of the State Board of Forestry of Wisconsin, favoring the renewal of the appropriation, as provided for in the Weeks law, for the protection of the forest and timberlands in northern Wisconsin; to the Committee on Agriculture.

Also, petition of the South Side Woman's Club, of Milwaukee, Wis., favoring the passage of House bill 25685, for the labeling and tagging of all fabrics and articles for sale which enter into the interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petitions of the Mahr & Lange Drug Co. and Julius Andrae & Sons Co., Milwaukee, Wis., favoring the passage of House bill 27567, for a 1-cent postage rate on first-class mail; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 75, Journeymen Plumbers' Union, favoring the passage of the old-age pension bill (H. R. 13144); to the Committee on Pensions.

By Mr. DRAPER: Petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. ESCH: Petition of the Wisconsin State Board of Forestry, favoring the renewal of the appropriation as provided by the Weeks law for the protection of the forest and timberlands of northern Wisconsin against fires; to the Committee on Agriculture.

Also, petition of Illinois Chapter, American Institute of Architects, protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. FULLER: Petition of H. W. Taylor and L. D. Tra-bert, protesting against the reduction of the tariff on citrus fruits; to the Committee on Ways and Means.

Also, petition of William Riley, favoring the passage of House bill 1339, to increase the pension of those who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Mural Painters, New York, N. Y., and the Architectural League of New York, favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts, for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Reliance Ball-Bearing Door Hanger Co., of New York; Earl & Wilson, of New York; New York Leather Belting Co., of New York; and American Laundry Machinery Co., of Rochester, N. Y., favoring the passage of the bill (H. R. 27567) for 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petition of citizens of Newburg Township, Mich., favoring the passing of the Kenyon-Sheppard liquor bill, prohibiting the shipping of liquor in dry territory; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of the Milford (Conn.) Business Men's Association, favoring the passage of legislation for Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. HINDS: Papers to accompany bill granting an increase of pension to Elizabeth L. Williams; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Isaac E. Foss; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Mary J. Gooding; to the Committee on Pensions.

By Mr. KINDRED: Petition of the Architectural League of New York and the Mural Painters of New York, favoring the passage of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. LEVY: Petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. LINDSAY: Petition of the Mural Painters of New York and the Architectural League of New York, favoring the adoption of the Mall site for the memorial, as proposed, to Abraham Lincoln; to the Committee on the Library.

Also, petition of Illinois Chapter, American Institute of Architects, Chicago, Ill., protesting against the adoption of the design as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Osa Parshall, Howell, Mich., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Rev. T. M. C. Birmingham, of Beatrice, Nebr., relative to the passage of a private bill granting him an increase of pension; to the Committee on Invalid Pensions.

Also, petition of the American Laundry Machinery Co., Rochester, N. Y., favoring the passage of House bill 27567, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Myron C. Skinner, Yorkville, Ill., favoring the passage of House bill 1339, granting an increase of pension to the veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of a German-American mass meeting, New York, protesting against the passage of House bill 8141, placing the State militia on the national pay roll; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of the Enterprise Farmers' Club and other citizens of Montgomery County, Md., favoring the passage of legislation for the adoption of the great national highway from Washington, D. C., to Gettysburg, Pa., for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. McCALL: Petition of John W. Ayres, of Somerville, Mass., favoring a subsidy for the establishment of fast mail steamers between Boston and Fishguard; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY: Petition of certain citizens of Meade County, Kans., favoring the passage of the Kenyon-Sheppard bill, prohibiting the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. RAKER: Petition of citizens of California, favoring the passage of legislation for the establishment of a national redwood park in Humboldt County, Cal.; to the Committee on Agriculture.

Also, petition of the Chamber of Mines and Oils, protesting against any reduction in the tariff on borax and borate products; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of Illinois Chapter, American Institute of Architects, protesting against the adoption of the design as adopted by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the National Society for the Promotion of Industrial Education, New York, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Board of Trade of Newark, N. J., favoring the passage of legislation for the establishment of a term of Federal court in Newark, N. J.; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of a German-American mass meeting, New York, protesting against the passage of House bill 8141, to place the State militia on the national pay roll; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of S. M. Overfield and 2 other citizens of Woodstock, Ohio, and of Kite & Tomlin and 13 other citizens of St. Paris, Ohio, favoring the passage of legislation compelling concerns selling direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, etc.; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, January 21, 1913.

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

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authentic copy of the final ascertainment of electors for President and Vice President appointed in the State of Tennessee at the election held in that State on November 5, 1912, which was ordered to be filed.

IRRIGATION IN WESTERN KANSAS AND OKLAHOMA (S. DOC. NO. 1021).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of an investigation of the feasibility and economy of irrigation from reservoirs in western Kansas

and Oklahoma, which, with the accompanying papers and illustrations, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 27062) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House further insists upon its amendment to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, disagreed to by the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BURNETT, Mr. SABATH, and Mr. GARDNER of Massachusetts managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FOSTER, Mr. WILSON of Pennsylvania, and Mr. HOWELL managers at the conference on the part of the House.

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

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia;

H. R. 21532. An act to incorporate the Rockefeller Foundation;

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 24194. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for other purposes;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States;

H. R. 26279. An act granting the Fifth-Third National Bank, of Cincinnati, Ohio, the right to use original charter No. 20;

H. R. 26549. An act to provide for the construction or purchase of motor boat for customs service;

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands;

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho; and

H. J. Res. 369. Joint resolution authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.

The message further announced that the House had passed resolutions commemorative of the life, character, and public services of Hon. DAVID JOHNSON FOSTER, late a Representative from the State of Vermont.

ENROLLED BILLS SIGNED.

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

S. 7637. An act to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill.;

H. R. 45. An act affecting the town sites of Timber Lake and Dupree, in South Dakota;

H. R. 3769. An act for the relief of Theodore N. Gates;

H. R. 14925. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;

H. R. 22010. An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire;

H. R. 22437. An act for the relief of the heirs of Anna M. Torresson, deceased;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States relating to the carrying of dangerous articles on passenger steamers;

H. R. 24137. An act to refund to the National Cartage & Warehouse Co., of New York City, N. Y., excess duty;

H. R. 25515. An act for the relief of Joshua H. Hutchinson;

H. R. 25764. An act to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry;