By Mr. STEPHENS of Texas: Petition of Joe E. Johnston Camp, No. 259, United Confederate Veterans, Childress, Tex., favoring the passage of legislation granting pensions to the remnants of the Confederate veterans; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 18, 1913.*

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

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of the legislative day of Tuesday, February 11, 1913, was read and approved.

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

The PRESIDENT pro tempore. The Senator from Pennsylvania 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	Dixon	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brady	Fletcher	Nelson	Smith, Mich.
Brandegee	Gallinger	Newlands	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Brown	Gronna	Oliver	Stephenson
Bryan	Jackson	Overman	Stone
Burton	Johnston, Ala.	Owen	Thomas
Catron	Jones	Page	Thornton
Clark, Wyo.	Kavanaugh	Paynter	Tillman
Clarke, Ark.	Kenyon	Penrose	Townsend
Crawford	La Follette	Percy	Webb
Cullom	Lea	Perkins	Williams
Cummins	Lippitt	Pomerene	
Curtis	Lodge	Richardson	
Dillingham	McCumber	Sheppard	

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

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusion filed by the court in the following causes:

The trustees of the Corinth Methodist Episcopal Church South, of Dinwiddie County, Va., *v.* United States (S. Doc. No. 1090); and

G. W. Chipman and W. J. Chipman, sole heirs of Joseph Chipman, deceased, *v.* United States (S. Doc. No. 1091).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

IMMIGRATION OF ALIENS.

The PRESIDENT pro tempore presented a telegram, in the nature of a petition, from members of the Polish Women's Alliance of America, praying that Congress sustain the President's veto of the immigration bill, which was ordered to lie on the table.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, my colleague, Mr. PITTMAN, is present and desires to be sworn in. His credentials are on file.

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

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

IMMIGRATION OF ALIENS—VETO MESSAGE.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the message of the President of the United States, returning to the Senate without his approval the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States is now before the Senate for consideration. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STONE. Mr. President, I arise to speak in support of the President's veto. From the time that this particular bill first came before the Senate I have felt constrained to oppose what is known as the literacy test incorporated in the bill. There were two or three other objectionable provisions in the bill, but generally I have believed that the bill contained so many excellent provisions, calculated greatly to improve our immigration laws and the character of immigrants coming to this country that I have been reluctant to withhold my assent to it, but to this particular provision, the one which establishes the literacy test, I can not agree. I am as much opposed to it now as when the bill first came before the Senate, and I feel obliged to indorse the strenuous opposition of President Taft and Secretary Nagel to inserting a provision of that nature into our immigration laws.

Mr. President, Mr. Taft does not stand alone as to this policy among our Chief Executives. When Mr. Cleveland was the President a bill embodying substantially the same literacy test incorporated in this bill, and exactly the same as it appeared in the bill as at first presented to the Senate, was passed by Congress and sent to him. Mr. Cleveland vetoed that bill and on substantially the same ground taken by President Taft. I do not know that the opinion of even two Presidents of the United States, although of different political parties, should have any particular influence on the minds or judgment of Senators; in fact, I think Senators should act on their own judgments on all questions; but I think the fact referred to is entitled to most respectful consideration. It shows, at least, that, so far as the Chief Executives of the country to whom this question has been submitted are concerned, and this without regard to party distinction, they have expressed their disapproval of this so-called literacy test. I quote them as I might quote any man of great personal or official prominence whose judgment ought to weigh with us. But aside from what President Cleveland or President Taft may have thought or said, I take the position that this provision of this bill—the literacy test—is a radical and most undesirable departure from the established, traditional policy of this Government. I may, of course, be mistaken, but I regard this change in our policy as bad.

Mr. President, illiteracy is not to be desired; illiteracy, in fact, is a misfortune; but illiteracy is not a test, much less a decisive test, of either bad citizenship or good citizenship. I would rather have a hundred or a thousand illiterate men, women, and children come to this country from abroad with good, honest purposes—that is, with the thought in their minds and the purpose in their hearts of identifying themselves with our civilization and of making good citizens—I would rather have a thousand such, though they did not know a letter of any alphabet, than to have one educated agitator or anarchist, who comes to wave a red flag and who is bent on mischief and the fomenting of public disorder. All these and such as these men and women I would exclude with strong hand. I would shut the door in their faces. Mr. President, it is a fact, and every Senator knows it to be a fact, that it is the smart, half-educated, wild-eyed anarchist we have reason to dread. Who are the people who commit the revolting crimes we shrink from? You find them in the Black Hand, the Camorra, the nihilist organizations; and these, in large measure, are composed of men and women who could easily pass this literacy test. These you would not exclude by this test, and yet these are the people who commit the crimes we protest against as subversive of our ideas of government and likewise subversive of all public order. These are the people who commit the crimes that have disgraced civilization in their native lands, and they are the people who are importing their monstrous criminal practices to our shores.

Mr. President, I read, as I suppose most Senators did, recently, the harrowing, tragic story of a celebrated trial some place in Italy of a band of ruffians who had murdered a noted woman and her husband for some alleged treason to their organization; I believe this was in Naples, or mayhap in some other city of Italy. We read the story of the trial of those criminals before the court and wondered at the scenes enacted there, almost incomprehensible to us. Who were those criminals? They were educated men, of the Camorra, among them being even a priest, pity though it be. They were educated people. Who murdered Garfield? Who assassinated McKinley? Who committed nearly all these frightful crimes that have startled our people and aroused a natural and proper spirit of resentment among them and excited a just demand that all such should be excluded from our shores? Mr. President, there is not one of this class who could not easily and laughingly stand this educational test. An honest man, unhappily illiterate by force of circumstances, would be deported, but such as I speak of would come walking in.

Mr. President, I believe it to be absolutely safe to say that most of the people who come from Europe to the United States come with honest purposes. They frequently come—and this Senators should keep in mind—to give to their children better opportunities than they had at home. Let me read at this point, and in support of this statement, an extract from the letter of Secretary Nagel to the President—the Secretary who

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has had charge for several years of the administration of our immigration laws:

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are frequently illiterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the Government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

Mr. President, here I wish to say something along my own very recent experience, supporting what the Secretary says. About two weeks ago I had the privilege, while in St. Louis, of attending a large gathering of Polish citizens in that city, commemorating an anniversary in connection with some great achievements accomplished in his native land by Kosciusko. There were about 3,000 people there, all Poles, with very few exceptions. They had songs, speeches, recitations, and all that; children from about 8 to 16 years participated in the exercises. It would be difficult to find an assembly of that number anywhere characterized by a higher degree of intelligence or patriotism, if one could judge by the spirit manifested in song and speech. Most of these people were immigrants.

Mr. SMITH of Michigan. Forced from their country.

Mr. STONE. Yes; and they brought with them their little children, no doubt many of them babes at the breast. These children are being educated in the public schools of our State; and like children are being educated in the schools of all our States, being fitted, and well fitted, for the duties and responsibilities of good citizenship. What happened in St. Louis at the time I speak of you can find happening in Michigan, in New Jersey, and in most of the States.

Mr. SMITH of Michigan. Mr. President——

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

Mr. STONE. I do.

Mr. SMITH of Michigan. I should like to remind the Senator from Missouri that when the statues of Kosciusko and Pulaski were unveiled in Washington, this city was literally filled with patriotic Polish-American citizens, who came here to pay their respect both to this Government for what it had done and to the distinguished Polish heroes who did so much for our liberty and Union.

Mr. STONE. Mr. President, the men named by the Senator from Michigan performed a part so heroic in the history of this country that it ought in itself make us hesitate to say that the oppressed poor of their native land, with their very meager opportunities for schooling should not come to this land of ours, for which these men gave their blood and one gave his life, because, forsooth, their descendants can not stand a literacy test of this kind.

Mr. President, we hear it said that this test is intended to exclude undesirable people from certain states in Europe or parts of states; but, mark you, it applies to all Europe. It applies to the English, the French, the German, the Scandinavian—it applies to all. No one questions that these people I have named, when they come, make good citizens and contribute much to the intellectual, industrial, and moral development of the country.

Mr. President, there is one clause in this bill so very bad that it ought in itself to move the Senate to reject the whole measure. To present this briefly, let me read from the letter of Secretary Nagel to the President:

In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themselves be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely illiterate people, barring his sons over 16 years of age, whereas a father who can not read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Senators, think of that. I favor that clause of this provision; that is, if the literacy test remains in the bill, which provides that when the father can read he can bring in his family; except I do not agree to the provision that his sons over 16 years of age and under 21 shall be excluded any more than that his daughters over 16 years of age shall be excluded.

This question of excluding sons over 16, while admitting daughters, was before the Senate when the preliminary report of the conference committee was made some weeks ago and was then discussed. The Senator from Massachusetts [Mr. LODGE], in charge of the bill, was then asked why a son 16 years of age and a day over should be excluded and a daughter of like age should be admitted.

Mr. SMITH of Michigan. Sixteen years was the average age of the soldiers in the Rebellion.

Mr. STONE. My friend says 16 years was the average age of soldiers in the great Civil War between the States.

To shut away from parental association and influence a boy 16 years of age, instead of admitting him with his parents and to here have the opportunities that would come to him to learn, to equip and prepare himself for good citizenship according to our standards would, to my mind, be a cruel provision of law.

Senators, let me draw a mental picture: Imagine a ship landing at the port of New York with a father and mother aboard, and with them a daughter 18 years of age and a boy 16 years of age——

Mr. SMITH of Michigan. Healthy and sound.

Mr. STONE. Healthy, strong, vigorous, ambitious, full of hope. And now see the Commissioner of Immigration, or whatever the authority might be, admit the father, the mother, and the daughter, but turn back the 16-year-old boy—deport him, and thus separate and break up the family. Can you see the old mother, father, sister, watch the ship sail away with the boy? Can you see the tears in their eyes? Can you see the mother and father limping away with their little girl, broken hearted, to seek their fortunes somewhere in the wide expanse of this great land of ours? To my mind a law that would do this would be a cruel, barbarous law, and no such law should be in our statute books.

Mr. President, I said I should speak but a few moments. Here is a subject that could be dwelt upon at great length; but I wish to hurry to a close, keeping faith with my promise and observant of the rights of other Senators who desire to speak.

However, before I close, there is one phase of this subject to which I wish to advert. We all well know that too many of our young men, and even our older men, for that matter, are leaving the farms and going to towns and cities to live. We are also hearing much talk about high prices for food and the incidental distress of that. Speaking from experience, every man and family might well think of that. The more industrious, honest farmers we have to occupy and cultivate our lands, and produce food to feed the vast multitudes in our America and throughout the world, the better. Would it not be wise for us to have sturdy farmers come to us from Germany, Scotland, Scandinavia, and other lands, to enter upon this great work of helping to feed mankind? Let me read again what Secretary Nagle said on this subject. This Secretary has had chief charge of this whole business of immigration for nearly four years. He has been the head of it, studying it, and ought to be and reasonably is familiar, more familiar than most of us, with the subject. Here is what he says:

The census will disclose that with rapid strides the foreign-born citizen is acquiring the farm lands of this country. Even if the foreign-born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included it is safe to say that in the Middle West and West a majority of the farms are to-day owned—

Now, think of that!

In the Middle West and West a majority of the farms are to-day owned by foreign-born people or their descendants of the the first generation.

That is a very important statement. In the Middle West and West we find the fields from which our people are fed. Native Americans are leaving these fields to reside in towns and cities. It boots little just now to ask why this is so; it is sufficient to know that it is so. These sturdy immigrant farmers come not only to take the place of those who are quitting farm life for urban residence, but, in due course, they come also to settle and colonize what is now vacant territory. Would we not make a mistake to stop this line of most useful progress and development?

Mr. SMITH of Michigan. And yet the claim is made that all the farmers favor this bill.

Mr. STONE. Yes; that claim is made. But, Senators, listen to this further message from the Secretary—a part of what I was reading:

This does not embrace only the Germans and the Scandinavians, but is true in large measure, for illustration, of the Bohemians and the Poles. It is true in surprising measure of the Italians; not only of the northern Italians, but of the southern.

This is what the Secretary—the head officer of our Immigration Service—says. Is he honest, informed, sincere? Why should he seek to mislead the President or the Congress?

Mr. SMITH of Michigan. It is also true that the Dutch, the Hollanders, make the best of farmers.

Mr. STONE. Yes; that is true; the Dutch make the best of farmers. Everyone knows of the sturdy character and industrious habits of the Dutch, and every one of that kind we get into this country is one more fortunately added to our population. The Scotch, French, Germans, Scandinavians, Dutch, and many others from abroad constitute a large percentage of our

farming population. They are born farmers, have always been farmers. They come here to buy farms or to colonize waste places and make farms and farming communities. We would not do well, I think, to stop or seriously interfere with a forward movement of that kind.

Let me make this suggestion to the honorable members of the Immigration Committee and to the Senate: Instead of applying a drastic and almost inexcusably cruel test of admission, such as we are considering, would it not be better if we should give more attention to the distribution of the immigrants who come to our shores, so as to prevent, or at least greatly to minimize, the evil of congestion, by turning the tide to the agricultural sections, where labor is sorely needed, instead of allowing it to flow unchecked into overcrowded industrial centers?

Let me read again from the letter of Secretary Nagel to the President:

> We received farm laborers, 184,154—

That is, last year—

> and only 3,978 returned.

Nearly 185,000 farm laborers came here last year from Europe, and only a few returned. We ought to look after immigrants of this character and direct them to where they can find the best employment.

Mr. DILLINGHAM. Mr. President, will the Senator yield for a question?

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

Mr. STONE. Certainly.

Mr. DILLINGHAM. Does the Secretary anywhere in his letter to the President tell where that large number of foreign laborers went to settle and the employment they went into?

Mr. STONE. I did not find a statement as to the exact countries from which these particular farm laborers came.

Mr. DILLINGHAM. If the Senator would like to know—I do not want to interrupt his speech——

Mr. STONE. It will not interrupt me.

Mr. DILLINGHAM. The records show that 72 per cent of all that vast number came from southeastern Europe, and that 82 per cent of those coming from southeastern Europe went into the Atlantic Division States, where the manufacturing establishments are located; not to the Central or North Central States, where agriculture so much prevails.

Mr. STONE. Does the Senator mean that they went into manufacturing or into farming?

Mr. DILLINGHAM. They went into manufacturing. Taking the 37 leading industries of America, as investigated by the commission, where they came into contact with over 620,000 individual employees, 59.9 per cent, almost 60 per cent, were foreign born.

Mr. STONE. Does the Senator from Vermont——

Mr. DILLINGHAM. I do not wish to interrupt the Senator and get into an argument with him, but I thought that the statement on the part of the Secretary was a misleading one, and that the Senator would be glad to have it corrected.

Mr. STONE. That is all right; the Senator does not interrupt me. It is not at all disagreeable. I should like to ask the Senator whether he joins issue with the Secretary on the statement that in the year named 184,154 farm laborers were received in this country?

Mr. DILLINGHAM. As to their being farm laborers in the countries from which they came, I have no doubt his statement is correct. I have not examined the record. But I thought the unfairness of the statement of the Secretary of Commerce and Labor to the President, in asking him to veto this bill, was in not telling him where these men had gone upon reaching the United States, and that they could not be found in the agriculture of the United States.

Mr. STONE. How many went into agriculture?

Mr. DILLINGHAM. I do not think any of them did.

Mr. STONE. Does the Senator mean to say that none of these immigrants——

Mr. DILLINGHAM. When I say none of them I mean no considerable number of them. Eighty-five per cent of all that came from southeastern Europe went into the Atlantic Division of States, and they are found at the seats of the great basic industries.

Mr. STONE. Where did you get that information?

Mr. DILLINGHAM. From the report of the Immigration Commission and from the statistics of the department.

Mr. STONE. Where did the Secretary who heads this service get his information?

Mr. DILLINGHAM. He has given only a small amount of the information. He has neglected to state a great number of things that should have been said, if he is the adviser of the President of the United States.

Mr. STONE. That is a rather serious indictment——

Mr. DILLINGHAM. It is my opinion.

Mr. STONE. To accuse the Secretary of trying to mislead the President. He speaks with great positiveness as to the number of farm laborers who came. I do not care, for the purposes of this argument, whether the 184,000 and more came from Italy or Germany or Scotland or any other particular country or whether they came from many countries. The point I had in mind was the statement made by the Secretary of Commerce and Labor, under whom the whole administration of our immigration laws is carried on, that 184,000 and over of farm laborers came last year into the country. This is the main point. These farm laborers came. Did these farmers come and then go into other and less profitable employments of the whole character of which they were ignorant? Do not the alleged statistics of my friend prove too much? Do they not prove that there is somewhere "a nigger in the woodpile"? Why were not these young farmer boys directed away from overcrowded manufacturing employments into pursuits to which they had been accustomed and where better wages and better conditions awaited them? There must be some fault in the administration of our law or in the law itself if the Senator's statistics are entitled to great credit.

Mr. DILLINGHAM. If the Senator will permit me, I will say that I am in full sympathy with him in his desire to have a proper distribution. If he will look at the records for the last 10 years, during which time we have admitted into this country substantially a million aliens, he will probably find that 65 per cent of the whole have been common or farm laborers abroad, but when he traces the points to which they have gone, the occupations in which they have engaged, and where they are now living he will find them not on the American farms, but he will find them doing the cheapest labor in the great manufacturing industries of the country.

Mr. STONE. That statement presents a rather startling situation to me, namely, that 65 per cent of these people of whom we are speaking, all of whom all their lives in their native lands were engaged in some form of agriculture, should preferably on coming here go into manufacturing pursuits and, moreover, into the cheapest labor of manufacturing; or, in other words, take the worst that manufacturing offers. That means they go into something they do not understand instead of going into agricultural or horticultural pursuits West or South to engage in work with which they are familiar and where at least as good wages, and I think better wages, could be obtained. I am warranted, Mr. President, in saying where better wages could be had, if we may judge by testimony taken in Congressional hearings as to wages received in Lawrence, Mass., and in other industrial centers, where the average wage has been scarcely enough for the working man and his family to subsist upon. What pitiful stories we have read about all this. Why should these farmers go into this class of work? If it be true, then it must be that some inducements were offered to them from some quarter, some effort made by somebody to pull them in that unnatural direction; and if that was done it was contrary to the laws of the United States——

Mr. DILLINGHAM. Will the Senator suffer a suggestion on that point?

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

Mr. STONE. Yes.

Mr. DILLINGHAM. If the Senator will look at the report of the Immigration Commission which relates to the place which he has mentioned in Massachusetts—Lawrence—I think he will find that probably 60 per cent are foreign born. I have not the figures before me, but a very large percentage—60 per cent and above, I think, of the male population of that town are foreign born, and while three-fourths are made up of English, Scotch, Irish, Scandinavian, and French-Canadians, we have one-fourth of that population that is of the recent immigration I have spoken of, who were farm laborers in their own country and have come here and have gone to these congested sections, and they have overcrowded the local market for labor until the prices for that common labor have been so low that they had a right to complain of them.

I never would criticize anyone for complaining of the wages paid to that class of labor, but it has resulted in the overcrowding of that class of labor in this country. That is the very basis upon which the commission recommended the literacy test as being the most feasible one to relieve that pressure in those centers.

Mr. STONE. Does the Senator think that these people were taken to these manufacturing centers as the result of some covert agreements or because of some underhanded, unlawful contracts?

Mr. DILLINGHAM. Not at all; not at all.

Mr. STONE. How did they ever happen to go there?

Mr. DILLINGHAM. It comes in this way: This incoming immigration is made up of men who wanted to come here, and who were in correspondence with their brothers, their cousins, and their friends, who had come before.

Mr. STONE. Yes; I have heard all that before.

Mr. DILLINGHAM. They correspond with them, and they tell them what is going on in this country, what the opportunities are, and they come; and it is probably true that 80 per cent of all who come know where they are going.

Mr. STONE. I have heard all that before.

Mr. DILLINGHAM. The Senator has heard it before, and it is true. It appears that about 90 per cent of them give their destination as some point where they are going to join friends or relatives. They go to these centers. They should go out to the farms, but they go to people of their own nationality, to those who speak their language, to whom they can communicate their thoughts, who lived abroad under the same conditions they had lived.

Mr. STONE. As I have had occasion to say before to-day, when other issues were before the Senate, it is exceedingly remarkable that the kindred of these Europeans residing here should write and invite their people to come over here and enjoy with them a feast of starvation. There must be something wrong about this story. It is unreasonable and unnatural.

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from Missouri, I should like to say——

Mr. STONE. There must have been some unlawful contract, some misuse of the law somewhere.

Mr. DILLINGHAM. They come here because they can do so much better than they could at home.

Mr. STONE. Better! A man can not do worse industrially than to starve.

Mr. DILLINGHAM. It appears that in 1907 this very class, the men employed in factories, sent home through the immigrant banks—not through the post office or the express companies or regular banks, but through what they call immigrant banks—$141,000,000, and they saved it by living on a plane that was un-American in character.

Mr. STONE. I think this much, at least, is evident, that if approximately 185,000 farm laborers—I say farm laborers—came to the United States last year and were by some means, of design or negligence, diverted to overcrowded manufacturing districts, where there was no demand for their labor and where wages were already on a starvation basis, instead of directing them along a different current out into the Middle West and the West, or down into the fruit regions of the South, where they could have found employment at remunerative wages, the authorities administering our immigration laws and having charge of this great business must have been derelict and fallen far short of their great responsibilities. I speak only of a situation, without intending either to accuse or defend.

Mr. DILLINGHAM. The Senator understands, of course, that the law provides that the Secretary of Commerce and Labor may establish a division of distribution and use his best efforts to bring about that result.

Mr. STONE. Yes; I understand that.

Mr. DILLINGHAM. But he has been able to accomplish but little along that line. In the law of 1907 we provided for that very fully.

Mr. STONE. Now, Mr. President——

Mr. DILLINGHAM. I beg the Senator's pardon. I will not interrupt him again.

Mr. STONE. No; the Senator has my absolute permission. He can proceed, if he wishes. I was just going to conclude. I have already taken too much of the time, and so I will conclude with this one statement and give way to others.

Mr. President, I am unwilling to overturn our old, wise, traditional, and humane policy in this particular respecting immigration, thus entailing, as this literacy test would, many grievous hardships upon honest immigrants, at the same time largely increasing the expenditures of the Government in administering the law, and all without any well-founded hope of accomplishing any substantial good to our own country. I feel constrained, with all due deference to what is manifestly a strong majority sentiment in the Senate against my view, to record my vote in favor of sustaining the position taken by the President of the United States.

Mr. CLARKE of Arkansas. Mr. President, I take advantage of this opportunity to say a word in explanation of my position on this question and of the vote I shall give. I am opposed to the literacy test as a matter of principle. It is not a rule as applied here that will remedy the evils against which it is now directed. I am aware that there exists a widespread dissatisfaction with the character of the present foreign immigration to this country. This in large measure is founded upon the misconduct of a large element of the foreigners who have sought our shores in recent years. An investigation of the circumstances of some of the most conspicuous of these outbreaks which have most distinctly accentuated that opposition to the further influx of that character of population discloses the fact that the events were not under the control and the outbreaks were not made by persons who are illiterate under the provisions of this act.

Ours is a Government which investigates things with care and acts generally in matters of such moment as this one is with deliberation and a perfect understanding of the effects and consequences of what it is that is to be done. The adoption of the literacy test is no test at all when it comes to excluding undesirable citizens. It is a part of the history of the assembling of the population which has made this splendid Republic what it is that many of them were foreigners and that a multitude of these could not enter our domain under the test which it is now proposed to apply.

There are still many more such who are anxious to seek our shores as a place of residence and who would constitute in the future, as their fellow countrymen have constituted in the past, some of the most loyal, most worthy, and most enterprising citizens that we have.

If it is the desire of the National Government to restrict the further admission of immigrants to our country at this time, it will best comport with the courage, candor, and dignity and, withal, sense of fairness of this country to adopt a discriminating system of selection as between individuals, classes, and countries that will condemn to exclusion people because of the opinions they hold or the tendencies that they possess that we can not tolerate here, or because they are deficient in things which are necessary to render their residence here as part of our body politic safe and wholesome. Possibly this involves a course of investigation that may be difficult to make, but better that than an erroneous and unjust system should be adopted, having no merit to commend it save its simplicity and the cheapness of its administration. It is better that it should be endured rather than gross injustice should be inflicted on a large element of people whose countrymen by their past fidelity and industry have given an earnest to the assurance that a further influx of that particular class of foreigners would not be objectionable. The criminal element of any foreign country that is being driven from home need not find a resting place here if we shall establish adequate rules for detection and identification and provide faithful and courageous officers to enforce these rules when they are promulgated.

Every nation owes it to itself as a primary duty to preserve and perfect itself, and it is the judge of the means that it will invoke to accomplish that end. If it is a fact that the immigration problem has become acute and serious to a degree that will warrant this country in saying to the world that we have for the present enough foreigners within our borders to answer all purposes of national development and progress, and that time is required to properly assimilate into our collective activities our foreign-born residents, then say so courageously and plainly and exclude for a given number of years all foreigners. That course would challenge the respect and considerate acquiescence of the countries of the world and meet the requirements of duty to ourselves. If this necessity can be shown to exist, I am willing to join those who would apply that character of remedy to existing evils, but I will not exclude anybody, otherwise capable of making a peaceable and industrious citizen, on account of his misfortune.

The lessons of my own personal observation and experience would convict me of insincerity if I did, because I know that some of the best citizens in this country to-day are persons who came here from foreign countries wholly unable to stand this proposed educational test, and I know as well that many of them have all over this country founded families who are an honor to the country and constitute in all the relations and vocations of life the very backbone and foundation of its greatness among the nations of the earth. I should think less of myself than I am willing to admit if I should be tempted into a position that would thus shame my own convictions and penalize any class of worthy people because of deficiency due more largely to oppression and misfortune than to neglect of opportunity.

I represent in part a State that has no prejudice against its foreign-born citizens. Some of the very best people in the State of Arkansas to-day are foreigners and the descendants of foreign-born people. They live in indiscriminate harmony with their native-born neighbors, and together with them they constitute a body of citizenship that can not be excelled on the globe in respect to peace, industry, self-respect, and all the ele-

ments that make for a God-fearing, upright, and progressive people. There is no condition there that calls for an imposition upon the rights of their kinsmen elsewhere in order to relieve conditions which, as the Senator from Vermont has said, exist in other sections of the country and that are wholly unsatisfactory.

We of Arkansas are willing to contribute much to restore a condition of peace and prosperity and a law-abiding spirit to other sections of our common country, but we are not willing to have it said that in attempting to make this contribution we permitted our judgment to be so swayed by the clamor of the hour as to select a means of doing so that will not only prove futile when subjected to a practical test but will in the effort inflict injustice on a large class of deserving people who are still welcome to our Commonwealth. The application of the so-called literacy test provided for in this bill will, in my opinion, prove ineffective for the purpose, for authentic information shows that a very large percentage of the most vicious and dangerous foreigners who come here can stand the test successfully. On the other hand, it is common knowledge that many worthy immigrants, possessing in the rough all the elements of manhood and industry necessary to make them good citizens here, will be excluded for a deficiency that is in nearly every case more a misfortune than a fault. There is no necessary connection between the misfortune of illiteracy and criminal and indolent habits and tendencies in life. I think the two situations should be more closely scrutinized and a juster process of discrimination adopted. In my humble opinion the justice and sound policy of the case can be more nearly approximated and our traditional policy of liberality to worthy foreigners more nearly maintained by a different method.

That is about all I intended to say. I voted against this literacy test every time it has been presented and upon grounds that were perfectly satisfactory to me and perfectly understood by me. It might have been best that this bill should have passed out of consideration without now being subjected to another vote here, but the vote is here without my choosing, and I must either vote the distinct convictions I hold or I must reverse myself. I am not willing to do the latter. I am opposed to the literacy test as a condition upon which worthy persons may enter this country as immigrants, and the only way by which I can make my vote harmonize with my convictions is to vote to sustain the veto of the President, and I shall accordingly do so.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

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

The PRESIDENT pro tempore. The Senator from Minnesota 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	Fletcher	Martin, Va.	Smith, Mich.
Bacon	Foster	Martine, N. J.	Smith, S. C.
Bourne	Gallinger	Nelson	Smoot
Bradley	Gamble	Newlands	Stephenson
Brandegee	Gardner	O'Gorman	Stone
Brown	Gore	Oliver	Sutherland
Bryan	Gronna	Overman	Swanson
Burnham	Guggenheim	Page	Thomas
Chamberlain	Jackson	Paynter	Thornton
Clark, Wyo.	Johnson, Me.	Perkins	Tillman
Clarke, Ark.	Jones	Pomerene	Townsend
Crawford	Kavanaugh	Sheppard	Wetmore
Cullom	Kern	Shively	Williams
Dillingham	La Follette	Simmons	Works
du Pont	Lea	Smith, Ariz.	
Fall	Lodge	Smith, Md.	

Mr. STONE. My colleague [Mr. REED] is unavoidably absent. I have a telegram from him saying that if he were present he would vote to sustain the President's veto. He is paired with the Senator from Michigan [Mr. SMITH].

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

Mr. DILLINGHAM. Mr. President, I observe that in the very brief message sent to Congress by the President of the United States, in which he withholds his approval of the measure under consideration, he says:

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagle's letter to me, I can not approve that test. The Secretary's letter accompanies this.

I wish to call attention, in connection with this fact, to the circumstance that the Secretary of Commerce and Labor, in addressing the President on this subject as his adviser, does not in a single instance take up any of the questions reported by the Immigration Commission regarding the existing conditions in the United States—those conditions were fully set out in its reports and upon them were based the recommendations of that commission—but everything that he says in relation to such findings is in criticism of them. His letter to the President is distinguished chiefly for a failure to discuss any of those questions or to bring them to the mind of the Chief Executive. He discusses the question of the literacy test from the standpoint from which it has been discussed on the floor of the Senate this morning, that it will not tend to elevate the standard of individual immigrants who are coming to the United States. He also goes so far in his letter as to call attention to the great number of immigrants who have been admitted in the last year who are farmers, and leaves it to be inferred that they have gone to the farms of this country. Had that been so, the recommendation of the reading test would never have been made. That would have been a result which all the commissioners would have been glad to report; it is a result that we have aimed at in all legislation of recent years. The act of 1907 provided for a Bureau of Distribution, giving almost unlimited powers to the department to institute measures to divert the stream of immigration at the ports of entry and send it into the different States where land was for sale and where farm labor was in demand, but it has largely failed of its purpose. Even the Secretary does not claim that the scheme has been successful.

The truth is that the immigration which has been coming into the United States in the last 10 years has almost wholly gone to the Atlantic division of States where the great basic industries of this country are more largely conducted. The immigrants have gone to the centers, each class and each race to the center where his class and his race most predominate. The commission found that there was an oversupply of common, unskilled labor in those centers and that the conditions were un-American, not elevating in any sense. They looked about for a remedy for this evil, and they state in their report, after reciting all the different remedies which had been suggested, that, in their judgment the most feasible measure was the educational test, because it would exclude about one-third of those particular classes which are most a menace to the institutions of the United States; in other words, the most undesirable classes of immigrants.

Mr. President, I want to call attention to the fact that since the beginning of the Civil War we have admitted into this country something over 23,000,000, probably 24,000,000, of alien immigrants. The number that have been received may perhaps be more fully understood when I say that they constituted seven-tenths of the population of the United States at the outbreak of the Civil War. Down to 1882 the largest proportion of all the immigration to this country came from Great Britain, Ireland, Scotland, and the Scandinavian countries, Germany, Holland, and France, all of which was of the same basic stock as that of which the population of America is so largely made up. That immigration entered into all the industries, agricultural and otherwise, of the country, so that now it has been fully assimilated, and represents one of the strongest and best elements in American citizenship.

Nobody can say aught against the character of that immigration. Previous to 1882 we had admitted five or six millions, and probably 75 or 80 per cent of them came from the Netherlands, France, Scandinavia, Germany, Great Britain, and Ireland.

The height of the wave of that immigration was reached in 1882. Since that time the proportion coming from those countries has decreased, and the number coming from southern and southeastern Europe has been constantly increasing. That is owing to the fact that since 1870, when the great manufacturing, mining, and smelting industries of our country had become firmly established and were rapidly expanding, and a great demand for common and unskilled labor had been created, and immigrants from southern Europe have come to engage in those particular lines of industry, and the stream of such immigration has increased year by year to a most remarkable degree.

In order to plant that fact a little more firmly in the RECORD, I want to say that prior to 1882, what is termed the "old immigration," made up of the races I have indicated, constituted 87½ per cent of all that came. Only 13 per cent of that immigration came from other sections of Europe. Since that time, in a period of 25 years prior to 1907, the "old immigration" from northwestern Europe decreased from 87 per cent to 20 per cent of the whole, while the immigration from southern Europe increased from 13 per cent to 80 per cent of the whole. So, that at the present time substantially 80 per cent of our immigration

is from southern and eastern Europe rather than from northwestern Europe.

In this connection it should be understood to what sections of our country these immigrants have gone, what they have engaged in, and how far they have been assimilated. I find that prior to 1880, that being the census year, almost 56 per cent of the old class settled in the Central and North Central States, where the homestead act was under operation and where now in many of the States they and their descendants, as has been well stated here to-day, constitute a majority, perhaps, of the agricultural classes. During those years only 31 per cent, substantially one-third of it, came into the Atlantic division of States, showing that a large majority of the immigration entered into the development of the great West—the construction of railroads, the opening up of farms, and the establishment of the mining and smelting industries. But between 1880 and 1900, instead of 56 per cent going into the Central States, only 29.3 per cent went there, and 61.9 came into the Atlantic division of States, where the manufacturing interests were more largely developed.

Mr. THOMAS. I would like to inquire of the Senator from Vermont what proportion of that 29.3 engaged in the farming business—going into the States the Senator mentioned—really devoted themselves to the development of agriculture.

Mr. DILLINGHAM. Mr. President, it is impossible to state that accurately, for this reason: One of the statisticians of our Government has said that there was never a week day for a period of 20 years after the close of the Civil War that did not record the investment of a million dollars in railroad building and construction. I only quote him to show the intense activity there was in railroad construction following the adoption of the homestead law and the opening of the Pacific railroads.

Mr. THOMAS. My question had reference to the distribution of immigration during the last 20 years.

Mr. DILLINGHAM. Oh! I thought the Senator was referring to the old immigration.

Mr. THOMAS. No; the immigration of the last 20 years.

Mr. DILLINGHAM. I am coming to that. I will answer the Senator's question as I proceed. I had intended to discuss that question.

We must remember that from 1900 to 1911, a period of about 12 years, 72 per cent of this new immigration came from southern and western Europe. Of that 72 per cent of the entire immigration, 82 per cent went into the Atlantic division of States, where the manufacturing industries are so fully developed, and of this number substantially 60 per cent were farm laborers in the countries from which they came. And yet this 82 per cent have avoided our farms and have gone to these great manufacturing centers and have taken possession of the unskilled branches of labor and receive the lowest wages of any of those who are engaged in the manufactures. About one-third of our present immigration is of the old type; and they are almost wholly skilled laborers, and take the higher and better-paid branches of labor in the industries of the country.

The change that has come about since 1882 is shown in the last census, which speaks of the old element of immigration and the new element—that is, the foreign born still living in this country—in this way:

According to the last census it appears that in the 10 years preceding 1910 there has been a decrease to the extent of 300,000 in foreign-born residents coming from Great Britain, Ireland, Scotland, Germany, and the Scandinavian States, while the increase of those coming from southern and western Europe has gone from 1,800,000 to 5,000,000, or an increase of 3,200,000 in the 10 years.

I stated, in an interruption that I made while the Senator from Missouri [Mr. STONE] was speaking, that the Immigration Commission made an investigation of 37 of the principal industries of the United States east of the Rocky Mountains. They came in contact with 620,000 individual operatives in these industries. They found that taking them all together 59.9 per cent, almost 60 per cent, were foreign born; but they also found that the immigrants of the old immigration were occupying the good positions, those requiring skilled labor, while those of the new immigration, those who have been coming in such numbers during the last 10 years, were performing the lower grades of work, and were receiving correspondingly low prices for their labor. In the iron and steel industries, slaughtering, meat-packing, wool and the manufacturing of wool and worsted, coal, copper, leather, cotton goods, clothing, and silk goods, the average number of foreign born found in those industries amounted to 65.6 per cent of the whole.

Mr. GRONNA. Mr. President——

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

Mr. DILLINGHAM. Gladly.

Mr. GRONNA. No one, I think, disputes the fact that the immigration from northwestern Europe has decreased, and that the immigration from southern Europe has increased. But that does not prove anything unless it can be shown that the people who come from that particular section of Europe are really undesirable.

Mr. DILLINGHAM. I shall deal with that question before I conclude my remarks.

Mr. GRONNA. That is why I wanted to make this observation at this time.

Mr. DILLINGHAM. I find that in the case of those who have come since 1899, of the Roumanians 93½ per cent were reported as being common or farm laborers; of the Bulgarians and the Servians, 92 per cent; of the Slovaks, 80 per cent; of the south Italians, 77 per cent; of the Russians, 82½ per cent. But there is nothing in the record to show that they have gone to the farms. As I stated a little while ago, the records at Ellis Island show that probably 90 per cent of them have gone to join friends or relatives, and most of them had railroad tickets from New York to the place of their destination. They knew in advance just where they were going. They went to the Atlantic division of States, to the seats of the great industries, where they found brothers, cousins, and friends—men who speak their own language and live under the conditions to which they have been accustomed.

That the labor market in all these places has become overcrowded can not be doubted by anyone who will take the reports of the Immigration Commission and patiently examine the facts there set forth. A comparison of the yearly and the weekly wages shows that fact very clearly. I have in my hand a statement showing that in the iron and steel industry—these are statistics gathered by the Immigration Commission—the weekly wage was $14.35; but, on an average, the men received for a year's service only $346, showing that they were employed less than one-half of the time; and, of course, there was an overcrowding of that class of labor if that was the fact. In the bituminous coal industry, while they were receiving $2.19 daily, we found that upon an average they were receiving only $443 annually, which indicated that they worked less than two-thirds of the time. The same was true of those engaged in silk manufacturing, and in woolen and worsted, and in leather, while those engaged in the manufacture of clothing probably worked substantially three-fourths of the time.

So I might go on down through the different industries; but all the testimony was of the character of that which I have just cited, in that a comparison of the yearly wages with the weekly wage showed that the men were largely out of employment.

I want to remark just here that the commission investigated 200 different communities where they found this overcrowded condition of common, unskilled labor, the result of the great increase in immigration during the last 10 years. When we had examined those 200 different localities where the foreign element predominated and conditions were so unwholesome, we sought to find a typical American manufacturing community, that we might compare the conditions existing in each. We searched the country over, but we failed to find such an American community in the manufacturing sections. It does not exist. Everywhere, in every place where these different industries have been planted and are flourishing, this cheap labor from southern Europe has, in the last 10 years, been coming in and crowding out the labor that was formerly employed. It has come in such numbers that the common labor market is actually overcrowded.

I have in my hand a statement I have made from the commissioner's report, showing the annual earnings of the Lithuanians, the Magyars, the Mexicans, the Polish, the Portuguese, the Roumanians, the Russians, the Ruthenians, the Servians, the Slovaks, the Slovenians, the Syrians, the Turkish, and the south Italians, employed in the manufacturing industries of the United States, investigated by the commission, doing the common labor of which I have spoken.

From this it appears that the annual average earnings of the men of these nationalities so employed was $396. Yet those men have lived under such conditions that they have saved from even those small earnings. In the year 1907 there was remitted to Europe through the immigrant banks alone $141,000,000. By "immigrant banks" I do not mean our national banks, nor savings banks, nor the express companies, nor money orders. I mean what they call the immigrant banks, oftentimes agents of steamship companies, whom they trust, being of their own nationality. In the year 1907, as I stated, there was remitted through those immigrant banks $141,000,000. That vast sum had been saved in spite of the small wages they had been paid, because they have lived in this country the life that they

lived in the old country. They have lived in commmunities, 20 in a family, with a boarding boss; they have cut their expenses to the very lowest point; their mode of life has been far below the American standard—far below any desirable standard. Fifty-five million dollars of that vast sum went to Austria-Hungary, $52,000,000 of it went to Italy, and $15,000,000 of it went to Russia.

It is necessary, in order that we may understand these conditions, to know something of the financial characteristics of this class of immigrants. They are unlike the old immigration, which came in family groups, looking for a home, for the education of their children, for the general growth and development and advancement of their higher interests. Of the 955,000 alien immigrants admitted between 1899 and 1910, 69.5 per cent, almost 70 per cent of the whole, were males. Of those coming from south Italy, Russia, Bulgaria, and Servia, 85½ per cent were males; and it is probably true of the Greeks that there are a thousand men to one woman in this country.

What does this mean? It means that this late immigration is not of the type that built up American States, American industries, American institutions, and American citizenship. It is a new type, temporary in its character, that lives under conditions which the old class would not tolerate or submit to.

What about the wage earners with whom we came in contact? I have stated what a large proportion of the immigration is male, but we also found that, despite the fact that 55 per cent of all those examined were married, three-fourths of them had left their wives in Europe. A careful computation discloses the fact that substantially 86 per cent of the men that have gone into these communities in the last 10 years, and are living as I have already described, are either single men or are living single lives.

It is for the Congress of the United States to say whether that is a desirable immigration, particularly when it overcrowds the industries and reduces wages below a point consistent with good citizenship. We want every man engaged in American industries to have a wage that will help him to become an American citizen, that will enable him to live upon an American scale. I repeat, 86 per cent of these immigrants are either single or living a single life.

Comparing them with the old immigration, we find also that only 36 per cent of the new immigration seeks naturalization, while 85 per cent, almost 86 per cent, of the men of the old immigration have sought this privilege.

Having found, as the commission did, that in all of these great centers there was an overproduction of common labor, an amount of common labor that did not minister to the good of the community, the commission looked about to see how best they might limit the number of that class of immigrants coming into the United States. They considered an increase in the head tax, but such an increase would accomplish just that which we wish to avoid. Should we increase the head tax and make it $20, for instance, that would debar the man who wants to bring his wife and children—the man we most want, the man who intends to make a home and become one of us. If he has a wife and five children the head tax would amount to $140, which might prove prohibitive. So we could not accomplish the desired result in that way. We considered the various other measures that might be adopted to limit the number of immigrants of the more undesirable classes, and, as a result, all but one of the members of the commission—Mr. Bennet dissenting—said that, in their judgment, the most feasible single method was the literacy test, not as it would affect the individual, making him a better or a worse citizen by reason of his being able to read or write, but that the literacy test would reach those classes that constitute this great influx which has overcrowded the seats of industry.

How will it work? This bill does not affect the citizens of Great Britain or of Ireland or of Scotland or of Scandinavia or of Germany. Only 2.6 per cent of all that have come from those countries in the recent years are illiterates. Of this new immigration that has been coming in, including north Italians, where the degree of illiteracy is only between 2 and 3 per cent, to make a perfectly fair statement, 35.6 per cent are unable to read or write.

So it appears this provision simply reaches this latest type of immigration and will probably reduce its numbers to the extent of one-third of those who are now coming.

I might take time to say how this will apply to the different nationalities, but it is necessary to do so in detail; it would apply in varying degrees from 20 per cent in the case of some of the nations of southern and eastern Europe up to 68 per cent of certain others. Of those coming in in the last 10 years probably 68 per cent of the Portuguese were illiterate, and nearly 59 per cent of the Turkish. About 54 per cent of the south Italians and 48 per cent of the Roumanians were also illiterate. I will not weary the Senate by naming the different races, but will content myself with the statement that the average illiteracy of the races that come in largest numbers would be in the neighborhood of 41 per cent.

When I say that the old immigration is entirely different and that only a fraction over 2 per cent would be rejected, it will be seen that the purpose of this bill is simply to relieve the congestion in the congested districts of the United States where this recent immigration is mostly found, and to relieve us of that type of immigration that is transient in its character and which is not at all adapted to aid in building up and maintaining American institutions.

If we apply this test to the following nations, we get this result: Including south Italians, Poles, Slavs, Slovaks, north Italians, and the Croatians the average number debarred would be about 33 per cent, basing this estimate upon the illiteracy of those who have been coming during the last 10 years; but it is worthy of notice that this percentage is considerably lowered by including the north Italians, among whom the degree of illiteracy is only 2.6 per cent.

That reminds me of a significant fact which should not pass unnoticed, viz., that in Italy, north and south Italy, the same laws exist relating to education, but the north Italian is educated, while the south Italian is not educated. This result comes from a difference in the two races and in the environments surrounding them.

Mr. President, I have thus briefly and directly tried to bring to the attention of the Senate the conditions found to exist by the immigration commission, and upon which conditions the recommendation was based that this test be adopted. It remains only to examine two or three things that were said by the Secretary of Commerce and Labor in his most remarkable letter to the President of the United States.

It is a matter of common knowledge that the Secretary of Commerce and Labor has been opposed to the educational test from the beginning. I find upon consulting the newspapers that as early as January 18, 1911, in a speech made by him to the Union of the American Hebrew Congregations in New York, he used this expression:

> I wish to put myself on record as unqualifiedly opposed to a literacy test.

That was before the question was debated in Congress; before this bill was introduced; and some of the newspapers of the following day commented upon the great applause that greeted the Secretary's effort. His letter shows that he entertains the old-time feeling, an old-time prejudice, if I may use that expression, against the writing test.

My friend from Missouri [Mr. STONE] has quoted from that portion of his letter in which the Secretary criticizes the provisions of the bill, and in which he says that if the head of a family is admitted it may also admit the children who may be illiterate. If that is deemed to be an objection to the bill, I beg to call attention to the statistics I have already cited, showing the character of our immigration. We admitted 9,955,000 aliens in the last 10 years; of these almost 70 per cent were males. Three-fourths of those coming from southern Europe left their wives at home; 86 per cent of those examined were single or lived a single life. Where is the danger from illiterate children that would come with that class of immigration?

Even if children were to come uneducated we could take care of them. We have compulsory education established as a system in every State in the Union. Yet a great cry comes up here in the American Congress, that while we are adopting every means imaginable to build up our citizenship by promoting education, thus making our people intelligent, we should not close our doors to the class that do more to lower American standards than any other influence that can come.

The whole tenor of Secretary Nagel's letter to the President is one of pity for the immigrant. It is an argument for the foreigner, without a single word concerning the standards which we have established in the United States, of which we are proud and which ought to be maintained. It does not contain a word of sympathy for the American workingman, nor give evidence of any fear regarding our institutions. He suggests to the President that the enforcement of this law may cost us a million dollars annually. I say, in reply to that, if in the judgment of the American Congress the law is required, it is not for any officer of the executive branch of the Government to offer that criticism. But suppose, for the sake of argument, that the Secretary is correct in his estimate. We are turning a million dollars back into the Treasury every year that is derived from the head tax, and which is not required in the administration of the present law. Moreover, under the provisions of this bill, we have raised the head tax from $4 to $5,

which will give us an addition of $1,000,000 a year for this purpose.

But that is not the worst side of the Secretary's proposition. I do not know whether he knew the fact; if he did, he concealed it from the President. But in section 7 of the bill is a provision that every steamship company bringing to the United States a person who is unable to read in some language or dialect shall be fined $100 for so doing, and shall be compelled to take that person back to Europe free of charge. In view of that provision in the law, what additional work is to be laid upon his officials at the ports of entry of the United States? Years ago we applied that principle to steamship companies to prevent them from bringing those who suffered from contagious diseases; we have since extended the list until it covers almost every disease that can be discovered by a competent medical examination. What is the result?

In a single year the medical examinations given by steamship companies at the ports of embarkation prevented the embarkation of 40,000 intended immigrants. How was it done? The steamship companies employed at their own expense surgeons, who gave all intended immigrants the most thorough medical examination, knowing that if they permitted any immigrant to come who could not successfully meet the requirements of our law the company must take that person back to Europe and in addition pay the United States a fine of $100 for having brought such diseased person.

That medical examination abroad is an instrument for good to us that can not be measured. Under it the rejections at the German ports were so great as to alarm that Government. Intended immigrants from Russia, Austria, and Italy who came to take the German lines, who were rejected by the steamship surgeons, were so great in number that Germany became alarmed. To meet this danger Germany compelled the steamship companies to establish control stations all along the German frontier, and they compelled the examination to be had there, so that if the intended immigrant is rejected he will go back to his own country and not be left a public charge in Germany.

The result of our law has been such that in a period of 13 months preceding December 31, 1907, there were rejected at the ports of embarkation in Europe 27,799 intended immigrants and at the stations I have spoken of 11,882, making a total of 39,681, while we were rejecting at our ports only 13,000.

We have applied that same principle and the same obligation to the steamship companies in the case of immigrants who can not read, and it is in mercy to the immigrant as well as in justice to ourselves that we have done so. He needs no sympathy. He knows whether he can read before he starts. He may not know whether he is physically sound, but he does know whether he can read, and if he attempts to deceive it is the easiest thing in the world for those steamship companies to ascertain the fact whether he can read or not. If he can not read, the test is certain, and he will not present himself at our doors, and we do not need additional inspectors to enforce the provisions of this law.

Secretary Nagel advances another argument against the bill. He does not think that the reading test should be adopted until we have exhausted the possibilities of a rational distribution of this new immigration.

The Senator from Massachusetts [Mr. LODGE] and myself spent a great deal of time before the law of 1907 was adopted to frame and make just as strong as we could the provisions establishing a division of information, whose duty it is to promote a beneficial distribution of aliens admitted into the United States among the several States desiring immigration. If five years' trial has failed to induce our latest type of immigrants to seek the farms, what hope have we for the future?

The aliens will not go on farms. They do not come here for that purpose. You can not get them to leave those of their own nationality to lead a lonely life on a farm in an American family. They want to be with their own.

I have already called attention to the fact that before 1880 $55\frac{8}{10}$ per cent of the old immigration went to the North Central States and only $31\frac{1}{10}$ per cent to the manufacturing States, and that in 1900, while only 29 per cent were going to the agricultural sections, 62 per cent, substantially, were coming to the manufacturing sections.

It appears also that between 1900 and 1910 there has been an actual decrease of 300,000 in the foreign-born races of the old classes resident in the United States, while there has been a net increase of the newer classes to the number of 3,200,000.

The census discloses another fact bearing upon this question. Down to 1890 the foreign born in the North Central States exceeded the foreign born in the Atlantic States, but in 1910 there were 2,000,000 more foreign born in the Atlantic division of States than there were in the Central and North Central States.

I do not think that I need to refer to the remarkable statement made by the Secretary as to the large number of agricultural laborers who came into this country last year. In my interruption of the Senator from Missouri [Mr. STONE] I called attention to the fact which I have already demonstrated, that the great body of them came to the Atlantic States and went to the seats of our great industries, and that it can not be demonstrated that any considerable number of them went to our farms.

Mr. President, it is not my disposition to criticize anybody unjustly, but it seems to me a strange thing that, when both branches of the Congress of the United States have passed this bill by a large majority, and when the RECORD shows that the literacy test was adopted in the Senate of the United States with only nine votes against it, the President of the United States should have interposed a veto based upon a letter from the head of one of his departments.

If Congress is to accept this veto as a finality, it is to say that the head of any one of the executive departments of the Government may determine what the laws of the United States shall provide, regardless of the opinion of the Congress of the United States upon the subject.

Mr. President, I have said all I care to on this subject. I hope I have made clear the grounds upon which the commission recommended this particular provision as a remedy for the evils which they have discovered.

Mr. LODGE obtained the floor.

Mr. THOMAS. I should like to make an inquiry of the Senator from Vermont.

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

Mr. LODGE. Certainly.

Mr. THOMAS. I have been greatly interested in this discussion and very much edified by it; but I should like to ask to what extent the commission ascertained that emigration from the southern and southwestern portion of Europe had been stimulated either by manufacturers or steamship companies, or by both.

Mr. LODGE. The southeastern portion?

Mr. THOMAS. And the southwestern, including Portugal.

Mr. LODGE. Oh, yes; Portugal.

Mr. DILLINGHAM. There was a large amount of evidence discovered in Europe when the commission was there, indicating that the agents of steamship companies in Europe were stationed in almost every country; that they were active and aggressive; that they held out inducements to men to emigrate; aided them all they could; advised them how to disregard the law successfully; and generally stimulated emigration from those countries to this. Then it is undoubtedly true that a great deal of the immigration to this country is stimulated by correspondence between friends and relatives. The conditions here are so much better than they are abroad that they are advised to come.

Mr. LODGE. Mr. President, the President in his message rests his objection to this bill upon the illiteracy test. He speaks of the rest of the bill and of the administrative features in high terms of praise, and expresses his reluctance to veto it on account of these other provisions.

Mr. President, attention has been so concentrated upon the illiteracy test that it is very easy to overlook the great importance of the rest of the bill, which would all be lost if the veto should be sustained. The administrative provisions represent the work of years; they embody the best conclusions of what the President calls a very "able commission," which devoted three years of hard work and careful investigation to this subject.

At the time of the last immigration act, in 1907, this same matter of an illiteracy test for admission was presented to Congress. It was then determined by the committees and by Congress that it was not wise to introduce the test into legislation without a special and further examination of conditions. A commission of nine members was appointed, three from the Senate, three from the House, and the Commissioner of Labor, Dr. Jenks, professor at Cornell, a very distinguished publicist and statistician, and Mr. Wheeler, afterwards Assistant Secretary of Commerce and Labor. That commission worked for three years; it employed experts through all parts of the country to examine every phase of immigration and the condition of the immigrant population; it sent a subcommittee abroad to investigate conditions at all the sources of immigration. The commission made a report of great value which fills 40 volumes, giving all the statistics and all the facts.

I mention this, Mr. President, because I wish to bring home to the Senate the fact that this bill represents the work of a

commission created by Congress and the President for the sole purpose of considering the advisability of imposing the illiteracy test or some other form of restriction. After the investigation was concluded the commission was unanimous that the condition of labor in our basic industries demanded restriction, and eight members of the nine agreed that the best form of restriction was the illiteracy test.

These administrative provisions represent also, Mr. President, the best opinion of the commissioners of immigration at our various ports, of the Commissioner General, and of the department. The administrative provisions, indeed, were very largely prepared in the department. All methods of administration are improved by this bill, but it contains additions and amendments to the existing law in certain respects which are of vital importance and to which very briefly I would fain call the attention of the Senate.

One of the great abuses of the immigration laws has been that there were no provisions in regard to seamen and stowaways. Immigrants excluded for physical defects or for disease were in the habit of getting employment on some steamship for a single voyage. Then, when they reached New York or some other port, they left the ship, and came in over the wharf without any examination whatever. The number of immigrants who have come in in that way in disregard of the laws of the United States has reached, it is estimated, 15,000.

Mr. President, this bill makes suitable provision for the case of seamen and stowaways. The laws excluding criminals have also been strengthened. There has, of course, long been on our statute books a provision for the exclusion of the insane, but it has been found very inadequate, and it has long been apparent that the examination of such cases made by the Government was insufficient.

That the Senate may realize how serious this matter is, they should understand that in the State of New York alone 47 per cent of the patients in the insane asylums in that State are of foreign birth, not of foreign parentage, but of foreign birth. They have come in as immigrant aliens. I think I am not wrong in saying that there are some 30,000——

Mr. ROOT. Thirty-five thousand.

Mr. LODGE. Thirty-five thousand persons in the insane asylums of the State of New York, and 47 per cent are immigrant aliens. By this bill the law in regard to insanity has been greatly improved. Provision has been made for a better and more thorough examination. All the health officers, all the experts in the different States charged with the care of the insane have advocated the passage of this bill and urged its signature upon the President.

Mr. STONE. Mr. President——

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

Mr. LODGE. I do.

Mr. STONE. I should like to inquire how, in the opinion of the Senator from Massachusetts, did it ever happen that 47 per cent of the insane in the asylums in New York were immigrants? How did they get in?

Mr. LODGE. They got in because they were people who passed the examination in that respect; it was not discovered that they were insane. For that reason the provisions for examination have been improved. Now, Mr. President, here is another thing.

Mr. TOWNSEND. Before the Senator leaves that point, can he inform the Senate as to what proportion of that 47 per cent can read or write?

Mr. LODGE. Mr. President, I am not now discussing the illiteracy test; I am pointing out the other valuable features of the bill. I am coming to the illiteracy test immediately. Of course, insanity has nothing to do with the illiteracy test.

Tuberculosis is excluded under existing law. It was found, however, that many cases of tuberculosis have come in because the examination has been confined to that which appears in the lungs. We have added the words "in any form." Thousands of dollars are being spent by private subscription, by private munificence, and by the States to crush out so far as possible the ravages of that dread disease. And yet that simple change has been opposed by many of the very men who are disturbed about the illiteracy test. Much of the opposition to this bill has been to even such a salutary proposition as to add the words "in any form" after "tuberculosis."

We have also put into the bill a provision excluding all persons who can not become eligible for naturalization unless it is otherwise provided by treaties, conventions, or passport arrangements. Mr. President, the meaning of that is very plain. If for any reason treaties, conventions, and passport arrangements should not protect us in that regard, if for any reason they should fail, then this law would come into operation and Asiatic immigration would be excluded from this country. That is one of the most important and far-reaching provisions in the bill. It will be lost if the bill is lost.

We have also provided for the better care of immigrants on ships, so that they may come here under the best conditions and arrive in as good health as it is possible to secure. All these great improvements, agreed on substantially by all who have given attention to the subject, will be lost if the bill fails to become a law, and months, perhaps years, will elapse before we can get these provisions, framed with care and patience, after years of investigation, upon the statute books.

Mr. President, the sole objection of the President, as I have already said, is to the illiteracy test, and for his reasons he refers us to the letter of the Secretary of Commerce and Labor addressed to him. With all respect, I must say that no argument advanced on that point by the Secretary of Commerce and Labor is new. He speaks of this test in the close of his letter as new. It is not new, and the objections which he brings forward are in fact very old. They have been made; they have been discussed; they have been debated for years; they have been passed upon by Congress; they have been weighed and carefully considered.

Why, Mr. President, a bill containing the illiteracy test has passed the Senate in past years three times. I merely call attention to that fact to show that it is not new. Some of us have given attention to the study of this question for a much longer period than four years. Not only long before the present Secretary became the head of the Department of Commerce and Labor, but before that department was established, before it was even thought of, some of us had considered very carefully the illiteracy test as a method of intelligent restriction. If it could be said that this was a case of the wisdom of youth as opposed to the prejudices of age and experience, of course to that argument I could make no reply; but as the Secretary of Commerce and Labor has the misfortune to be nearly a year older than I am, that fatal argument can not be made of the superior knowledge of the young.

I repeat, sir, this is no new question to many of us. I began my work upon it when we had only just got beyond the point of making some little restriction against the diseased and the criminal, and had levied a small head tax for the maintenance of the service. Even those provisions were objected to at the start. It was argued that it was an outrage to levy a tax for the maintenance of the service and that no diseased person ought to be kept out of the country unless he actually had the cholera or the smallpox, which would send him to quarantine. The same arguments were made in those days against these provisions, the wisdom of which everyone to-day acknowledges, which are now made against the illiteracy test.

To illustrate the fact that this is no new question, I hold in my hand, Mr. President, a speech that I made on February 19, 1891, in the House of Representatives, in which I discussed the change in the character of our immigration which has just been set forth by the Senator from Vermont [Mr. DILLINGHAM]. I then called attention to the fact, which all men know, that this country was settled and built up by the people from Great Britain and Ireland, from Scandinavia, from Holland, from Germany, and from France. They were the people who made the American colonies; they created the country which has opened its gates so freely to the poor and oppressed of all nations. I pointed out that immigration was then, as it is now, coming into this country from eastern and southeastern Europe which had never been assimilated or brought seriously into contact with the people who had made the United States; that these new immigrants were the offspring of a different civilization, the civilization of Greece and Asia, as against the civilization of Rome, to which western Europe was the heir. I then said that the admission of these new elements demanded thought and care; that we ought not to run the risk of taking in these new elements faster than they could be properly assimilated with the body politic.

Again, in 1896 in the Senate, nearly 20 years ago, Mr. President, I discussed with great fullness this question of the illiteracy test. I think I then considered all the objections now brought against it. Whether I met them successfully or not, I certainly knew of them and considered them. I am not going to rehearse an old and forgotten speech to the Senate, but I will repeat a few lines of verse which I then quoted and which were printed on the outside of the pamphlet copy. The imagination of the poet, Mr. President, sometimes penetrates farther into the future and sees the central fact in a great question more clearly than the minds of even the ablest men of affairs. These lines were written by one of the men who has been an honor to American letters, by a poet much beloved

of all his fellow citizens—Thomas Bailey Aldrich. This is what I placed on the outside of the speech I made at that time:

O Liberty, white Goddess, is it well
To leave the gates unguarded? On thy breast
Fold Sorrow's children, soothe the hurts of fate,
Lift the down-trodden, but with hand of steel
Stay those who to thy sacred portals come
To waste the gifts of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

I mention this, Mr. President, merely to prove that some of us have given long and patient thought to this question, with no desire to discriminate against any race or any nation, but with an earnest wish to render the immigration to this country as valuable as possible, and at the same time as little harmful as possible.

Objections can be made to this legislation as they can be made to any other form of restriction or selection. All other forms have been carefully examined, but this is the best practicable form of selection and restriction which it has been possible to devise after 20 years of careful consideration. It has been proved over and over again, and beyond question by successive investigations, that the illiteracy test would exclude more who are undesirable and fewer who are desirable immigrants than any other. It has been shown over and over again that the illiterates form a very large proportion of those immigrants who are congested in the worst parts of our great Eastern cities.

The objection is constantly made that the illiteracy test would not exclude criminals or anarchists, because criminals and anarchists usually read and write. It seems to me that no objection more inept than this can be made. The purpose of the illiteracy test is not to exclude criminals; the exclusion of the criminal is provided for by other sections of the existing law, which have been improved and amended in this bill. Nevertheless, Mr. President, although it is not the purpose of the illiteracy test to exclude criminals, although it is not framed with that object in view, we have statistics to show that a very large proportion of those aliens who find themselves in the criminal courts are illiterate. The census of 1890 and the census of 1900 show that 21 per cent of the alien criminals are illiterates. I have here, however, something much more recent—a letter from the prosecuting officer of Somerset County, N. J., Frederick A. Pope, prosecutor of pleas, Somerset County, N. J., in which he says:

My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the Immigration Commission with reference to the illiteracy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens—

Of course, those are statistics relating only to alien criminals; they do not deal with the native born—

with the following interesting results:

	Illiterate.	Literate.
Homicide	3	
Atrocious assault and battery	34	6
Simple assault and battery	9	2
Larceny	14	2
Sexual crime	7	1
Perjury	2	1
Excise	11	5
Marriage	3	1
Frauds	2	4
Miscellaneous	6	1
Total	91	23

The following conclusions are deducible from the above:

(1) Of the 114 crimes committed by aliens 54 were acts of personal violence; and of these 54, 46 were committed by illiterates, while only 8 were chargeable to those able to read and write.

(2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.

(3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterate.

(4) Out of 8 sexual crimes, 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.

(5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.

(6) Out of 16 cases for violation of excise laws, 11 were illiterates, showing an utter disregard for laws.

(7) Of the 4 crimes against the institution of marriage, 3 were illiterates.

(8) Only in cases of fraud did the literate exceed the illiterate.

I am, Mr. President, sincerely yours,

FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

Now, last and most important of all, is the fact which was proven by the investigations of the commission, and which the Senator from Vermont has set before the Senate with such force and clearness, that the presence of illiterates in the basic industries is lowering the standard of living for American labor. I have here a copy of the letter addressed to the President by Dr. Jenks, of the Immigration Commission, who had charge of many of these investigations, which I shall read. He says:

FEBRUARY 8, 1913.

MY DEAR MR. PRESIDENT: I have noted in the papers that you have before you for consideration the new immigration bill, and that February 6 you gave a hearing on the bill. As a former member of the Immigration Commission, who gave a great deal of time to the consideration of the subject, I trust that I may express an opinion regarding the bill. The fundamental reason why there should be at the present time a rather widely extended restriction of immigration is the fact that *the number of unskilled workers coming in at the present time is sufficient to check decidedly the normal tendency toward an improved standard of living in many lines of industry.*

Of course I am well aware of the fact that Mr. Hourwich in his new book, as often before, and many others claim that the bringing in of these laborers simply fills the demand for unskilled workmen and that the American laborers and the earlier immigrants go to higher positions. That was doubtless true earlier; that is doubtless true in part now, but the figures collected by the Immigration Commission, on a sufficient number of industries in different sections of the country to give general conclusions, *prove beyond doubt that in a good many cases these incoming immigrants actually drive out into other localities and into other unskilled trades large numbers of American workingmen and workingmen of the earlier immigration who do not get better positions, but, rather, worse ones.* My own judgment and that of a number of our investigators when the work of the Immigration Commission began was substantially that upheld now by Mr. Hourwich and those who agree with him. But Prof. Lauck, our chief superintendent of investigators in the field, and, so far as I am aware, *every single investigator in the field, before the work ended reached the conclusion from personal observation that the tendency of the large percentage of immigration of unskilled workers is clearly to lower the standard of living in a number of industries, and the statistics of the commission support this impression.* I therefore changed my earlier views.

I think the illiteracy test is theoretically sound. It is, of course, true that it does not reach the criminal. It is not intended for that purpose. It is also true that at times it excludes the good laborers. The fundamental fact, however, is this—that on the whole it excluded the laborers from southern Italy and Austria-Hungary of the type *that the commission unanimously thought ought to be excluded at the present time,* especially the single man who comes here to stay only temporarily and who, in consequence, having no permanent interest in the country, eagerly accepts living conditions lower than those which would be accepted by Americans or the earlier immigrants. It should be kept in mind that the *Immigration Commission was absolutely unanimous in the opinion that there should be restriction;* also unanimous in the further opinion that this class of immigrants whom I have mentioned were the ones who should be excluded, *and the illiteracy test would exclude just this class.*

Mr. Bennet objected to the illiteracy test and wished to reach the same result by other means, and I should have agreed with him, as I think would Dr. Neill and perhaps other members of the commission, had we believed that it was practicable to reach that result in any other way. Considering the temper of Congress and the other measures proposed, *the illiteracy test seemed the only practical way.* The present action of Congress seems to confirm that view.

I notice in yesterday's morning paper that Mr. Bennet suggested that, inasmuch as this bill is faulty in certain minor particulars, it would be wise for you to veto it and let the incoming Congress pass another bill to the same effect if it wishes to do so. It strikes me that the argument should rather be that if this bill is in its main principle of exclusion sound, and on that point Mr. Bennet agreed with all the other members of the commission, Republicans and Democrats, it would be wise for you to sign the bill and let the incoming Congress make such minor changes in the laws as it might see fit to make.

I trust that *since this bill is in the main in accord* with the unanimous opinion of the Immigration Commission, *the one body of men that has really made a thoroughly sound, scientific study of the question,* you will see your way clear to giving it your approval, even though it may have minor defects.

Very respectfully and sincerely, yours,

JEREMIAH W. JENKS.

The PRESIDENT,
Executive Mansion, Washington, D. C.

In that conclusion, as Dr. Jenks says, the entire commission agreed; in fact, there was no escape from it. It is not a question of what wages they earn, although in many cases they accept very low wages, but whether their wages are good or bad they voluntarily live in a manner which lowers the standard of living of the American wage earner. Wherever the investigation was pursued, whether in Lawrence, Mass., or in the mines of Pennsylvania or elsewhere, the same facts come to the surface. That is the reason, Mr. President, that the American Federation of Labor, with its more than 2,000,000 members, has, through its national officers, given its cordial support to this bill. No better arguments than theirs were made before the commission. The best argument made at the general meeting at the White House was that of the secretary of the Federation, and the president of the Federation presented the case at great length to the President in more than one interview.

The outside opposition in the country to this test, now active in the dispatch of telegrams, is, at bottom, the same opposition that is made to every effort to improve our immigration laws or to restrict in any degree the number of immigrants. It comes from the steamship companies. For 25 years we have met that opposition at every turn. It is here to-day. The representatives of the companies are here in Washing-

ton. The counsel of one company has been with both committees, has pervaded the Capitol, has been present at the hearings which the President gave the conferees and also to the commissioner of immigration from New York. It is they who furnish the funds for the agitation, who fill the newspapers with advertisements, especially the newspapers published in foreign languages. I do not know why it is, but while great resentment is felt toward any representatives of American railroads or American manufacturers who come here in behalf of their interests, none is apparently ever felt toward those who come in behalf of foreign steamships. These companies are particularly interested in this matter, because the illiteracy test would bear more hardly on the birds of passage, as they are called, than on any others. One source of opposition to this bill has been from the railroads of the Southwest, who want to bring in citizens of that nation which is just now exhibiting such marked capacity for self-government to work on their roads. Even under existing law there has been great indignation at what has been done in that direction as violating our contract-labor laws. They tell us in excuse that these men are only seasonal laborers. Mr. President, the seasonal laborers are the worst element that are allowed to come in. In many branches of immigration 30 per cent go back, thus making a double profit to the steamship companies.

I put it at 30 per cent, but the Secretary of Commerce and Labor puts it higher. He says:

> During the last fiscal year 838,172 aliens came to our shores—

The figures, as I get them from the official reports, are that 1,017,155 came. Nonimmigrants and immigrants, of course, are all included in the word "aliens." Then the Secretary says:

> Although the net immigration of the year was only a trifle above 400,000.

He makes the number who returned nearly 50 per cent. These birds of passage do not come here, as the men of '48 came in the great immigration of that period, to make their homes, build up the country, and become part of our citizenship. They come here simply to take money out of the country. They come for the summer; they go back in the autumn. They live in a way which no American workman could endure, and then in the autumn gather up the money they have made here and go away, taking it back to their own country. They are an injury to the country, not a help, and on that class the illiteracy test would be particularly effective.

In the short time permitted to me I can not argue this question as it deserves to be argued. It has been argued so much that it should need no more argument. But, Mr. President, I fail to understand, for my part, why it is that the United States alone among nations is not thought to have the right that all nations have to say who shall come within its borders. It is the only country in the world where it is argued that people born in other countries who have never seen the United States are entitled to certain rights therein. It is for the citizens of the United States to say who shall come into their country. That is a primary right of every sovereign nation. Still less do I understand this extreme opposition to requiring that a man shall be able to read before he enters the United States. We do not allow a man to become a part of our body politic unless he can read and write his name. In my State for 60 years—and in many, if not most, of the States of the Union to-day—there is an illiteracy test applied as a prerequisite for voting. We do not hesitate to apply it to our own people. We force them to learn to read, no matter what their age, before they can vote or be naturalized. Why is it that we should hesitate to apply the same test to a foreigner who is coming here to receive the great privilege of living and working in this country and perhaps of becoming a citizen?

Mr. President, the belief in education in this country is one of our great beliefs. Why should we, in the case of foreigners alone, set a premium on ignorance? The rates of wages, the standards of living for the American workman, are affected now by this cry for more and cheap labor. It is better to go a little more slowly in the development of this country, in piling up fortunes, and see to it that we assimilate our citizenship as we go along. The rates of wages are affected. That is why we have excluded the Chinese, and also because they lower the standard of living; but most of all, Mr. President, under present conditions is the quality of American citizenship at stake. Congress, by an overwhelming majority, has decided that this is a reasonable defense of the quality of American citizenship, and I for one, Mr. President, hope that this body and the other House will place this bill upon the statute books.

Mr. WILLIAMS. Mr. President, I want to add one word only to what has been said. This morning, in one of the arguments made by one of the Senators against the literacy test, he either charged or intimated that it was being advocated because of a "prejudice against foreigners." I want to say that, so far as I am concerned, that charge falls hurtless. I have no sort of prejudice against foreigners. I am, upon the contrary, of the absolute conviction that a German or a Frenchman is as good as I am, or as any other American is, in every respect. I believe that within certain broad race lines human nature is the same everywhere. The white man's human nature is the same on the Mississippi, on the Hudson, on the Seine, on the Tiber, and on the Thames. The Chinaman's human nature is the same in Hongkong, Nanking, San Francisco, and New York. Negro human nature is about the same in Mississippi, in Cape Colony, in Senegambia, and in New York. The prejudice that I have is not a prejudice against foreigners; it is a prejudice against ignorance, and I do not care whether the ignorance is foreign or native.

Mr. President, I am not peculiarly a coward; but there is one thing that I am afraid of—I am as much afraid of ignorance as a delicate woman is of a drunken man staggering upon a narrow sidewalk. She knows that he has no fixed design to hurt her, but he may stagger against her; moreover, he may ignorantly imagine that she has struck him and resent it in blows. I am afraid of the man, whether foreign or native, who gropes about blindly, striking blindly against the wrongs that exist in the world without any information to teach him how or whither to strike. We have got enough of that ignorant resentfulness at home; we do not want to import any more of it from abroad. My advocacy of the literacy test is not based upon animosity and antagonism or prejudice against foreigners or any class of foreigners, but is grounded upon an absolute distrust and fear of, as well as an absolute antagonism to, ignorance itself—blind, groping, brutally striking, crass ignorance—whether it is here or whether it is imported from abroad; and there is no reason why, as legislators of a free American country, we should submit further to its importation.

A very great man once said that no nation can ever hope to live free and ignorant at the same time. You can not only not hope to live free and ignorant at the same time, but you can not hope to live largely free and largely ignorant at the same time. Intelligence, somehow or other, will rule, and must rule; but it is better that it should rule by a majority vote of intelligence, thus maintaining the symmetry of democratic and republican institutions. If it can not rule in any lawful way, it will and must rule, anyhow, even though the majority be a majority of ignorance.

I see no reason why any man who loves American institutions should want anybody added to its citizenship or to its residency hoping for citizenship, who is unable to read the Constitution of the country to which he comes. Why, even men are dangerous whom a little learning makes dangerous things, and who have not drunk deep of the Pierian spring. Men who can read and write, but can not read the Constitution and understand the institutions of the country to which they come are dangerous. How much more dangerous must be the men who can not read anything? They come here having "clean minds," it is said; oh, yes; but they are too clean; they are as clean as a blackboard that has been newly rubbed off. It is tabula rasa, and any demagogue and any scoundrel can write anything on it that he is cunning enough to suggest and able enough to impress, and controls and expresses all that there is on it.

The PRESIDENT pro tempore. In accordance with the unanimous-consent agreement, the vote will now be taken. The question is——

Mr. O'GORMAN. Mr. President, before taking the vote I ask the Secretary to read the telegram which I send to the desk.

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

The Secretary read as follows:

NEW YORK, *February 18, 1913.*

Senator O'GORMAN,
Capitol, Washington, D. C.:

The Order of the Sons of Italy in America, in the name of its 30,000 members, protests against the passage of the Burnett bill as unnecessarily oppressive and against the interests of the Union. Please to communicate this protest to the Senate.

FRANCIS MEZZATESTA,
Supreme Venerable of the Order.

Mr. JOHNSTON of Alabama. I ask that the telegram which I send to the desk be read.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the reading of a telegram. Without objection, the Secretary will read.

The Secretary read as follows:

DECATUR, ALA., *February 18, 1913.*

Senator JOHNSTON,
Washington, D. C.:

The thousands of Junior Order United American Mechanics of Alabama urge on you to cast your vote against Taft's veto on immigration.

WALTER J. NESBIT,
Past National Representative.

Mr. FALL. I ask that the letter and telegram which I send to the desk be read.

The PRESIDENT pro tempore. Without objection, the letter and telegram submitted by the Senator from New Mexico will be read.

The Secretary read as follows:

ROGERS, ARK., *February 14, 1913.*

R. F. DUCKWORTH,
National Hotel, Washington, D. C.:

Call attention of Senators and Congressmen to farmers' desire to have immigration bill on statute books, even over President's veto.

A. C. DAVIS,
National Secretary Farmers' Educational and Cooperative Union of America.

—

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Washington, D. C., February 14, 1913.

MY DEAR SENATOR: I beg to call your attention to the inclosed copy of a telegram signed by the national secretary of the above organization with reference to S. 3175.

The extensive membership of the above organization, as well as that of the National Grange and Farmers' National Congress, have been petitioning for the very legislation contained in S. 3175, and their legislative committees have appeared before congressional committees arguing for it annually with increasing interest.

The President in his 12-line veto message states that it is "with great reluctance" that he withholds his signature, and his only difficulty is the reading test recommended by eight or nine distinguished members of the Immigration Commission, after its searching four years' investigation, "as the most feasible single method of restricting undesirable immigration."

The farmers of the country believe we have enough illiteracy without importing any to further increase taxation burdens, and are strongly of the opinion arrived at by the commission that something ought to be done to better regulate our present enormous immigration along the lines of S. 3175. The fact that there were only 11,649 "farmers" in last year's immigration of 1,017,155 (Annual Report, p. 73) and that we lost to Canada alone over 130,000 better farmers shows that something ought to be done to bring about a better balance in immigration.

Certainly a rudimentary education better fits for the struggle for existence and for participation in our public affairs. It must be true that 1,000,000 literates are more desirable on the average than 1,000,000 illiterates.

Trusting that you may be interested in our attitude, which is contained in Senate Document No. 251 of this Congress, as well as the House committee hearings, and that you may be disposed to see this bill that was passed so decisively by the Senate last April, after three months' consideration, become a law this session, I am, with the highest esteem,

Very truly yours, R. F. DUCKWORTH,
Chairman National Legislative Committee.

Mr. WEBB. I send to the desk a telegram, which I ask to have read.

The Secretary read as follows:

NASHVILLE, TENN., *February 18, 1913.*

Senator WILLIAM R. WEBB,
Washington, D. C.:

Thousands of Tennessee's best citizens will gratefully remember if you pass the immigration bill over Taft's veto.

JOHN W. HANCOCK.

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

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order having been demanded, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? As the Constitution requires that this vote shall be taken by yeas and nays, the roll will be called.

Mr. O'GORMAN. Mr. President, I ask unanimous consent to have read the telegrams tendered by the Senator from New Jersey.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The regular order having been demanded, it can not be entertained, and the roll will be called.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I am informed that he is for this bill, and desires that I shall vote, and I will do so. I vote "yea."

The roll call having been concluded, the result was announced—yeas 72, nays 18, as follows:

YEAS—72.

Ashurst	Cullom	La Follette	Richardson
Bacon	Cummins	Lea	Root
Bankhead	Dillingham	Lippitt	Sheppard
Borah	Dixon	Lodge	Simmons
Bourne	Fall	McLean	Smith, Ariz.
Bradley	Fletcher	Martin, Va.	Smith, Ga.
Brady	Foster	Myers	Smith, S. C.
Brandegee	Gallinger	Nelson	Smoot
Bristow	Gamble	Newlands	Sutherland
Brown	Gardner	Overman	Swanson
Bryan	Gore	Owen	Thomas
Burnham	Jackson	Page	Thornton
Burton	Johnson, Me.	Penrose	Tillman
Chamberlain	Johnston, Ala.	Percy	Townsend
Clark, Wyo.	Jones	Perkins	Webb
Crane	Kavanaugh	Pittman	Wetmore
Crawford	Kenyon	Poindexter	Williams
Culberson	Kern	Pomerene	Works

NAYS—18.

Catron	Gronna	Oliver	Stephenson
Clapp	Guggenheim	Paynter	Stone
Clarke, Ark.	McCumber	Shively	Warren
Curtis	Martine, N. J.	Smith, Md.	
du Pont	O'Gorman	Smith, Mich.	

NOT VOTING—5.

Briggs	Hitchcock	Reed	Watson
Chilton			

The PRESIDENT pro tempore. The bill is passed, more than two-thirds of the Senators present having voted in the affirmative. [Manifestations of applause in the galleries.] The Chair will admonish the occupants of the galleries that no demonstrations are allowed on their part.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition from sundry residents of Porto Rico and representatives of commercial and industrial enterprises located in the city of San Juan, P. R., praying for the enactment of legislation limiting the jurisdiction of the United States District Court for Porto Rico, and also providing for an increase in the salary of the judge thereof, which was referred to the Committee on the Judiciary.

Mr. PERKINS. I present resolutions adopted by the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

The following resolution was offered by Mr. Guiberson:

"Whereas a bill has been introduced in the Senate of the United States by Hon. FRANCIS G. NEWLANDS, of Nevada, which, according to its title, proposes 'to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies'; and

"Whereas it has been proposed by the leading supporters of said bill that it be amended so as to provide for an appropriation of $5,000,000 annually for 10 years for the control of the Sacramento and San Joaquin Rivers and their tributaries and for a like appropriation for the control of the Colorado River; and

"Whereas this legislature is in hearty accord with the principles embodied in said bill and believes that the money proposed to be expended under it and the cooperation provided for in it will promote the general welfare; and

"Whereas the vastness and variety of the interests that will be benefited by the expenditures contemplated in the proposed amendments fully justify such participation by the National Government in the work of making the navigable streams of California as useful as possible to the public: Therefore be it

"*Resolved by the Assembly of the State of California,* That the Congress of the United States be, and both branches of said body hereby are, requested to pass said bill, with the amendments aforesaid, and that the Representatives of California in the Senate and the House of Representatives be requested to use their best efforts to that end; and be it further

"*Resolved,* That the chief clerk of the assembly be, and he hereby is, directed to send a copy of this resolution to each Senator and Representative in Congress from this State, to Hon. FRANCIS G. NEWLANDS, to the Vice President of the United States, and to the Speaker of the House of Representatives."

Adopted this 4th day of February, 1913.

L. B. MALLOREY, *Chief Clerk.*

Mr. PERKINS presented a memorial of sundry citizens of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Westville, Chicago, Elgin, Danville, Peru, Moline, Springfield, Rockford, and Peoria, and of the editor of the Daily Jewish Courier, of Chicago, all in the State of Illinois; of the publishers of the North Star, of New York, N. Y.; of members of the Polish National Alliance of America; and of the Polish Alma Mater of America, praying that Congress sustain the President's veto of the immigration bill, which were ordered to lie on the table.

He also presented petitions of John A. Logan, Jr., Camp, No. 17, of Danville; Robert M. Dyer Camp, No. 20, of Aurora; Schley Naval Camp, No. 58, of Chicago; and of Lincoln Home Camp, No. 64, of Springfield, Department of Illinois, United Spanish War Veterans, all in the State of Illinois, praying for the enactment of legislation granting pensions to widows and orphans of soldiers of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a petition of members of Rochelle Chapter, Daughters of the American Revolution, of Rochelle, Ill., praying for the enactment of legislation to prevent the desecration of the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of Illinois, praying for the establishment of a court of

patent appeals, which was referred to the Committee on Patents.

He also presented a resolution adopted by the Manufacturers' Association of Illinois, favoring the establishment of a tariff commission, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Manufacturers' Association of Illinois, favoring the creation of a national drainage commission, which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of Elgin, Ill., praying for the enactment of legislation to increase the compensation allowed railroads for carrying the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New Canton, New Boston, Peoria, Pleasant Hill, Monmouth, Rockfort, Biggsville, Oquawka, and Jacksonville, all in the State of Illinois, and of sundry citizens of Hannibal, Mo., praying for the enactment of legislation extending the jurisdiction of the Mississippi River Commission as far north as Rock Island, Ill., which were ordered to lie on the table.

Mr. ASHURST presented a resolution passed by the Chamber of Commerce of Prescott, Ariz., favoring the adoption of a national budget system tending to provide better business methods for operating the finances of the Government, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Glendale, Ariz., praying for the enactment of legislation restoring to the public domain a certain part of the Gila River Indian Reservation embraced in township 2 south, ranges 3 and 4, and sections 1 to 12, both inclusive, etc., which was referred to the Committee on Public Lands.

Mr. NELSON presented a petition of sundry citizens of Pipestone, Minn., praying that an appropriation of $60,000 be made for the erection of a post-office building in that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Pipestone, Bath, and Staples, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of the Dakota County Good Roads Association, of Minnesota, praying that an appropriation be made for the construction of good roads throughout the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the General Federation of Women's Clubs, of Crookston, Minn., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRISTOW presented memorials of sundry citizens of Kincaid, Lebo, and Logan, all in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Buffalo, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a petition of members of the Woman's Wilson and Marshall Club, of Seattle, Wash., praying for the recognition by the United States of the Republic of China, which was referred to the Committee on Foreign Relations.

Mr. POMERENE. I present a joint resolution passed by the Legislature of the State of Ohio, which I ask may be printed in the RECORD and be referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint resolution 9, requesting Senators and Representatives from Ohio in the National Congress to urge the enactment of a Federal law regulating the exportation of food products.

Resolved by the General Assembly of the State of Ohio, That the Senators and Representatives of Ohio in the Congress of the United States be, and they are hereby, requested to urge the enactment of a Federal law permitting the exportation of meat and all other necessary food products only during such periods when same are selling at reasonable prices in this country, and prohibiting the exportation of such food products before the average retail price of same becomes so high as to be out of proportion to the average wages of the working people of this country.

Be it further resolved, That the secretary of the State of Ohio transmit, immediately upon the passage of this resolution, a copy thereof to each of the Senators and Representatives from Ohio in the Congress of the United States.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 22, 1913.

Mr. OWEN. I present a resolution adopted by the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House resolution 16.

Whereas the Supreme Court of the United States has nullified the passage of an act by the lawmaking power of the State of Texas that no contract made with an individual in the State of Texas was binding on said individual or corporation providing for the sale of articles or merchandise manufactured or controlled by a trust, it being held that the exercise of this power by a State was an interference with an interstate commerce: Be it

Resolved, First, that it is the sense of the Legislature of the State of Oklahoma, and we hereby memorialize the Congress of the United States, that that body passed an act at this session of Congress to regulate trusts in the following manner, to wit: (a) First. That it be provided in said act that any contract or obligation made with any individual or corporation or association in reference to the sale, barter, or handling in any manner whatsoever of any product controlled or manufactured or bartered or sold by any trust or any corporation or individual belonging to or associated with in any manner whatsoever in carrying on his business with a trust, shall be void; and that it shall be a complete defense to the payment exacted for any article or merchandise, or any product of any trust so controlled, manufactured, or sold to plead as a defense to the payment of said obligation in any court of competent jurisdiction in any State of the United States as matter of fact that said subject matter of said contract was contracted for and with such corporation, individual, association, or trust.

Second. That Congress authorize in said act that State courts have concurrent jurisdiction with the district Federal trial courts of the United States.

Adopted by the house of representatives February 3, 1913.

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

GUS POOL, *Chief Clerk.*

Mr. MYERS. I present a joint resolution passed by the Legislature of the State of Montana, which I ask may be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

House joint resolution 2.

A joint resolution ratifying an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Whereas both Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate the executive authority of each State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore be it

Resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana: And further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

A. D. MACDONALD,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved, February 7, 1913.

S. V. STEWART,
Governor.

Filed February 7, 1913, at 3.20 o'clock p. m.

A. M. ALDERSON,
Secretary of State.

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. M. Alderson, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint

resolution No. 2, ratifying an amendment to the Constitution providing that Senators shall be elected by the people of the several States, enacted by the Thirteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, on the 7th day of February, 1913.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 7th day of February, A. D. 1913.

[SEAL.] A. M. ALDERSON,
Secretary of State.

Mr. BRADY. I present a joint memorial adopted by the Legislature of the State of Idaho, which I ask may be printed in the RECORD and be referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by Mason. Passed the house January 23, 1913; passed the senate January 31, 1913; which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1913, and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.] WILFRED L. GIFFORD,
Secretary of State.

House joint memorial 1.

To the honorable the Senators and Representatives of the United States, in Congress assembled:

Your memorialists, the legislators of the State of Idaho, respectfully represent that—

Whereas a bill known as the three-year homestead bill was passed by the Senate of the National Congress on February 5, 1912, said bill being without any requirements as to the cultivation of homesteads; and

Whereas the said bill was afterwards amended in the National House of Representatives so as to require cultivation, and was finally approved on June 6, 1912; and

Whereas said cultivation clause works a hardship upon settlers who have taken up, or who will take up, homesteads in the timbered sections of the State of Idaho and in other Western States in that those settlers who are dependent upon their own resources and labor to maintain their families and to improve their homesteads can not comply with the provisions of said law;

We therefore pray and earnestly urge that relief be granted to these homesteaders by appropriate amendment so as to make the provisions of the said law applicable to the timbered sections of this and other Western States.

The secretary of state of the State of Idaho is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

This memorial passed the house of representatives on the 23d day of January, 1913.

C. S. FRENCH,
Speaker of the House of Representatives.

This memorial passed the senate on the 31st day of January, 1913.

HERMAN H. TAYLOR,
President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representatives during the twelfth session of the Legislature of the State of Idaho.

[SEAL.] DAVID BURRELL,
Chief Clerk of the House of Representatives.

Mr. WORKS presented resolutions adopted by the General Assembly of the State of California, favoring the passage of the so-called Newlands river-regulation bill with certain proposed amendments, which were referred to the Committee on Commerce.

Mr. CUMMINS. I present a number of telegrams from citizens of my State which I ask may be printed in the RECORD.

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

BURLNGTON, IOWA, *February 14, 1913.*

ALBERT B. CUMMINS,
The Wyoming Apartments, Washington, D. C.:

The Senate Committee on Commerce has cut out our levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa, and goes from the State line to Rock Island, I wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

ALEX MOIR.

—

MUSCATINE, IOWA, *February 15, 1913.*

Senator A. B. CUMMINS,
Washington, D. C.:

Muscatine unanimously urges your help in restoring House provision extending Mississippi River Commission's jurisdiction up to Rock Island.

JOHN P. BREEN,
Chairman Rivers and Harbors Committee, Muscatine Commercial Club.

—

MUSCATINE, IOWA, *February 15, 1913.*

Senator A. B. CUMMINS,
Washington, D. C.:

Muscatine unanimously urges your assistance in restoring House provision extending Mississippi River Commission jurisdiction up to Rock Island because of the levee and needs of Muscatine Island and the bottom lands of Illinois opposite Muscatine.

WM. HOFFMAN.
F. D. THROOP.
W. S. HILL.
G. M. TITUS.
J. L. GIESLER.
CONRAD KOELER, *Mayor.*

—

WAPELLO, IOWA, *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

Senate Committee on Commerce has left out item in House bill involving interests of southeastern Iowa; very important to this county; restoration of this will be appreciated by eastern Iowa.

O. C. FARMER,
Chairman Board of Supervisors.
W. H. HURLEY,
County Attorney.
H. W. BAKER,
County Auditor.
J. A. BIGGER,
Editor Tribune.

—

BIGGSVILLE, ILL., *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

Kindly use influence to restore levee item in House bill.

FRANK E. ABBEY.

—

MOUNT PLEASANT, IOWA, *February 15, 1913.*

Hon. ALBERT B. CUMMINS,
United States Senate, Washington, D. C.:

The Senate Committee on Commerce has cut out our levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa and goes from the State line to Rock Island. I wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

JAS. T. WHITING.

—

FORT MADISON, IOWA, *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

The Senate Committee on Commerce has cut out levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa, and goes from the State line to Rock Island. We wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

J. R. FRAILEY,
Secretary Fort Madison First Association.

Mr. OLIVER presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented a petition of the Ministerial Association of Altoona, Pa., praying for the enactment of legislation providing for the retirement of aged and infirm civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Grain and Hay Exchange of Pittsburgh, Pa., praying for the enactment of legislation to fix the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies, which was referred to the Committee on Interstate Commerce.

Mr. BURTON presented the petition of A. H. Reed, chairman of the executive committee of the Lake Superior and Mississippi River Canal Commission, praying for the enactment of legislation relative to the improvement of navigable rivers, which was referred to the Committee on Commerce.

Mr. CRAWFORD presented a petition of members of the Commercial Club of Webster, S. Dak., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Little River Grange, Patrons of Husbandry, of Hampton, Conn., praying for the enactment of legislation providing for the extension of agricultural colleges, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Derby and Ansonia, in the State of Connecticut, remonstrating against the passage of the so-called Dillingham-Burnett immigration bill, which were ordered to lie on the table.

Mr. TOWNSEND presented telegrams in the nature of petitions from the Polish National Benevolent Society, of Grand Rapids, Mich., and from Charles K. Johanson, publisher of the North Star, of New York, N. Y., praying that Congress sustain the veto of the President on the immigration bill, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of Old Number Four Chapter, Daughters of the American Revolution, of Charlestown, N. H., praying for the enactment of legislation to prohibit the desecration of the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition from members of the Park View Citizens' Association, of the District of Columbia, praying for the removal of the Tuberculosis Hospital from its present site to available grounds adjacent to the present workhouse at Occoquan, which was referred to the Committee on Appropriations.

He also presented a petition of Rev. J. Henning Nelms, pastor of the Church of the Ascension, of Washington, D. C., praying for the construction of a cross-town line of cars along M Street in the city of Washington, which was referred to the Committee on the District of Columbia.

He also presented a memorial of members of the Park View Citizens' Association, of the District of Columbia, remonstrating against the establishment of a penal institution or similar establishment in the vicinity of Park View, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a telegram, in the nature of a petition, from members of Grand Lodge, No. 4, Independent Order of B'nai B'rith, of San Francisco, Cal., praying that Congress sustain the President's veto of the immigration bill, which was ordered to lie on the table.

He also presented a petition of members of the North Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to regulate the price of water in the District, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Association for the Advancement of Colored People, remonstrating against the enactment of legislation prohibiting intermarriage between the races, which was referred to the Committee on the Judiciary.

SENATOR FROM TENNESSEE.

Mr. LEA. Mr. President, I rise to a question of privilege. I desire to present the credentials of Senator Elect JOHN K. SHIELDS, elected a Senator from the State of Tennessee for the term beginning March 4, 1913, and ask that they may be read.

The credentials of JOHN K. SHIELDS, chosen by the Legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, to report it with amendments, and I submit a report (No. 1223) thereon. I give notice that I will call up the bill for consideration at the first opportunity.

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

Mr. GALLINGER, from the Committee on the District of Columbia, to which the subject was referred, submitted a report (No. 1225), accompanied by a bill (S. 8516) to amend sections 801, 808, and 1199 of the Code of Law for the District of Columbia, which was read twice by its title.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 8227. A bill for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandell, owners of lots Nos. 53, 54, and 55, in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station in said District (Rept. No. 1227);

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens (Rept. No. 1226);

H. R. 21714. An act to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (Rept. No. 1228);

H. R. 21709. An act to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (Rept. No. 1229); and

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia (Rept. No. 1230).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 7891) to provide for annual assessments of real estate in the District of Columbia, reported it with an amendment and submitted a report (No. 1231) thereon.

He also, from the same committee, to which was referred the bill (S. 8306) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, reported it with amendments and submitted a report (No. 1232) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 6537. A bill for the relief of Catherine Maroney (Rept. No. 1233); and

S. 7566. A bill to authorize the widening and opening of Western Avenue, District of Columbia (Rept. No. 1234).

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported it with amendments and submitted a report (No. 1235) thereon.

He also, from the same committee, to which was referred the bill (H. R. 28093) to amend the general pension act of May 11, 1912, reported it with an amendment and submitted a report (No. 1236) thereon.

He also, from the same committee, to which was referred the bill (S. 234) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, reported it with an amendment and submitted a report (No. 1237) thereon.

Mr. CURTIS. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and I submit a report (No. 1224) thereon. I give notice that I will call up the bill for consideration as soon as possible after to-morrow.

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

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

S. 7767. A bill for the relief of G. L. Taneyhill (Rept. No. 1238); and

S. 8002. A bill for the relief of Byron W. Canfield (Rept. No. 1239).

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

S. 7492. A bill for the relief of John E. Johnson (Rept. No. 1240); and

S. 8233. A bill authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912 (Rept. No. 1241).

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 7889) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line, reported it with an amendment, and submitted a report (No. 1242) thereon.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise, reported it with amendments and submitted a report (No. 1243) thereon.

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

S. 7051. A bill for the relief of I. H. Aiken (Rept. No. 1244); and

S. 7480. A bill for the relief of the legal representatives of Thomas B. McClintic, deceased (Rept. No. 1245).

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 6554) for the relief of Mrs. L. D. Goldsberry, submitted an adverse report (No. 1246) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 25264) for the relief of W. A. Kelly, reported it without amendment and submitted a report (No. 1247) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 21315) for the relief of Robert

Ross, reported it with an amendment and submitted a report (No. 1248) thereon.

Mr. CHAMBERLAIN (for Mr. HITCHCOCK), from the Committee on Military Affairs, to which was referred the bill (S. 7747) for the relief of Charles Dudley Daly, reported it with an amendment and submitted a report (No. 1249) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 3201) for the relief of Marion B. Patterson, reported it with an amendment and submitted a report (No. 1251) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey, reported it without amendment and submitted a report (No. 1250) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 8487) to prevent the desecration of the flag of the United States, and to provide punishment therefor, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

MAURICE EDGAR ROSE.

Mr. PERKINS. From the Committee on Naval Affairs, I report favorably, without amendment, the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, and I submit a report (No. 1221) thereon. I call the attention of the junior Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. This bill is a very worthy measure and is reported favorably by the committee. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to reinstate Maurice Edgar Rose as an assistant surgeon in the United States Navy and to place him on the 75 per cent pay list of retired officers of the United States Navy, the transfer to take effect at the date of the passage of this act.

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

Mr. CULBERSON. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. PERKINS February 18, 1913, as follows:

[Senate Report No. 1221, Sixty-second Congress, third session.]

MAURICE EDGAR ROSE.

Mr. Perkins, from the Committee on Naval Affairs, submitted the following report, to accompany S. 8357:

The Committee on Naval Affairs, to whom was referred the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 12, 1913.

MY DEAR MR. CHAIRMAN: In further reference to the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, I have the honor to inform you that the Bureau of Navigation of this department, which has general supervision of the personnel of the Navy, has reported on this measure as follows:

"Maurice Edgar Rose was born June 15, 1884, and is now approximately 28½ years of age. He was appointed an assistant surgeon in the Navy June 27, 1907, and resigned from the service June 8, 1911. On January 15, 1912, he was appointed an acting assistant surgeon in the Navy, and served in that capacity until December 10, 1912, when he resigned. In all, Dr. Rose served in the Navy for approximately 4 years and 10 months.

"The bureau is satisfied from its records and the records of the Bureau of Medicine and Surgery that there has been a gradual development of mental disease in this case since Dr. Rose was first admitted to the sick list April 1, 1909, while serving as an assistant surgeon in the regular service; and there are reasonable grounds for belief that his mental deterioration had so far progressed at the time he submitted his resignation from the regular service, June 8, 1911, that he could not fully appreciate the consequences of his action.

"In view of the record in this case, and particularly of the fact that the disability originated in the line of duty, the bureau recommends that the department favorably indorse the proposed legislation for the relief of Dr. Rose now pending before both Houses of Congress."

The department approves the recommendation of the Bureau of Navigation.

Faithfully, yours, G. v. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

FREDERICK H. LEMLY.

Mr. PERKINS. I am also directed by the Committee on Naval Affairs, to which was referred the bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, to report it favorably without amendment, and I submit a report (No. 1222) thereon. I call the attention of the Senator from North Carolina to the bill.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill.

Mr. WARREN. I do not wish to object to the consideration of these bills, but with six appropriation bills here waiting, one of them half through, after the consideration of this bill I certainly shall feel that I must object to taking them up out of order. I hope this is not a long bill or that it will not lead to any extended debate.

Mr. OVERMAN. It is a short bill.

The PRESIDING OFFICER. It was the understanding of the Chair that the morning business was proceeding under a unanimous-consent agreement.

Mr. WARREN. But the morning business does not contemplate the passage of bills when reported from committees.

The PRESIDING OFFICER. Only unobjected bills. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the Navy to take the same rank and position on the list of passed assistant paymasters that he occupied on March 5, 1908 (the date upon which his resignation as a passed assistant paymaster in the Navy was accepted): *Provided*, That the said Frederick H. Lemly shall establish to the satisfaction of the Secretary of the Navy by the usual examinations required for promotion to the grade of passed assistant paymaster his fitness in all respects to perform the duties thereof: *And provided further*, That the said Frederick H. Lemly shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *And provided further*, That nothing in this act shall be construed as entitling said Frederick H. Lemly to any pay or allowances from the date of the acceptance of his resignation herein referred to and the date of the passage of this act.

Mr. BRISTOW. Mr. President, of course I dislike to object to anything the Senator from North Carolina might want to do, but I understand that this man has been out of the service and it is proposed to bring him back again and put him in the same rank he would have held if he had continued in the service.

Mr. OVERMAN. He is not to be placed in exactly the same position. This man resigned to go home to see his father, who had been stricken with paralysis. He wants to get back in the Navy. The bill is strongly recommended both by the Secretary of the Navy and the bureau. He was a very faithful officer—one of the best in the Navy. He resigned on account of the condition of his father's health.

Mr. BRISTOW. If an officer in the Navy can resign and be out of the service for any purpose and then in the course of time, when years go by, be reinstated to the same place he would have held if he had continued in the service, it seems to me to be unjust.

Mr. OVERMAN. It is only the place of assistant paymaster. If he should go in now he would only get that position. That is the lowest position.

Mr. BRISTOW. If that is all it is I do not care anything about it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

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

Mr. PERKINS. I ask that the report of the committee be printed in the RECORD.

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

[Senate Report No. 1222, Sixty-second Congress, third session.]

FREDERICK H. LEMLY.

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following report to accompany S. 8384.

The Committee on Naval Affairs, to whom was referred the bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 12, 1913.

MY DEAR MR. CHAIRMAN: Referring to your letter transmitting a bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, I have the honor to inform you that the facts in his case are as follows:

Frederick H. Lemly was born on May 12, 1880, and is now approximately 32 years and 6 months of age. He was appointed an assistant paymaster in the Navy on February 17, 1903; was promoted to passed assistant paymaster on June 16, 1903, and voluntarily resigned from the naval service on March 5, 1908. His total naval service was therefore approximately five years. The professional record of Mr. Lemly as an officer in the Pay Corps of the Navy is excellent.

The bill in question, if enacted into law, will place Mr. Lemly No. 6 on the list of passed assistant paymasters on the date of its approval, as an additional number in grade. It will give the Navy the services of an additional experienced pay officer of unquestioned ability. While it

is special legislation in favor of an individual, the department believes that the facts in the case warrant its recommendation of favorable action upon this measure as being also in the interests of the Government.

In view of the above, the department recommends that favorable action be taken upon this measure (S. 8384).

Faithfully, yours,

PHILIP ANDREWS,
Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. WEBB:

A bill (S. 8506) granting an increase of pension to Margaret A. Bennett (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8507) for the relief of William Allman and others; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 8508) granting an increase of pension to Henry Fairley (with accompanying papers); and

A bill (S. 8509) granting an increase of pension to George A. Marks (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8510) granting an increase of pension to Sarah A. Griswold (with accompanying papers);

A bill (S. 8511) granting an increase of pension to Sophronia E. Sawyer (with accompanying papers); and

A bill (S. 8512) granting an increase of pension to Catherine A. French (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8513) to authorize certain changes in restricted allotments of the Indians of the Five Civilized Tribes of Oklahoma; to the Committee on Indian Affairs.

By Mr. CURTIS:

A bill (S. 8514) granting a pension to Esther M. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8515) providing for the purchase of a site and the erection of a public building thereon at Calumet, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. CHAMBERLAIN:

A bill (S. 8517) making lands within the State of Oregon that have been withdrawn or classified as oil lands, subject to entry under the homestead or desert-land laws; to the Committee on Public Lands.

By Mr. WARREN:

A bill (S. 8518) to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910 (with accompanying papers); to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8519) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on Public Lands.

By Mr. CUMMINS:

A bill (S. 8520) granting a pension to William H. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 8521) granting a pension to John Orr (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8522) to prevent the employment of females in mills, factories, or manufacturing establishments for a longer period than eight hours; to the Committee on Education and Labor.

A bill (S. 8523) for the relief of John Dauberman; to the Committee on Military Affairs.

A bill (S. 8524) granting a pension to Kate Hauchett; and

A bill (S. 8525) granting an increase of pension to Joanna Kramer; to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 8526) to provide for the punishment of certain crimes against the United States (with accompanying papers); to the Committee on the Judiciary.

By Mr. BRADLEY:

A bill (S. 8527) authorizing and directing the purchase of a site for a Government building in Barbourville, Ky.; to the Committee on Public Buildings and Grounds.

A bill (S. 8528) granting an increase of pension to Adeline Stoker (with accompanying papers);

A bill (S. 8529) granting an increase of pension to Elender B. Gabbard (with accompanying papers);

A bill (S. 8530) granting an increase of pension to Mary Hammack (with accompanying papers);

A bill (S. 8531) granting an increase of pension to Katie Royston (with accompanying papers);

A bill (S. 8532) granting an increase of pension to Caroline Adams (with accompanying papers);

A bill (S. 8533) granting an increase of pension to Levi Hoskins (with accompanying papers);

A bill (S. 8534) granting a pension to Juliet S. White; and

A bill (S. 8535) granting an increase of pension to Alfred Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8537) to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on Territories.

By Mr. STONE:

A bill (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri (with accompanying papers); and

A bill (S. 8539) to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River (with accompanying papers); to the Committee on Commerce.

By Mr. WETMORE:

A joint resolution (S. J. Res. 162) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRISTOW. On yesterday I submitted an amendment providing an appropriation for a pavement around the post office and courthouse at Salina, Kans., intended to be proposed to the sundry civil appropriation bill, and it was referred to the Committee on Public Buildings and Grounds. I move that that committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BROWN submitted an amendment proposing to appropriate $68,000 for the construction of a United States post-office building at Auburn, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $125,000 for the construction of a United States post office, land office, and weather bureau building at Alliance, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for the construction of a United States post-office building at Wahoo, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment providing that hereafter the salary of the United States district attorney for the western district of Arkansas shall be $4,000 per annum, and that hereafter the salary of the United States marshal for the western district of Arkansas shall be $4,000 per annum, 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.

Mr. FLETCHER submitted an amendment proposing to appropriate $85,000 for the purchase of a site and the erection of a public building thereon at Apalachicola, Fla., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $71,000 for the purchase of a site and the erection thereon of a post-office building at North Topeka, Kans., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $1,750,000 for the construction of an armory building for the National Guard of the District of Columbia, etc., 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 amend section 9 of the act of March 1, 1911, relative to the protection of the watersheds of navigable streams, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $250,000 to carry into effect the provisions of the act of April 2, 1912, providing for the celebration of the semicentennial anniversary of the act of emancipation, etc., 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 providing for the establishment and operation of dispensaries in Knott and Perry Counties, Ky., by the Public Health Service of the United States, for the purpose of demonstrating, investigating, treating, and preventing trachoma, etc., 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.

Mr. JONES submitted an amendment providing for the retirement of Thomas Harrison, a clerk in class 4 at the United States Naval Observatory, who has served in that department for 60 consecutive years, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $70,000 to provide for medical and sanitary relief of Eskimos, Aleuts, Indians, and other natives of Alaska, etc., 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 appropriate $400 to purchase for the Skagit Tribe of Indians in the State of Washington a tract of land used by them as a tribal burial ground, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. WETMORE submitted an amendment providing that the appropriation in the sundry civil act approved March 4, 1911, for removing the fence and wall around the Botanic Garden, etc., is hereby made available for the fiscal year 1914, 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.

Mr. PERKINS submitted an amendment providing for the participation of the United States in the Panama Pacific International Exposition, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $2,810.20 for an additional amount required for the care and treatment of indigent patients under the contract made with the George Washington University Hospital for the fiscal years 1909, 1910, 1911, and 1912, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $2,000 for cement sidewalks and electric-light post lamps and fixtures about the new post-office building at Huron, S. Dak., etc., 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.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $100,000 for the erection of a United States post-office building at Montrose, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Sterling, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Canon City, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Monte Vista, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Fort Morgan, Colo., from $55,000 to $75,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PAYNTER submitted an amendment proposing to appropriate $5,000 for a United States post-office building at Falmouth, Ky., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $75,000 to acquire a site and erect thereon a United States post-office building and other Government offices at State College, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. POMERENE submitted an amendment proposing to increase the appropriation for demonstrating the best method of preventing hog cholera from $45,000 to $100,000, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to increase the appropriation for nutrition investigations from $16,000 to $19,000, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment providing that nothing contained in the act approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriation for the Department of Agriculture of expenses incidental to the delivery of lectures, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for the purchase of the right of the United States to use the Winestock process in the recovery of Government waste paper, etc., 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.

Mr. ROOT submitted an amendment proposing to increase the appropriation for the United States post office at Oneida, N. Y., from $15,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. THOMAS submitted an amendment proposing to increase the appropriation for the United States post office at La Junta, Colo., from $10,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the appropriation for the United States post office at South Framingham, Mass., from $15,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Milford, Mass., from $15,000 to $18,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Malden, Mass., on a site to be donated, from $90,000 to $175,000, intended to be proposed by him to the omnibus public buildings bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON submitted an amendment proposing to increase the appropriation for the construction of an immigration station at Baltimore, Md., from $100,000 to $200,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AIDS TO NAVIGATION.

Mr. GARDNER submitted an amendment intended to be proposed by him to the bill (H. R. 27789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

MEDALS OF HONOR.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (S. 8031) providing for the presentation of medals to all surviving soldiers of the Battle of Gettysburg, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS—BENJAMIN H. NORMAN.

On motion of Mr. WEBB, it was

Ordered, That the papers accompanying the bill S. 765, Sixty-second Congress, first session, granting an increase of pension to Benjamin H. Norman, be withdrawn from the files of the Senate, no adverse report having been made thereon.

INAUGURAL REVIEWING STANDS.

Mr. SHEPPARD. I offer a concurrent resolution and ask that it be read.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 42), as follows:

Resolved by the Senate, the House of Representatives concurring, That the inaugural committee in charge of the reviewing stands upon Lafayette Square is hereby directed to set aside for the use of the press, the distribution to be under the direction of the standing committee of correspondents, 250 seats directly opposite the stand in which the President will review the inaugural parade, the seats to be sold at the prices prevailing in other portions of the same stand.

Mr. SHEPPARD. I will simply say in connection with the concurrent resolution that, having been a member and chairman of the Committee on Public Buildings and Grounds in the House when the bill for the usual inaugural permits was pending, if the House committee had not been assured that the members of the press would have been given sufficient accommodations the committee would have inserted the necessary reservation in the law at the time. I therefore submit the concurrent resolution in order that the members of the press may get proper accommodations.

Mr. SMOOT. Does the resolution provide for the expenditure of money? If so, it ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SHEPPARD. It does not.

The PRESIDING OFFICER. The Secretary informs the Chair that the concurrent resolution does not incur any expenditure.

Mr. SMOOT. Then I have no objection to the concurrent resolution.

Mr. SHEPPARD. I ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent, and agreed to.

GOVERNMENT PROPERTY IN FOREIGN CAPITALS.

Mr. GALLINGER. I submit a resolution for which I ask present consideration.

The resolution (S. Res. 465) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of State is hereby directed, through the diplomatic and consular officers of the Government, to ascertain the system of taxing Government property in the several capitals of the leading countries of the world, a full and complete report on the subject to be transmitted to the Senate at the earliest practicable day.

OSAGE INDIAN CLAIMS.

Mr. OWEN. I wish to move that the bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, reported by the Committee on Indian Affairs, relative to the Osage Indian fund, be referred to the Court of Claims for a finding of fact under the Tucker-Bowman Act.

Mr. SMOOT. Is that motion in order at this time?

The PRESIDING OFFICER. It is not in order. The Senator made it as out of order. It can only be entertained if there is no objection.

Mr. SMOOT. After the committee has reported a bill, without the action of the committee should such action be taken upon the motion of a Senator? Should not the bill be referred back to the committee and then have the committee take the action?

Mr. OWEN. I will state to the Senator from Utah that this bill was reported from the committee, authorizing the sending of the claims to the Court of Claims for the rendition of judgment on the facts and the law. Possibly the parliamentary objection made by the Senator is right, and that without the authority of the committee the motion may not be made, but the committee having authorized the larger authority to be exercised by the court in the bill they did recommend to the Senate, I thought it would be in order to make the motion. It is the best thing that can be done so late in the session.

Mr. SMOOT. If the Senator would not object, I am quite sure it would be the proper procedure to have the bill recommitted to the committee.

Mr. OWEN. I think the objection of the Senator is well taken, and I will withdraw the proposed motion.

The PRESIDING OFFICER. The motion is withdrawn.

EXPENSE OF THE DISTRIBUTION OF SEEDS, ETC.

Mr. KENYON. I ask unanimous consent to take up two Senate resolutions, Senate resolution No. 422 and Senate resolution No. 423. If they lead to any discussion I will withdraw the request.

Mr. CURTIS. I shall have to ask for the regular order. I dislike to do it, but I will have to insist on proceeding with the appropriation bill.

Mr. KENYON. This is information I am seeking from the Postmaster General and the Secretary of Agriculture, which, owing to circumstances over which we have no control on this side, will not be available after the 4th of March. The resolutions have been on the calendar for some time. I had expected to speak on them, but I am not going to inflict the Senate with a speech now.

Mr. CURTIS. If it will not take time, I have no objection.

Mr. KENYON. It will not take two minutes.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the resolution, which will be read.

The Secretary read Senate resolution No. 422, submitted by Mr. KENYON January 6, 1913, as follows:

Resolved, That the Postmaster General furnish to the Senate an estimate, if possible for him so to do, of the expense to the Government for the last four years of the carrying of seeds, plants, and bulbs franked through the mails.

The resolution was considered by unanimous consent and agreed to.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the following resolution, which will be read.

The Secretary read Senate resolution No. 423, submitted by Mr. KENYON January 6, 1913, as follows:

Resolved, That the Secretary of Agriculture furnish to the Senate an estimate of the expense to the Government for the last four years of purchasing or securing seeds, bulbs, plants, trees, etc., for free distribution by Members of Congress and the total number of packages so furnished. Also the expense of preparing the same for such free distribution and delivery of same to the mails.

The resolution was considered by unanimous consent and agreed to.

RIVER AND HARBOR BILL.

Mr. NELSON. Mr. President, I desire to state that I gave notice heretofore that I would call up the river and harbor bill to-day, but inasmuch as the District of Columbia appropriation bill is now before the Senate and has been partially considered, I give notice that I shall call up the river and harbor bill after the District appropriation bill has been disposed of.

REFERENCE OF TREATIES.

Mr. CULLOM. Mr. President, I ask unanimous consent, as in executive session, to refer to the Committee on Foreign Relations two treaties which have been sent to the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the treaties will be so referred and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

MEMORIAL ADDRESSES ON THE LATE SENATOR JEFF DAVIS.

Mr. CLARKE of Arkansas. I give notice that on March 1 I shall ask the Senate to consider resolutions commemorative of the life and public character of the late Senator JEFF DAVIS, from the State of Arkansas.

THE ELECTORAL COLLEGE (S. DOC. NO. 1092).

Mr. SHIVELY. Mr. President, I have here a thesis in a few pages by John Walker Holcombe on the subject of "The Electoral College." This work represents much research, thought, and reflection, and bears on a question of current public interest. I do not subscribe to all the conclusions of the author, but I regard the article as a valuable contribution on a live subject. I ask unanimous consent of the Senate that the paper be printed as a Senate document.

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

CITIZENSHIP IN PORTO RICO.

Mr. POINDEXTER. I present an article from the Porto Rico Review relative to citizenship in that island. I ask that the article be printed in the RECORD.

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

CITIZENSHIP—A REPRINT.

The interest in our last editorial on "Citizenship" is fully appreciated by the Review. We have been requested to leave out other editorials to make its reproduction possible and this we cheerfully do.

CITIZENSHIP.

A citizenship bill passed the House at the last session of Congress, and was promptly sent to the Senate. In its natural course it was referred to the committee having in charge the affairs of Porto Rico. It is said that immediately upon the assembling of Congress the committee will report this measure back with a recommendation that it pass. It is also said that a majority of the Senate have expressed an intention of supporting the bill, but this is no doubt more or less hearsay.

We sincerely hope that the action of the Senate will be both speedy and favorable. It has been 12 years since civil government was established in this island, and for more than half of that time citizenship has been one of our constant expectations, this result being anticipated, because it had been promised by the great political parties of the United States, and because those organizations are believed to make good all promises of that character. As a matter of fact they have, in most instances, done so in the past. But many Porto Ricans became tired of waiting. Many lost confidence altogether, and some have taken advantage of the delay of Congress to act in which to work up various schemes. We do not apprehend that the Senate will care to hear more evidence as to the actual desire of our people. The question has been presented to Congress so many times, by so many different interests, and by men of all parties, with such force and clearness as to leave no doubt as to a large majority of our people.

We trust that Senators will not be impressed by stories to the effect that there has been a serious change of sentiment in Porto Rico. It is true that new schemes have been organized. It is a mistake to suppose that the people down here are any different from the people of the rest of the world. Some folks want a change of sovereignty every time they have a change of luck. There are men who change their party affiliations every time they meet with business misfortunes. Some men leave their associates in one party and join another, because they think they are not appreciated, and in such cases these men no sooner enter the lines of a new organization than they hoist a lightning rod, hoping that it may be struck by office. Human nature is the same here that it is in the States.

We urge the Senate to pass the bill, and to do so promptly, because it is a just measure, and for the reason that each day of delay makes more difficult the efforts of those who are struggling for the upbuilding of Porto Rico in the educational, political, and health-giving walks of life. Commercially, and in a business way generally, Porto Rico is all right, and as able to look out for herself as any other subdivision of our Nation; but to make money is not all of life for many people.

When Gen. Miles came here he promised citizenship. It may be said that he had no authority to make the promise. Perhaps not; but in throwing out this utterance, he responded only to the eager, cheering thousands that welcomed the flag he stood for, and listened for the one word they sought to hear. The entrance of Gen. Miles and his associates and comrades was not an invasion; it was a prolonged and thrilling reception by a people waiting for the advent of the flag which they had been taught represented equality before the law.

We urge the immediate passage of the bill, because we believe it is the best thing that the Senate can do for the United States. There will be something doing in this part of the world with the completion of the canal, and it will be well for Uncle Sam to have loyal friends in the West Indies who are to the "manor born." There are thoughts in connection with this phase of the question well worthy of consideration, but it is not wise to discuss them, and they will suggest themselves.

The Porto Rican is neither a citizen nor a subject of any nation, and he feels most keenly the humiliation of his position. And his humiliation is equaled by disappointment over the failure of the Congress to act. Do you not think, Senators, that the delay has been sufficient? And do you expect loyalty from a people to whom you deny the dignity and character of citizenship?

But you say, "Have we not legislated liberally for Porto Rico?" and we answer, "Financially; yes." But the money has been wisely expended. You may speed over our splendid roads in every or any direction, and as there is no speed limit outside the towns and cities, the schoolhouses will seem to be passed as frequently as the telegraph and telephone poles. You can always tell them, because the flag under which you legislate floats over every building. We have built roads and bridges in every direction, and the church buildings, the old ones have been burnished up until they look like new structures. Beside the big cathedrals that have been here for all of these years, and are now working as if under a new inspiration, you may hear the Methodists singing from the amen corner of their little churches, you may see the Baptists marching to the river, you may hear the Presbyterians reiterating the austere doctrines of Calvin and John Knox, while the Episcopal is here with his church, in which he chants the old prayers, and they all have their schools and hospitals.

We urge the passage of the bill in behalf of the laboring men of Porto Rico, who constitute two-thirds of the population. We, and no doubt you, hear much about our being a "proud people" and all of that sort of rot. But the fact is that the proud class is limited to a very few, comparatively, who believe that they have been born to the position of privilege, and the responsibility of living well and proper lives at the expense of those who toil; and Porto Rico is a land of workers, with but few of the really "proud," and we may add, not very essential, class. We urge the bill for the sake and in the names of those who actually work for a living and who in producing the great export figures that astonish even those at home. The laborers of the island desire citizenship. They will feel safe after the fact is realized. Their children, well dressed, full of hope and happiness, fill our schoolhouses to the number of 100,000, and their prospects have nerved the arm of labor to its greatest tasks. These are the men who have faith in the Stars and Stripes, and who have, through your committees, besought you for something tangible in the shape of future stability in the life that has been shown to them, and opened to their children the doors of opportunity.

Now, we know just what you will say, Senators. You will say that no sooner will this bill be signed than we will be wanting something else.

And there you are right. What? Oh, we do not know; but that we will want something is as sure as fate. And would you have us be content with this? No, indeed; for our work will have but just begun. We propose to make of Porto Rico the ideal commonwealth. Here we already have the finest climate in the world. We are not particularly proud of that fact, because we not produce the climate nor in any way assist in bringing about its perfections. But we do claim some credit for the finest automobiling, the best grapefruits, the sweetest oranges, and the rarest pineapples in the world. We do swell ourselves a little on the fact that we have made so few mistakes in working out the problems of self-government without much previous experience. We are not a little elated over the volume of trade of which you have heard so much. And then, we boast over the fact that we have no more cockfights on Sunday, not only because the people attend church nowadays, but because we have the best police force in the world, considering that it is only about 10 years old. And when every child in the island can read and write, and nearly every man owns his own home, we shall be a "proud people," indeed, and proudest of all of the dear old flag under which all of these wonderful achievements have been made possible.

So, Senators, please pass the bill without delay.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed, without amendment, the bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

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

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank, in section 15, to a point on the west bank, in section 16, township 151 north, range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak.; and

S. 8090. An act permitting the building of a bridge across the Missouri River from a point on the east bank, in section 14, Mountrail County, N. Dak., to a point on the west bank of said river, in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian.

The message further announced that the House had passed the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

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

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia;

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes;

H. R. 28335. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The message also announced that the House had passed the concurrent resolution (No. 38) of the Senate providing for the printing of the laws of the United States applicable to the Territory of Alaska, etc.

The message further announced that the House had passed the concurrent resolution (No. 34) of the Senate providing for the printing of the Judicial Code of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 68) providing for the printing of 15,000 additional copies of Report No. 98, United States Department of Agriculture, on systems of marketing farm products and demand for such products at trade centers, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 104. An act for the relief of Carl Krueger; and

S. 2733. An act for the relief of the estate of Almon P. Frederick.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

MISSOURI RIVER BRIDGE, NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian, which were, on page 1, line 8, after "point," to insert "suitable to the interests of navigation"; on page 2, to strike out lines 9 to 12, inclusive; and on page 2, line 13, to strike out "3" and insert "2."

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

The motion was agreed to.

YELLOWSTONE RIVER BRIDGE, NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak., which were, on page 1, line 8, after "point," to insert "suitable to the interests of navigation," and on page 2 to strike out lines 8 to 11, inclusive.

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

The motion was agreed to.

LOAN OF TENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, which was, on page 2, lines 9, 10, and 11, to strike out "*Provided further*, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans' Association."

Mr. BRISTOW. I think the bill and amendment had better go over, because the proviso is one of the desirable features. The proviso has been stricken out, and the Committee on Military Affairs insisted upon its going in.

Mr. DU PONT. I concur absolutely in what the Senator from Kansas has said.

Mr. CULBERSON. I desire to call the attention of Senators to the fact that one Congress can not bind another on the subject of this proviso. I have no objection to the proviso itself.

Mr. BRISTOW. No; but the proviso is the important thing, and I shall insist that it be retained in the bill. I ask that the action of the House be disagreed to.

Mr. CULBERSON. I suggest to the Senator from Alabama that the bill should go to conference.

Mr. JOHNSTON of Alabama. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

THE JUDICIAL CODE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to Senate concurrent resolution 34, providing for the printing of 25,000 copies of the Judicial Code, which were, in line 1, to strike out "fifteen" and insert "twenty," and, in lines 6 and 7, to strike out "5,000 copies for the use of the Senate document room."

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

The motion was agreed to.

MARKETING OF FARM PRODUCTS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 68) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of Report No. 98 of the United States Department of Agriculture, being a report on systems of marketing farm products and demand for such products at trade centers, 10,000 copies for the use of the House of Representatives and 5,000 copies for the use of the Senate.

HOUSE BILLS REFERRED.

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

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia; and

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

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

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28335. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.; and

H. J. Res. 365. Joint resolution to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador.

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill, House bill 28499.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. BORAH. I wish to ask the Senator in charge of the bill if he can give any estimate as to how long it will take to dispose of the bill?

Mr. CURTIS. I think the bill will be passed in the course of the afternoon. There are only three or four contested items; there are not many, at least.

Mr. BORAH. I understand the Senator from Minnesota [Mr. NELSON] has given notice that he will call up the river and harbor bill immediately thereafter. I only suggest at this time that it seems quite apparent to me we shall have to meet earlier the next day or two if we are not going to confine ourselves entirely to passing appropriation bills.

Mr. CURTIS. There is an amendment pending, Mr. President.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 33, line 14, before the word "thereof," the Committee on Appropriations report to strike out "one-third" and insert "15 per cent," so as to read:

And the Capital Traction Co. is authorized and required, within 90 days after said bridge shall be ready for the reception thereof, to remove its track from Twenty-sixth Street NW. between Pennsylvania Avenue and M Street and from M Street NW. between Twenty-sixth and Twenty-ninth Streets, and relocate the same in Pennsylvania Avenue and across the bridge herein provided for to a junction with their present tracks at Twenty-ninth Street and Pennsylvania Avenue NW., and to repave the said street space and the space on the M Street Bridge over Rock Creek from which said tracks are removed, all in accordance with plans to be approved by the Commissioners of the District of Columbia and to their satisfaction, and the same law now governing the paving and repairing of street pavements between rails and for a distance of 2 feet exterior thereto shall govern on the bridge herein provided for. And the Capital Traction Co. shall, after the completion of said bridge, pay into the Treasury of the United States, one-half to the credit of the District of Columbia and one-half to the credit of the United States, a portion of the total cost of said bridge and all incidental work thereto equal to 15 per cent thereof, and the same shall be a valid and subsisting lien against the franchises and property of said Capital Traction Co., and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States, as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill of equity brought by the Commissioners of the said District of Columbia in the Supreme Court of said District or by any other lawful proceedings against the said Capital Traction Co.

Mr. CURTIS. Upon yesterday I had read a letter from the company stating that they had first erected their road across this bridge and then had removed it upon the direction of the District Commissioners and had built a bridge at their own expense over M Street. This cost the company about $12,000 after they had asked permission to go back to the Pennsylvania Avenue Bridge, which request was denied. They say they have no desire to go back to Pennsylvania Avenue and build their line across that bridge. The District Commissioners in their estimates ask for only 15 per cent, and the Senate committee recommend reducing the amount from one-third to 15 per cent to make it correspond with the estimate of the commissioners.

Mr. SMITH of Georgia. Mr. President, I think the House has taken the proper view of this matter. If in the progress of the city it becomes necessary to abandon an old bridge and change the thoroughfare to another point and build there a good bridge, it is but fair that the street car companies using that bridge should pay one-third of the cost.

Now, there is a large amount given to the street car companies for which they pay nothing. The original streets were built at public expense. Their franchises are known to be the most valuable franchises that are held in the land. All the growth of a city in which they have franchises adds to the value of their franchise.

There are particular points from time to time when, under equitable arrangement, if applied to that point alone, it might not be proper to charge the usual one-third of the cost of the construction of the bridge to the street car company; but, nevertheless, I think it is the practice in the cities to follow that course. That is the practice with which I am familiar. If you charged them everywhere all the benefit they received you would be charging them far more than you do charge.

The fact that in an occasional place when a public improvement is to be used by a street car company and the public also, the one-third practice places more upon the street car company than at that point might seem to be its proportionate charge is still fair, because there is such a large part of its use where the street car company does not pay any part of the great benefits which it receives.

Now, let us see just for a moment what is the effect of building a new bridge, improving the street. It is for the purpose of accommodating the public. It is for the purpose of stimulating the erection of new houses, the increase of passage of the people, the increase of population using the street. It will therefore necessarily eventually be for the benefit of the street car company, the patronage of which will increase in proportion to the value of the new improvement.

I think the view taken by the House is right, and that the one-third charge ought to be made. Therefore I urge it.

Mr. SMOOT. Mr. President, the House provision requiring the railroad to pay one-third was considered very carefully by the committee. I want to say to the Senator from Georgia that we had very little evidence to base the action of the committee on. If he will look at the hearings in the House, he will find there were about half a dozen questions asked. Col. Judson, who appeared in behalf of the item, told the members of the committee that 15 per cent was the amount that they intended to charge, and, also, he says:

In cases heretofore covered by law, 15 per cent has been the rule, but there is no general law on the subject.

I wish to say that with the meager amount of evidence that we had it was the opinion of the committee that the amount charged should be placed at 15 per cent, as recommended by Col. Judson, and in the meantime look into the matter. I will say to the Senator that I have on foot now an inquiry for additional evidence as to whether 15 per cent or whether one-third is the proper amount to charge.

Of course, if it goes into conference, the proper amount to charge can be agreed on there.

Mr. POMERENE. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. POMERENE. Can the Senator from Utah inform us what has been the practice heretofore in this city?

Mr. SMOOT. The practice has been to charge 15 per cent.

Mr. CURTIS. May I add also that Commissioner Judson says the 15 per cent provided in the amendment would probably be an ample amount for them to pay.

Mr. POMERENE. Upon what premises do they base their conclusion that 15 per cent would be the proper proportion?

Mr. SMOOT. I wish to say to the Senator that the details as to why 15 per cent is a just compensation for the railroads to pay are not given in the testimony, and that is what I want to find out. That is what I have already asked for.

There is one thing about this particular item, however, that I wish to mention. The Senator no doubt knows that the tracks originally were on Pennsylvania Avenue, in the same place as proposed in this bill. For some unaccountable reason, which I never could understand, they were taken from Pennsylvania Avenue and run on M Street and then returned to Pennsylvania Avenue at an exceedingly great cost to the railroad company.

Mr. POMERENE. It is a matter of common knowledge that all these bridges must be made very much heavier and very much stronger, in order to accommodate the street cars, than they otherwise would have to be. It does seem to me that 15 per cent is a remarkably small proportion to charge this company.

Mr. SMOOT. There is no question as to the strength of the present bridge. I will say to the Senator that several changes have already been made in the bridge on M Street. I do not wish to stand here pleading for the traction company, because I am in sympathy with the statement made by the Senator from Georgia. They ought to pay every cent that is just; but I do not believe, after the statement we have from Col. Judson, that we should, without any additional evidence, increase the usual charge from 15 per cent to 33⅓.

Mr. SMITH of Georgia. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Is it not the practice in other cities where bridges are built across streets of ordinary width, and street car companies are given the privilege of using them with double tracks, to charge them one-third? Is not that about the rule?

Mr. SMOOT. That is one of the questions about which I have already asked for information; and if that is the case, I think they ought to pay one-third, and I shall insist that they do pay it, if I should happen to be on the conference.

Mr. SMITH of Georgia. My own view of the matter is this: The commissioner simply suggested 15 per cent because that small proportion has been the usual charge here, when, in point of fact, the usual charge has been larger in other cities

The truth is the street car company gets the benefit of one-third of the traffic across a bridge of that sort, and it is right that the company should contribute that proportion of the cost.

Mr. SMOOT. The commissioners say that they are making this bridge longer and very much wider than would be necessary for the railroad because they anticipate future parking between the tracks.

Mr. BRISTOW. Mr. President——

Mr. SMOOT. Now, I am not going to insist upon this question. I am not here trying to say that the railroad company shall pay only 15 per cent if they should pay more. But I do say that, on the evidence that was before the committee, they did feel that the proper way to proceed was to accept the recommendation of the commissioners, leave it for future conference, and then decide in conference as to what the proper amount was.

Mr. BRISTOW. I should like to inquire of the Senator from Utah if the fact that the bridge has to be made very much wider is not due to the traffic of the street cars over the bridge more than to anything else, and the bridge has to be wider or the other traffic would be certainly very much interfered with because of the street cars running over the bridge?

Mr. SMOOT. No, Mr. President; all I say is what the commissioners say that they propose to make the bridge wider because of the fact that they anticipate that it will be parked.

Mr. BRISTOW. Then, I ask this for information: Will not this change in the street car lines eliminate a very inconvenient curve that is now there?

Mr. SMOOT. Mr. President, whoever made the change in the first place made a very grave and serious mistake.

Mr. BRISTOW. It will be a great convenience, not only to the street car company, but to everybody else, to have this bridge constructed, will it not?

Mr. SMOOT. I think the street car company itself would have preferred to have remained on Pennsylvania Avenue. There is no question about that.

Mr. SMITH of Georgia. I should like to ask the Senator if it is not true that the increasing traffic was such on the old bridge at that point, the double tracks so interfered with traffic, that it was almost impossible for the public and the company both to use it?

Mr. SMOOT. I did not understand that that was the reason it was changed from Pennsylvania Avenue to M Street; but I will say that the increasing traffic at M Street, with that curve as it is to-day, of course, makes it absolutely necessary now that the tracks should be removed back to Pennsylvania Avenue.

The PRESIDENT pro tempore. The question is on the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, after line 17, to insert:

And the Chief of Engineers, United States Army, is authorized and directed to transfer to the Commissioners of the District of Columbia the land under his jurisdiction in square 1194 which is necessary, in the judgment of said commissioners, for the construction of the aforesaid bridge and approaches.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator in charge of the bill what he thinks is the value of this land that the Government contributes to this enterprise without compensation?

Mr. CURTIS. As I understand, it is not a very valuable tract of land, and it is absolutely necessary to carry out the former provision.

Mr. SMITH of Georgia. I shall not object to that amendment, Mr. President.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, after line 23, to strike out:

That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments hereinbefore provided for shall be levied in the following manner, namely, where the average width of roadway is 32 feet or less between curbs, or between gutters where no curb exists, one-half of the total cost of the work, including the expenses of the assessment, shall be assessed as hereinbefore provided; where the average width of roadway is greater than 32 feet between curbs, or between gutters where no curb exists, one-half of the proportion of the total cost of the work which the width of 32 feet bears to the total width of the roadway between curbs, or between gutters where no curbs exist, together with one-fourth of the proportion of the total cost of the work which the balance of the roadway width in excess of 32 feet bears to the total width of the roadway, including the expenses of the total assessment, shall be assessed as hereinbefore provided.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for, and of the services of such notices, shall be paid out of the appropriation for the work, and such assessments when collected shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts.

Mr. SMITH of Georgia. Mr. President, I am very much opposed to striking out that provision. That is the provision which requires when property is improved, when new streets are built, and also when an entirely new street is made where an old street was, if the street is not over 30 feet wide, that one-fourth of the expense shall be charged to adjacent property holders on either side of the street and one-half be paid out of the Treasury.

Mr. President, that is a liberal rule to the property holder. In many of the growing cities one-third of the expense is charged to each of the adjacent property holders and one-third to the city proper.

I want to state that I have nothing but regard for the city and the District, and I do not intend to seek in any way to obstruct the progress of the city or to obstruct such legislation as will help to develop the city and to beautify it; but I only ask that property holders here be treated as well and no better, with regard to improvements, than the treatment property holders receive in the average city where the people control their own affairs. If you build a new street through any of the suburban property, to whom does the benefit principally go? It goes to the adjacent property owner; it does not go to the public. If I have a piece of acreage at the edge of the city and a splendid new street is built through it, who derives the chief benefit from that new street? I do, as the owner of the adjacent property, and I do not know——

Mr. BRISTOW. Mr. President——

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

Mr. SMITH of Georgia. I do.

Mr. BRISTOW. Let me inquire of the committee when these acreage tracts are laid out do not the owners of that property contribute practically all of these streets? That is my understanding as to tracts outside of the city proper.

Mr. SMOOT. You mean the property itself?

Mr. SMITH of Georgia. Some of these streets I have driven over have practically no houses on them.

Mr. BRISTOW. As I understand it, the property owners receive no benefit from general taxation for those streets at all.

Mr. SMITH of Georgia. Certainly, the proposition is to pay all of the expenditure out of the Treasury.

Mr. BRISTOW. I do not think so.

Mr. SMITH of Georgia. Oh, yes; it is so under this bill.

Mr. BRISTOW. I think not.

Mr. CURTIS. I think the Senator from Kansas wants to know—perhaps the Senator from Georgia misunderstood him—if in certain additions the streets have not been donated. I understand such to be the case in certain additions to the city.

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. As I shall desire to answer the Senator's argument later, I will not take up any more time now.

Mr. BRISTOW. In order that I may be understood I will say, to illustrate, that there is an addition to the city within the District of Columbia known as Massachusetts Avenue Heights. I happen to be acquainted with some parties who laid out that property, and they tell me they are paying for all of the improvements, that they contribute all of the streets at their own expense, that they have macadamized the streets and put down the sidewalks without it costing the District a cent.

Mr. SMITH of Georgia. All the House provision requires is that in such improvements one-half should be charged to the property holders and one-half to the Treasury.

Mr. BRISTOW. Let me understand. Does the Senator think that if New Jersey Avenue should be resurfaced, the property owners on either side should pay for that resurfacing?

Mr. SMITH of Georgia. I think the property holders even on that street should pay part of it, but not all of it.

Mr. BRISTOW. Mr. President, it seems to me that is simply a public highway in which the whole community is interested.

Mr. SMITH of Georgia. But the passage over the street by the public gives the adjacent property its value; the more who pass over it the more valuable the property that abuts upon it. It is the passage in front of a man's property in a city which makes the value of the property; the more who pass over it the more the property increases in value as compared with the property of other citizens in other parts of the city. I do not deny that ordinary repairs should be kept up by the District; that the District should maintain and keep the streets in condition, repairing ordinary breaks until finally the surface is so worn out that new surfaces must be made. While the public has used the street, the use by the public has increased the value of the adjacent property.

Take a store property; and what makes its value? It is the number of people who pass in front of it; it is the use by the public in front of it that makes it valuable for the merchant and increases the rent.

Some of these appropriations are to build new streets. Some of the appropriations which, I understand, the committee have added are for renewing old streets that are worn out, while some are for entirely new streets. I can not discuss each of these streets in detail, but I insist where the public has used to such an extent a street in front of a store property as to wear it out, they have added to the rental value of the property, and the owner has derived a benefit that the public at large have not had. I think the division of one-fourth to the property owners on each side of a street and one-half to the public at large is just about an equitable arrangement between the two.

Mr. NEWLANDS. Mr. President——

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

Mr. SMITH of Georgia. I do.

Mr. NEWLANDS. I do not know to what item in the bill the Senator from Georgia is addressing himself, but I should like to set him right regarding some facts within my knowledge as to the development of Washington. I happen to have some familiarity with this subject. Long before I entered Congress, over 20 years ago, I became interested as a trustee of an estate in what is called the Chevy Chase enterprise, involving a strip of land on both sides of Connecticut Avenue from the Zoological Park out to Chevy Chase. That enterprise involved the construction of a railroad from the intersection of Seventh and U Streets to Chevy Chase, Md., a part of it underground, the first underground electric railroad that was constructed in the city—a railroad which was afterwards consolidated with the Capital Traction Co., the old Washington & Georgetown Railroad Co. I am, therefore, familiar with the entire operations along the line of Connecticut Avenue from the Zoological Park out to the District line, a distance of about 3 miles.

I wish to say as to that enterprise that the owners of it dedicated Connecticut Avenue from Rock Creek out to the District line without cost to the District, even acquiring, where they did not own the land, the property of others, paying for it and then dedicating it to the District. They also graded, at their own expense, that entire avenue at a cost of about $250,000, without any aid whatever from the District. They also built steel bridges across Rock Creek and across Klingle Valley for the railway without cost to the District. Those bridges afforded accommodation to the public as well as to the railway. The Senator will observe on that line of development a number of side streets.

Mr. SMITH of Georgia. I yield the floor temporarily to the Senator.

Mr. NEWLANDS. A number of side streets have been macadamized and supplied with water pipes, sidewalks, trees, and everything of that kind. I wish to say that all that work was done at the expense of the parties in this enterprise without participation, so far as I can recollect, upon the part of the District government. There might have been some work done by the District in a few places, but not upon the streets within the limits of the lands of this company, if my recollection is right. The custom is in laying out a suburban region to lay out the streets, dedicate them to the public without cost to the District, to improve them, and then to sell the lots on long time to purchasers who are seeking homes. So, the Senator will perceive that in the suburban sections almost the entire improvement is made, in the first instance, by the property holders. Then, after the streets are developed and accepted, their maintenance is provided for by the District. The property gradually drifts into the hands of the home seekers and they become taxpayers. In that way very large values were built up out in that section. I think the assessed value of that region has probably within the last 15 years been increased tenfold—at all events it has been very largely increased, and the public burdens are distributed in that way.

The streets and avenues are laid out and improved in the first instance by the property owners themselves, and then their maintenance falls on the District government, which collects constantly increasing taxes for this and other public purposes. I do not mean to say that that has been the universal rule.

There have been some exceptions in the District, but not, I think, of late years. There have been some avenues which have been largely improved at the expense of the District government. For instance, I believe Sixteenth Street extended and Massachusetts Avenue extended were in considerable degree improved after dedication at the expense of the District. That was some years ago, when it was thought advisable for the District government to share in the development of the great arteries of travel; but the Senator will observe that the great improvements recently made on both sides of Massachusetts Avenue extended near the Naval Observatory have been put there by a private company. I understand that all that work has been done by the owners of the property, and that they have not only dedicated the streets without cost to the District, but they have done also the work of macadamizing, pipe laying, pavement making, and so forth, and the District has been to comparatively no expense. So also with the subdivisions on both sides of Sixteenth Street extended.

I think a general impression prevails to the contrary regarding those regions—the impression of the casual observer—that this is public work, being done for the public at public expense, when, as a matter of fact, so far as I know, it is being done at private expense; and so far as this enterprise with which I became identified before I became a Member of Congress and in which I am still interested is concerned, I may say that there was a scrupulous effort to avoid in any degree any imposition whatever upon the public. Of course after subdivision takes place and the lots are improved by structures, the revenue of the District is largely increased through the taxes derived from these subdivisions, and it is but fair that the streets and sidewalks should be maintained out of the general fund into which these taxes go.

Mr. SMITH of Georgia. Mr. President, the statement of the Senator from Nevada simply shows that my position is right. The people with whom he has been interested paid the entire expense of building their streets. I am only asking, and the House provision only asks, that where other new streets are being improved the District do not pay all the expense.

Mr. NEWLANDS. But I think the Senator will find that the District Commissioners will not, in the first instance, help to lay out any street; they insist upon the property owners doing it.

Mr. SMITH of Georgia. There is in this bill a proposition to pave with asphalt a number of roads that are now practically impassable and which have not before been paved, and to do it entirely at the expense of the District and National Government.

Mr. NEWLANDS. But I think the Senator will probably find that those are streets that were laid out originally and improved by the property owners.

Mr. SMITH of Georgia. No.

Mr. NEWLANDS. And that now they are simply to be subjected to the expense of resurfacing.

Mr. SMITH of Georgia. I am coming to that later on. Some of these streets have never had asphalt on them; have never been made really passable streets. They are short, and 90 per cent of the improvement inures to the adjacent property. Some of the short streets in this list will not be public highways at all.

What I am insisting upon is, first, as to the streets that have never been asphalted, that have never really been made first-class streets, and that are now to be put in that condition, that the property holders who derive a large part of the benefit should pay half. In the case of the company with which the Senator was connected they paid it all.

One of the objections to permitting the District to build a complete street, short though it may be, entirely at the expense of the public is that they can asphalt all the District streets. They will do it for some and refuse it for others, and that encourages the practice of special privileges to a few at the expense of the many.

Mr. SMOOT. Mr. President, no doubt the Senator has already noticed that the provision he is supporting has reference to every street in Washington, whether it is to be improved or whether it has already been improved or whether it is to be repaired.

Mr. SMITH of Georgia. And the Senate committee has stricken it entirely out, but have put in no substitute providing that in the new streets that may be built the property owner shall pay his part.

Mr. SMOOT. Mr. President, the committee have left the law just as it is to-day. They are not changing the law that has been in existence in the District of Columbia for over a third of a century. It seems to me that the position the Senator is taking amounts to this: That a building like the New Willard Hotel, for instance, standing on property worth $30 to $40 a square foot and with 100 feet facing upon the street, would not pay one cent more for the repair or the construction of the street in front of it than the poorest man in the outskirts of the District would have to pay upon his property, and that seems to me unjust——

Mr. SMITH of Georgia. I will answer the Senator.

Mr. SMOOT. It seems to me unjust after all the streets in the principal parts of the city have been constructed under the present system, now to say to the people in the more remote parts of the District, where the property is cheap, where perhaps it is not worth more than a dollar a front foot that they shall in turn pay just as much per front foot for the construction and maintenance of a road as would the owners of the New Willard Hotel, or of the Highlands, or of some of the great buildings in the city of Washington that cost half a million dollars each.

Mr. SMITH of Georgia. I am glad that the Senator is interested in the little places on the outside and thinks that the owners of the New Willard Hotel and of the big property on the inside should pay their share. I shall assume that they will pay their share. The small houses in the outlying sections are on narrower streets, as a rule, and the character of the streets is different. You do not put asphalt on streets away out in the suburbs, and the expense is far less. When you put down sidewalks or improve streets there they do not have the volume of use and will last much longer, and by adopting the proposition that when they wear out they are to be repaved at the expense of adjacent property holders, you put upon the property in the center of the city, of much more value, the burden of repaving when the increased traffic wears out the roadway.

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. Mr. President, I do not yield to the Senator now. I want to go on with my line of thought.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. Now, what has made the property on the outside of any value? It is the streets leading to it. By the growth of the city and central improvements farms have been changed to city lots. The Senator from Nevada [Mr. NEWLANDS] says that upon the outside property to which he has referred the owners actually did all the improvements themselves; they paid all the expense for streets themselves.

If they once have a good pavement opposite the small properties on the outside at an ordinary place, if properly kept up by the District authorities, it will last a lifetime, while here in the center an asphalt pavement adjacent to the more valuable property, such as the New Willard, constantly used by great travel, will wear out speedily. If we will call upon this property when the asphalt wears out to contribute its part for renewal, and if we will tax it for what it is worth, or 65 per cent of what it is worth, making the percentage of tax it pays equal in proportion to its actual value to the assessment on the outside property, we will even up the burdens.

Mr. President, I have had some experience in this matter. I am fortunate enough to own some central real estate in quite a growing and prosperous city. The sidewalks are made and charged to my property. When the street in front is improved two-thirds of the expense is charged to the adjacent property holders and one-third to the city at large. I think that is a practice that exists in all cities except this.

I am only asking that there be applied to the city of Washington the same rule with regard to taxing and paving and improvements, and the same rules with regard to traction companies, that are applied in other cities. When we say that the property owners on each side of a street are to pay one-fourth for improvements of this kind, we do not even then make the property holders pay for all of the benefit they receive. It is an equitable arrangement.

Take some of the short streets that it is proposed by this bill to pave. The public at large are not concerned in them. The real value is to the adjacent property; and these are, in so far as I have been able to judge them, the kinds of property, away out on the outskirts where the poor man's home, to which the Senator from Utah refers, has been built.

I am asking only, and the House provision will require only, that where a street improvement is made the benefit of which goes especially to the adjacent property holder he shall pay somewhat in proportion to the benefit he gets; and where it goes but in small part to the public at large the Public Treasury shall carry only a part of the burden. That is what the House provision means.

I stated before that my own experience has been to pay one-third—to pay all for the sidewalk, all for the curbing, all for the renewal of the sidewalk from time to time, and one-third for the street unless there is a street car track on it, in which event the street car company pays for the paving between its rails and 2 feet on each side of them; if it is a double-track railroad it pays for 2 feet on each side of the double track, and the balance of the expense of paving the street is charged up, one-third each to the adjacent property holders, and one-third to the people at large.

This is simply an effort to let those who get the benefit pay for the benefit rather than to take the money of the whole people and distribute it as special gifts to a few people.

Mr. CURTIS. Mr. President, the Senate committee, in reporting this bill, struck out this amendment because it changes the organic law of the District. I want to read the organic law, and then I want to call attention to the difference of the rights in the streets in the city of Washington as compared with other cities. I propose to take only a few moments.

The organic act provides:

> The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit:
>
> When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads and for a distance of 2 feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct. The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

That is the organic act. The organic act was so provided in that way because of the peculiar conditions existing in the city of Washington. I judge that this is the only city in the United States where the absolute title to the streets in fee simple is in the Government.

Mr. SMITH of Georgia. I do not know about that. In my own State the title to all the streets is in the State, not the municipality.

Mr. CURTIS. Yes; but when a street is vacated, the title to the land goes to the adjoining property holders, does it not? That is not true in this District.

Mr. SMITH of Georgia. No; it does not, unless the legislature consents.

Mr. CURTIS. It does in several States in which I have looked up the law. When a street is vacated, the title to the land goes to the abutting property owners.

I read from the case of Van Ness *v.* City of Washington (4 Pet., p. 286):

> But it is sufficient for us, that here there is a solemn conveyance, which purports to grant an unlimited fee in the streets and squares, to the use of the United States; and we know of no authority which would justify us in disregarding the terms or limiting their import where no mistake is set up and none is established.

Mr. President, there is another reason why this change should not be made, and that is the peculiar conformation of the streets and lots in the city of Washington. Some of the lots, with a frontage, we will say, of 25 or 50 feet, or whatever it may be, have a depth of only 10 or 15 or 20 feet. Under this bill the owner of a lot 15 or 20 feet deep would pay just as much for paving the street in front of it as a man who owns a lot of the same frontage 110 or 125 feet deep.

Mr. SMITH of Georgia. Mr. President——

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

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. What would a man do with a lot 15 feet deep? Where is such a lot located?

Mr. CURTIS. Oh, there are plenty of them here. Their shape results from the conformation of the streets, and some of them have very small buildings on them. I doubt if there is any other city in the country where the streets are laid out just as they are in this city, leaving so many small tracts as they have here. If the Senator has gone over the city he has found in many places little squares or small tracts, often not built up with houses, but used simply as storage places or dumps. You will find lots of them here in the city. I went around myself and saw many of them, and, thinking that they belonged to the city, I asked the District Commissioners if they could not clean

them out. The commissioner who was with me said they could not do so, because the property did not belong to the Government; it was owned by some private individual and was used simply as a storage place. Some of these places are eyesores to the community.

Mr. SMITH of Georgia. I will ask the Senator whether it would not be a good plan, then, to sell them out under execution and get rid of them, if they are eyesores to the community?

Mr. CURTIS. If the party had bought them it would hardly be fair to sell them out. It would hardly be fair to a poor man, who might have his last dollar invested there, to sell him out.

I should like to have read, in this connection, a letter on this subject written by George Truesdell, chairman of the committee on municipal finance. I think it answers some of the questions raised here much better than I can, and covers the situation fully.

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

The Secretary read as follows:

WASHINGTON BOARD OF TRADE,
Washington, D. C., February 12, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

DEAR SIR: Your letter to Mr. Eynon, secretary of the Washington Board of Trade, stating that on account of pressure of business upon the members of the subcommittee in charge of the District of Columbia appropriation bill and in view of the lateness of the session it has not been definitely determined that hearings on the District bill will be granted has been referred to the committee on municipal finance.

Following your suggestion that the matter which the board of trade desires to present to the subcommittee be typewritten in as concise form as possible and sent to the committee by messenger at the very earliest moment possible, I have, as chairman of the committee on municipal finance, been requested to submit the following:

One of the objectionable amendments to the District bill adopted by the House of Representatives which the board of trade believes will work great hardship and injustice if enacted into law is the Borland amendment (p. 31, after line 6), which proposes to permanently change the plan of paying for paving and resurfacing streets in the District of Columbia by assessing one-half the cost of the same upon the abutting property instead of paying the whole cost from the general fund, as has been the practice under the organic act since 1878. The method of paying for such work by assessing a part of the cost upon the abutting property similar to the one proposed in the Borland amendment was given a thorough trial in the District during the reign of the board of public works, and after a searching investigation of District affairs by a joint select committee of Congress, lasting for several months, it was found it had wrought so much distress and injustice upon small property holders and so many inequalities upon all classes of property that it was discarded, and the plan now in vogue of paying for the same out of the general fund was substituted therefor.

However successful the Borland method may have been elsewhere, the plan upon which the city of Washington is laid out, with broad, rectangular streets and wide radiating avenues, varying in width from 85 to 160 feet, with numerous public squares, circles, and triangular reservations, does not lend itself to any equitable system of assessing the cost of paving the carriageways on a front-foot basis. Aside from the distress wrought upon the small property holders under this system, it was found, under the vast system of improvements inaugurated by the board of public works, impossible to devise any uniform and equitable method of applying the law to the large number of irregularly shaped lots varying greatly in depth and frontage in proportion to depth. In some instances triangular lots with broad sides on a paved street were eaten up by excessive taxation. Numerous suits grew out of this system of assessing, and it required several years to revise the assessments and a special act of Congress under which drawbacks aggregating hundreds of thousands of dollars were issued to property holders for overpayments.

No one who is familiar with the operation of this ill-advised system in Washington would ever advocate a return to it. On its face it appears to be reasonable that some part of the cost of paving the carriageways should be assessed upon the abutting property, because there is unquestionably some benefit resulting from the improvement. But it is impracticable to assess the benefits equitably, and in the long run complete justice will be done to all by defraying the cost from the general fund. Under the present law, in force for 35 years, the small property holder in the suburbs and on many of the unimproved streets of the city has contributed toward the payment in the older portions of the city, and now, when he is about to have his own street paved, he is, if the proposed change is made, to be assessed for costs. There is no demand for this change, and it would work great hardship and injustice upon a deserving class of small property holders in the suburbs and elsewhere who are paying for their homes in monthly installments. Moreover the proposed change would not reduce the tax on any property in the District a single dollar, and there is no public necessity for such a change, nor is there much analogy between this system and the existing law under which sidewalks and alleys are paved where the benefits are almost wholly local. The present revenues are adequate for all the work estimated for by the commissioners and aggregating several millions of dollars more than the House of Representatives has appropriated in the present bill.

Some charges have been made on the floor of the House of Representatives in support of this change that primeval forests have been leveled and streets paved through them and through waste places for the benefit of speculators, one-half at the expense of the United States, and that the Borland amendment, if it becomes a law, will check such expenditures. The charge is absolutely without foundation, all such work having been done wholly at the expense of the property holders, so far as paving streets is concerned, thereby increasing largely the revenues of the District. Moreover, under the existing law no street can be paved in the District at the expense of the public without a specific appropriation therefor, which, of course, is wholly under the control of the Appropriation Committees and Congress.

There are a number of items in this bill as it passed the House of Representatives which are made payable wholly from the revenues of the District in violation of the organic act. The Washington Board of Trade pleads for the integrity of that compact and protests vigorously against each and every departure from it by Congress. In behalf of the people of this Federal District, who are without direct representation in Congress, it respectfully urges upon your honorable committee to permit no infractions of that just measure, which has been pronounced a constitution by the Supreme Court of the United States in Eckloff *v.* The District of Columbia (135 U. S., 24, 243, 244).

The maintenance of the half-and-half plan, the vital feature of this constitution, is absolutely essential to the health, comfort, and convenience of the inhabitants of this Capital, and of all those persons who come here on public or private business, if it is to be maintained on the scale intended by its founders. In this connection your attention is invited to a report of the board of trade upon the financial relations of the District of Columbia and the Federal Government from 1871 to 1912, unanimously adopted January 19, 1912, a copy of which is sent herewith, with a request that it be considered a part of this communication and included in the printed record of the hearings.

Yours, very respectfully,

GEO. TRUESDELL,
Chairman Committee on Municipal Finance,
Washington Board of Trade.

Mr. SMITH of Georgia. Mr. President, I must say that I consider that a very rare letter. Some parts of it are really humorous. The writer says nobody is demanding this change; that the present arrangement is satisfactory. He actually says there is a constitution binding the United States Government to carry half of the entire expenses of the District, and he cites a Supreme Court decision. I shall take occasion later on to call attention to that decision; and I think I shall show that the writer of the letter is at least not an accurate lawyer.

There is some demand for this change. The House of Representatives have demanded it. This gentleman does not seem to think anybody has demanded it, even though the House of Representatives have seen fit to put it into an act of Congress. It is their duty to demand it. Some one else is interested in this matter besides the local board of trade. The people of the entire country are contributing one-half of the money that supports this District, and the people of the entire country have a right to say that the citizens of this District, when property holders, shall be treated as citizens of other cities are treated.

The writer of this letter undertakes to point out some peculiarity about the streets of this city that takes them entirely out of the ordinary rule. There are narrow places and sharp corners in other cities as well as in this city. But I do not desire to pursue the discussion further, just at this time, with such a scant attendance. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia 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	O'Gorman	Smith, Ga.
Bacon	Gallinger	Oliver	Smith, Md.
Bourne	Gamble	Overman	Smith, S. C.
Bradley	Gardner	Owen	Smoot
Brady	Johnson, Me.	Page	Thomas
Brandegee	Jones	Penrose	Thornton
Bristow	Kenyon	Percy	Townsend
Burton	Kern	Pomerene	Warren
Chamberlain	Lea	Richardson	Webb
Clapp	Lippitt	Root	Works
Clarke, Ark.	Martin, Va.	Sheppard	
Curtis	Myers	Shively	
Dillingham	Nelson	Smith, Ariz.	

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

Mr. SMITH of Georgia. Mr. President, I have hurriedly looked through this decision in 135 United States. There is nothing in it that conflicts with the early case in 20 Howard, Smith against The Corporation of Washington, in which the Supreme Court of the United States held that the title to the streets was in the Federal Government as trustee for the people, and that there was no difference between the relation of the Federal Government to the streets here and the relation of the sovereignty to the streets in most cities. The court held that the Federal Government was merely trustee for the benefit of the people, and that no different relation was created here from that which exists elsewhere.

We have, therefore, no basis sustained for applying a different rule here with reference to street improvements than exists in other cities, except that the National Government pays one-half of all of the expenses, and therefore the people of the entire country, rather than the people of the District of Columbia, bear this burden.

In urging that the House provision be adopted, I am asking only to apply to the District of Columbia the same rule in regard to street improvements that other cities apply, and that the individual property holder whose property is especially improved by a street placed in front of it shall carry a special part of the burden incident to the expense of making the improvement. The House provision puts the rule in a form that is

liberal to the property holder when it requires only one-fourth of the expense to be paid by each of the adjoining property holders, and one-half from the Treasury.

Mr. WORKS. Mr. President, I should like to ask the Senator from Georgia how the expense of paving streets in front of Government property is paid.

Mr. SMITH of Georgia. Here in the District of Columbia, or in other cities?

Mr. WORKS. Here in the District.

Mr. SMITH of Georgia. It is paid out of the Treasury, one-half by the General Government and one-half by the District of Columbia.

Mr. WORKS. Is any part of it, in that case, assessed against individuals?

Mr. SMITH of Georgia. Not at all; but the Government, owning the property, has paid one-half of the whole cost of it, an amount equal to that which this bill would assess to the adjoining property holders.

Mr. WORKS. And the property owners of the District have been taxed to pay the other half. Under those circumstances why should the Government insist that from this time on the property owners shall pay the whole expense of improving the streets?

Mr. SMITH of Georgia. I am not asking for that at all. I am asking only that they shall pay half of it.

Mr. WORKS. Half of it, then. Why should there be any change made from existing conditions, under which the Government has had its property improved, and other property owners within the District have not been compelled to pay one-third or one-half of the expense, or any other amount? If from this time on the property owners are compelled to pay one-third of the expense, of course they are put at an entirely unjust disadvantage as compared with improvements that have been made heretofore under the rules that have previously existed.

Mr. SMITH of Georgia. And because we have been improperly taking the money of all the people and giving it to part of the people, having had the fact brought to our attention, according to the argument of the Senator from California we must continue to follow that policy, even though it is apparent that it has not been fair; and in the future we must not compel the property holder to bear his just burden because in the past we have not done it.

Mr. WORKS. Mr. President——

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

Mr. SMITH of Georgia. Yes.

Mr. WORKS. I am not putting it solely upon that ground. I agree thoroughly with what is stated in the letter that has been read here, that it is next to impossible to assess the property equitably when we come to consider the irregular condition of the streets and the irregular shapes and sizes of the lots. It will be next to impossible, it seems to me, to make any equitable assessment under those circumstances by which the people are required to pay according to the frontage of their ownership.

Mr. SMITH of Georgia. Mr. President, that line of argument has already been presented here, and I have replied to it and shown that in other cities where this practice is followed you find triangular lots. They are discovered in nearly every city. It is not suggested even that the application of this provision to the proposed improvement would create any injustice at all. No places are pointed out where the charges put against the property holders who are to be benefited by one-half of the improvement would in any sense be an injustice to them. At a later time, if there are peculiar triangular lots here, we could modify this rule when we come to improvements around them and take care of anything that would be unjust.

I see in this bill the expenditure of money to build new streets in front of practically unimproved property at a number of places where the money is not spent for the public at large, but more than half of it for the benefit of the individuals owning property on those streets. It is in this condition that the House sought to impose upon the people whose property is to be benefited a rule similar to that which stands in other cities, but more liberal and with a smaller charge than the rule applied in other cities.

As I said before, the rule with which I am acquainted is to charge one-third on all the adjacent property holders and one-third to the city. The House provision places only one-fourth upon each of the adjacent property holders and one-half on the Public Treasury. I think it is fair and it is equitable. There may be some criticism upon it occasionally, but it is far more equitable than to take the money of all the people to improve this property for a few of the people.

Mr. SMOOT. Mr. President, when I referred to the injustice of assessing property by the linear-foot frontage, the Senator from Georgia undertook to show that the reference cited by me was rather an erroneous one, because the paving which is outside the center of the city was not traveled upon so much and therefore did not wear out so quickly, hence did not cost so much to maintain, and that being the case it became a just assessment. He stated that the paving in front of the Willard Hotel wore out much more rapidly and the expense of repairing was much greater than the paving would be upon one of the side streets in the northwestern or northeastern part of the city.

Let me call the Senator's attention to the fact that there is almost as much injustice in the case of the property on the two sides of the street in front of the New Willard Hotel or upon Sixteenth Street or upon Connecticut Avenue under the system of assessment that he proposes as there is if we compare the assessment at the New Willard Hotel to the streets he referred to.

Take the New Willard Hotel property. Say that it has a frontage of 100 feet; then take the property on the other side of the street. There is just as much wear and tear upon the pavement of one side of the street as the other. The New Willard Hotel cost, no doubt, over a million dollars to erect. On the other side of the street the property cost very little indeed. Yet under the system the Senator proposes the property on both sides of the street would pay exactly the same amount for keeping the pavement in order.

Take Sixteenth Street, which we all know, and which will perhaps be known hereafter as the Avenue of the Presidents. We find a little shanty on one side—and there are a number of them—and perhaps the depth of the property is not more than 45 feet; upon the other side of the street, with perhaps no more frontage, but with a residence that cost a quarter of a million dollars upon the land.

Under the system that the Senator proposes the assessment for maintaining repairs of the street upon Sixteenth Street would be exactly the same to the little cottage as it is to the palace upon the other side.

Take Connecticut Avenue, let us refer to the Highlands, a building that cost over a half a million dollars, with perhaps a hundred feet frontage. Immediately across the street we find a vacant lot. Under the system proposed the maintenance of the street would be just as expensive on the vacant property as it would be upon the property known as the Highlands.

So I could take the Senator all over the city and show him that he is proposing a system of taxation unjust to the landowner of the District.

The Senator says that the people of the entire country pay the expense. I believe the American people from one end of the land to the other take as much interest in the beautifying of Washington, their Capital, as do the people living directly in the city; and it seems to me that the people of the United States are not unjustly taxed when we take into consideration the property in the District that is owned by the Government and which it does not pay taxes upon. Take the great parks around Washington——

Mr. SMITH of Georgia. Does the Senator say it does not pay a single cent of tax?

The PRESIDENT pro tempore. Will the Senator permit the Chair to suggest that before interrupting a Senator he must address the Chair and obtain permission. The rule requires it. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Gladly.

Mr. SMITH of Georgia. Does the Senator claim that the Government pays nothing as a tax on its property? What does it pay?

Mr. SMOOT. Not outside of one-half. It pays it for the maintenance of the city government because of the very fact that the Government owns so much property in the District. As I was about to say, take Rock Creek Park and all the other parks that we have around the city, as well as all the Government buildings and vacant property. You do not find them in any other city of the United States. The conditions in this city are not to be compared with any other city, because a comparison of that kind would be unjust indeed.

Therefore, Mr. President, I think that the provision of the House was absolutely unjust to the District of Columbia. This has been often thrashed out. It has been referred to by the Senator from Kansas. In 1874 it was decided, and decided after a most exhaustive investigation, that the only just way of taxing the District was the half-and-half system.

I sincerely trust, Mr. President, that the Senate will disagree to the provision put in the bill by the House.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia will pardon the Chair for a moment. In view of the condition of the public business, the Chair feels constrained to read Rule XIX, or a portion of it:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The Chair reads this rule to admonish Senators.

Mr. SMITH of Georgia. Mr. President, I desire to take only two minutes to reply to one part of the speech of the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The Senator referred to the proposition that the Government pays no tax on property. He then said it was true the half-and-half doctrine existed, and he called attention to the fact that the Government owns the parks. What does it own them for? The people. If the Government owns them, then it is simply that much contribution to the city; and it is entirely an unsound view of the Senator that the Government should pay taxes on parks that it gives to the city.

I am not attacking the half-and-half principle; I am applying my argument solely to the street improvements, and asking that the same rule which exists practically everywhere else shall exist in the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. DILLINGHAM (after having voted in the affirmative). I withhold my vote, owing to the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN], who has not voted.

Mr. SUTHERLAND. Has the Senator from Arkansas [Mr. CLARKE] voted?

The PRESIDENT pro tempore. That Senator has not voted.

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

Mr. SMITH of Michigan (after having voted in the affirmative). I voted inadvertently. I notice my pair, the junior Senator from Missouri [Mr. REED], has not voted. I take the liberty of transferring that pair to the Senator from Connecticut [Mr. McLEAN], and will allow my vote to stand.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Nebraska [Mr. BROWN] and vote. I vote "yea."

The result was announced—yeas 45, nays 19, as follows:

YEAS—45.

Bankhead	Dillingham	Martin, Va.	Smoot
Bourne	du Pont	Nelson	Stephenson
Bradley	Fall	Oliver	Swanson
Brandegee	Fletcher	Page	Thornton
Bristow	Foster	Penrose	Townsend
Burnham	Gallinger	Percy	Warren
Burton	Gamble	Perkins	Wetmore
Catron	Gardner	Poindexter	Williams
Chamberlain	Johnston, Ala.	Richardson	Works
Clapp	Jones	Root	
Crane	Lodge	Smith, Md.	
Curtis	McCumber	Smith, Mich.	

NAYS—19.

Ashurst	Kern	Owen	Smith, S. C.
Bacon	La Follette	Sheppard	Stone
Gore	Martine, N. J.	Shively	Thomas
Gronna	Myers	Simmons	Webb
Kenyon	Overman	Smith, Ga.	

NOT VOTING—31.

Borah	Crawford	Johnson, Me.	Pittman
Brady	Culberson	Kavanaugh	Pomerene
Briggs	Cullom	Lea	Reed
Brown	Cummins	Lippitt	Smith, Ariz.
Bryan	Dixon	McLean	Sutherland
Chilton	Guggenheim	Newlands	Tillman
Clark, Wyo.	Hitchcock	O'Gorman	Watson
Clarke, Ark.	Jackson	Paynter	

So the amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, under the head of "Sewers," on page 37, line 10, after the word "sewers," to strike out "$130,000" and insert "$155,000," so as to make the clause read:

For suburban sewers, $155,000.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I want to insert in the RECORD at this point a statement showing the per capita expense of administration in cities in the United States of 300,000 or over. The statement shows that the only cities in this class with a larger per capita expense than Washington are New York, Boston, San Francisco, Cincinnati, and Los Angeles. Washington has a larger per capita expense than any of the remaining 12.

The PRESIDENT pro tempore. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

1.	New York	$50.35
2.	Chicago	27.45
3.	Philadelphia	27.27
4.	St. Louis	28.04
5.	Boston	44.10
6.	Cleveland	28.03
7.	Baltimore	27.63
8.	Pittsburgh	35.01
9.	Detroit	23.39
10.	Buffalo	33.29
11.	San Francisco	42.43
12.	Milwaukee	25.21
13.	Cincinnati	41.30
14.	Newark	31.88
15.	New Orleans	25.62
16.	Washington	35.04
17.	Los Angeles	49.71
18.	Minneapolis	29.66

Mr. OWEN. I should like to call the attention of the Senate to the fact that the District of Columbia has no practical organized government. Its authority is exercised by 17 different heads. The city ought to be given a charter that will be a model charter for the cities of the United States. I simply make that suggestion while this matter is up, because it accounts for the very high cost of the per capita of expenditures in this city. At a future time I shall call the attention of the Senate more directly to it.

Mr. WORKS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from California offers an amendment, which will be stated.

The SECRETARY. After line 15, on page 38, it is proposed to insert the following proviso:

Provided, That laborers on the streets shall be paid not less than $2 per day.

Mr. CURTIS. I accept that amendment, if the Senate does not object.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from California [Mr. WORKS].

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Streets," on page 39, after line 3, to insert:

Bathing beach: For superintendent, $600; watchman, $480; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,830.

For the construction, by contract or otherwise, of an underground drain from the fountain lying south of the White House, across the grounds of the White House (reservation No. 1) and of the Washington Monument (reservation No. 2) to the bathing beach near Seventeenth and B Streets NW., $2,500; and the Commissioners of the District of Columbia are authorized to enter said reservations for the purpose of installing said drain.

The commissioners shall submit for the consideration of Congress, in the annual estimates for the government of the District of Columbia for the fiscal year 1915, detailed estimates for the construction of not exceeding two public bathing beaches, with all necessary buildings, on separate sites other than that now used and where tidal water shall be constantly available for bathing purposes.

Mr. CURTIS. I offer the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 39, line 15, after the word "drain," in the amendment reported by the committee, it is proposed to insert:

Provided, That the time, plans, and manner of doing the work shall first be approved by the officer in charge of public buildings and grounds in accordance with such restrictions as he may decide to be necessary for the protection of the property and interests of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 40, line 11, after the word "playgrounds," to strike out "$5,000" and insert "including not to exceed $100 for rent of storage houses, under the direction and supervision of the commissioners, $7,535," so as to make the clause read:

Playgrounds: For maintenance, equipment, supplies, tools, construction of toilet facilities and wading pools, fencing, grading, and repairs, including labor and materials, and necessary incidental and contingent expenses for all playgrounds, including not to exceed $100 for rent of storage houses, under the direction and supervision of the commissioners, $7,535.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "playgrounds," to strike out "$26,275" and insert "$28,810," so as to make the clause read:

In all, for playgrounds, $28,810, which sum shall be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 46, line 15, after the words "public schools," to strike out "$5,000" and insert "$6,000," and in line 22, after the words "in all," to strike out "$52,700" and insert "$53,700," so as to make the clause read:

Officers: Superintendent of public schools, $6,000; 2 assistant superintendents, at $3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerks—1 $1,400, 2 at $1,000 each, 1 to carry out the provisions of the child-labor law, $900; 2 stenographers, at $840 each; messenger, $720; in all, $53,700.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to the word "minimum" found in line 19, where the language is "at a minimum salary of $2,200 each." I am satisfied that is a misprint and that the word should be "maximum." They fall below the assistant superintendents, and they only get $3,000.

Mr. CURTIS. The word "minimum" is correct. They go up from that.

Mr. SMOOT. That is the lowest amount paid, and they go from that amount up.

Mr. SMITH of Georgia. There is no maximum?

Mr. CURTIS. That is the lowest. They go up from that.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 53, after line 13, to strike out "Conduit Road, Chain Bridge Road, Fort Road, and Fort Slocum Schools, four janitors, at $150 each; in all, $600"; and in lieu thereof to insert, "Conduit Road, Chain Bridge Road, and Fort Slocum Schools, three janitors, at $150 each; in all, $450."

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the words "In all," to strike out "$122,940" and insert "$122,790," so as to read:

In all, $122,790.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the word "medical," to strike out "Chief medical inspector of public schools, $1,800; twelve," and insert "Thirteen," and in line 9, after the words "in all," to strike out "$7,800" and insert "$6,500," so as to read:

Medical inspectors: Thirteen medical inspectors of public schools, one of whom shall be a woman, two of whom shall be dentists, and four of whom shall be of the colored race, at $500 each; in all, $6,500.

The amendment was agreed to.

The next amendment was, on page 55, line 14, after the words "provided for," to strike out "including an allowance of $300 for livery of horse for the superintendent of janitors," so as to make the clause read:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, and including not exceeding $1,000 for books, books of reference, and periodicals, $47,500.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to strike out:

For the purchase of a motor car for the superintendent of schools at a cost not exceeding $1,000, and for the purchase of a motor delivery vehicle, at a cost not exceeding $2,000, the maintenance of the said motor vehicles, including the hire of drivers of both vehicles, not exceeding $600 per annum each, $4,200.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert:

Toward the construction of a new Central High School on the site purchased for that purpose and toward the grading and other work necessary to prepare the site, the grading of an athletic field, the construction of retaining walls, and the construction of an athletic stadium, and the total cost of said work shall not exceed $1,200,000 under contracts which are hereby authorized therefor, $300,000.

Toward the construction of a new M Street High School for colored pupils, on the site purchased for that purpose, and toward the grading of said site, and the total cost of said building shall not exceed $550,000, under contracts which are hereby authorized therefor, $150,000.

Mr. SMITH of Georgia. Mr. President, as to the high-school amendments, I desire to submit a point of order. As to the grammar school, however, beyond the Soldiers' Home, I do not desire to raise any objection at all.

Mr. CURTIS. I ask unanimous consent to pass over the items in reference to the Central High School and the M Street High School.

Mr. SMITH of Georgia. As to the items in reference to the two high schools, I should like to state just this much with reference to the matter: My objection is not to the high schools; I should be glad to vote money for high schools of smaller size; but I am opposed to congregating 2,600 children in one high school.

The PRESIDENT pro tempore. Without objection, the two items referred to will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 58, after line 5, to insert:

For the erection of a 16-room building on the site purchased west of Soldiers' Home Grounds, south of Rock Creek Road, $128,000.

The amendment was agreed to.

Mr. CURTIS. I offer an amendment, to come in on page 61, line 13.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 61, line 13, before the word "privates," it is proposed to strike out "forty-nine" and insert in lieu thereof "fifty-eight."

Mr. CURTIS. I will say that I offer that amendment because, if they are not provided for in this bill, nine men may have to be discharged on the 1st of July.

Mr. SMITH of Georgia. What is the purpose of the amendment?

Mr. CURTIS. I offer the amendment because there are now nine extra men, and I am advised that if they are not provided for they may have to be discharged on the 1st of July, and it is not desirable to have them discharged.

Mr. POMERENE. May I ask that the amendment be again stated?

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 61, line 13, before the words "privates of class 1," it is proposed to strike out "forty-nine" and to insert "fifty-eight."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to, and the Secretary will correct the total.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Fire department," on page 65, after line 2, to insert:

Hereafter no member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia or be absent from duty without permission; and leaves of absence exceeding 20 days in any one year shall be without pay and require the consent of the commissioners, and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year without disallowance of pay; and leave of absence with pay of members of the fire department of the District of Columbia may be extended in cases of illness or injury incurred in line of duty upon recommendation of the board of surgeons, approved by the Commissioners of the District of Columbia, for such period exceeding 30 days in any calendar year as in the judgment of the commissioners may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, line 7, after the word "items," to strike out "$25,000" and insert "$26,000," so as to make the clause read:

For contingent expenses, horseshoeing, furniture, fixtures, oil, medical and stable supplies, harness, blacksmithing, gas and electric lighting, flags and halyards, and other necessary items, $26,000.

The amendment was agreed to.

The next amendment was, on page 66, line 8, after the words "in all," to strike out "$130,800" and insert "$131,800," so as to read:

In all, $131,800.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer an amendment to come in on page 66, line 16.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 66, after line 16, it is proposed to insert:

For one combination chemical engine and hose wagon, $6,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Health Department," on page 68, line 1, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health offi-

cer of said District, and for the prevention of other communicable diseases, including salaries or compensation for personal services, not exceeding $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 71, to insert:

The action of the commissioners in locating a pound and stable for the health department on reservation No. 290, located along James Creek Canal at the intersection of South Capitol and I Streets SE., under the authorization contained in the District appropriation act approved March 2, 1911, is ratified and confirmed, and the jurisdiction and control over said reservation is transferred to the Commissioners of the District of Columbia: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said reservation one-half the estimated value thereof, namely, $4,100, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of $4,100, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said reservation shall be in the name of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I should like to have that amendment go over.

Mr. CURTIS. I have no objection to passing it over.

The PRESIDENT pro tempore. It will be passed over, without objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 72, line 2, after the words "District of Columbia," to strike out "$1,800" and insert "$2,000," and in line 5, after the words "in all," to strike out "$5,000" and insert "$5,200," so as to make the clause read:

Probation system: Probation officer, Supreme Court, District of Columbia, $2,000; probation officer, police court, District of Columbia, $1,500; assistant probation officer, police court, District of Columbia, $1,200; contingent expenses, $500; in all, $5,200.

The amendment was agreed to.

The next amendment was, on page 72, line 23, after the word "clerk," to strike out "$2,000" and insert "$2,200"; in the same line, after the word "one," where it occurs the first time, to strike out "$1,500" and insert "$1,600"; and on page 73, line 3, after the words "in all," to strike out "$28,380" and insert "$28,680," so as to make the clause read:

Police court: Two judges, at $3,600 each; clerk, $2,200; deputy clerks—1 $1,600, 1 $1,500, 2, at $1,200 each; deputy financial clerk, $1,500; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $600; engineer, $900; assistant engineer, $720; fireman, $480; 2 assistant janitors, at $300 each; matron, $600; 3 charmen, at $360 each; in all, $28,680.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to insert:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Mr. CURTIS. Mr. President, I understand there will be a contest upon that amendment, and I therefore ask that it go over.

The PRESIDENT pro tempore. It will go over, without objection.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment, which I offer, to come in after line 10, on page 76.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, on page 76, it is proposed to insert the following:

For the expenses of the jury commission of the District of Columbia, including stationery and clerical assistance, $400.

The amendment was agreed to.

Mr. BRANDEGEE. I should like, in this connection, to have inserted in the RECORD a short statement which was inserted in the RECORD of last year when a similar amendment was adopted. I will send it to the desk.

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

The matter referred to is as follows:

JURY COMMISSION, DISTRICT OF COLUMBIA,
May —, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

SIR: The jury commission of the District of Columbia respectfully request that an item be inserted in the legislative, executive, and judicial appropriation bill, to read as follows:

"Jury commission, District of Columbia: For expenses of the jury commission, including stationery and clerical assistance, $400, one-half of which shall be paid from the revenues of the District of Columbia."

The sections of the code providing for a jury commission and the selection of jurors in this District are as follows:

"SEC. 198. Jurors: The clerk of the Supreme Court of the District of Columbia, the United States marshal, and the collector of taxes for said District are hereby constituted a commission to from time to time make the list of jurors for service in said court and fix the number of jurors to be listed therefor.

"SEC. 199. The said jurors shall be selected, as nearly as may be, from the citizens in the different parts of the District.

"SEC. 200. Jury box: The names shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names can not be seen, and placed in a box to be provided for the purpose.

"SEC. 201. The box shall be sealed and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping."

From the above provisions it will be seen that a large amount of clerical work is increasingly involved in compiling and sifting the lists of competent jurors for two criminal, two circuit, one police, one juvenile courts and grand jury, keeping the lists and records of service, comparing said lists, and preparing the slips for the jury box. The entire list of names has not only to be tabulated, but the name of each juror entered upon a card index together with such information as to his age, occupation, and previous record of jury service. It is impossible for the clerk of the court, the marshal, and the collector of taxes to perform properly the detailed clerical work involved in preparing and keeping the jury records.

The compensation of jury commissioners before the code went into effect amounted to over $400 per annum, but the new commissioners have not received any compensation for their personal services, and no provision has been made for the necessary expenses of the commission.

Very respectfully,

JOHN R. YOUNG,
AULICK PALMER,
C. C. ROGERS,
Jury Commission, District of Columbia.

The court has requested me to earnestly indorse the above.

HARRY M. CLABAUGH,
Chief Justice.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Charities and corrections," on page 77, line 2, after the word "Secretary," to strike out "$3,000" and insert "$3,500"; in line 3, before the word "clerk," to strike out "chief"; in line 6, after the word "expenses," to strike out "including attendance on conventions"; and in line 7, after the words "in all," to strike out "$17,560" and insert "$18,060," so as to make the clause read:

Board of Charities: Secretary, $3,500; clerk, $1,200; stenographer, $1,200; messenger, $600; inspectors—1 at $1,200, 3 at $1,000 each, 2 at $900 each, 2 at $840 each; drivers—1 at $780, 3 at $720 each; hostler, $540; traveling expenses, $400; in all, $18,060.

Mr. CURTIS. Mr. President, I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 77, line 3, it is proposed to strike out "$1,200," where it occurs the second time, and insert in lieu thereof "$1,300," and to change the total so as to read "$18,160."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 77, after line 7, to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $3,000, to be expended under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 80, after line 11, to insert:

For road construction, $850.

The amendment was agreed to.

The next amendment was, on page 80, line 16, after the words "Home for Aged and Infirm," to strike out "$53,952" and insert "$54,682," so as to make the clause read:

In all, for Home for Aged and Infirm, $54,682.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "warehouse," to strike out "$600" and insert "$800," so as to make the clause read:

For the erection of a barn and warehouse, $800.

The amendment was agreed to.

The next amendment was, on page 81, line 17, after the words "National Training School for Girls," to strike out "$23,910" and insert "$24,110," so as to make the clause read:

In all, for National Training School for Girls, $24,110.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 83, after line 21, to insert:

For purchase and installation of disinfecting plant, $800.

The amendment was agreed to.

The next amendment was, on page 84, line 3, after the words "Tuberculosis Hospital," to strike out "$54,020" and insert "$54,820," so as to make the clause read:

In all, for Tuberculosis Hospital, $54,820.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 86, line 24, after the words "Board of Charities," to strike out "$5,000" and insert "$6,000," so as to make the clause read:

For the care and maintenance of children under a contract to be made with the Washington Home for Foundlings by the Board of Charities, $6,000.

The amendment was agreed to.

Mr. CURTIS. I offer two amendments, to come in on lines 6 and 7, page 87. I ask that the Secretary may read them.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In the item for superintendent of municipal lodging house, on page 87, line 7, it is proposed to strike out "$900" and insert in lieu thereof "$1,200."

The amendment was agreed to.

The SECRETARY. After "cook, $360," in the same line, it is proposed to insert "foreman, $360."

The amendment was agreed to.

Mr. CURTIS. I now move to strike out, in line 6, the words "who shall also act as foreman."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 6, page 87, it is proposed to strike out the words "who shall also act as foreman."

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk, and ask that it be inserted at the end of line 13, page 87.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 87, after line 13, after the words "District of Columbia," it is proposed to insert a colon and the following:

Provided, That any honorably discharged soldier, sailor, or marine of the United States who served in the War with Spain or the Philippine insurrection shall be admitted thereto on the same terms and conditions as other inmates.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Temporary homes," on page 88, after line 12, to insert:

The reimbursement required to be made to the United States by the District of Columbia under the provisions of the sundry civil appropriation act approved August 24, 1912, on account of deficiencies in payments for the care and maintenance of the insane of said District during the fiscal years 1881 to 1911, inclusive, is hereby fixed at $719,536.09.

Mr. SMITH of Georgia. I should like to have that amendment passed.

Mr. CURTIS. I have no objection.

The PRESIDENT pro tempore. Without objection, the amendment will be passed for the present.

Mr. SMITH of Georgia. By calling the attention of the chairman of the subcommittee to my objection to this provision we may be able to dispose of it without calling for a quorum. I am not going to call for a quorum at this time. A report just received from the expert of the House who has been investigating these figures indicates that the sum is much larger than the one stated. For that reason I think we ought not to fix it at this amount.

Mr. CURTIS. I suggest that it be passed over, and I will examine it later.

Mr. SMITH of Georgia. Very well. I simply wanted to make that suggestion with a view of speeding the matter.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Anacostia River Flats," on page 93, after line 14, to insert:

In connection with said reclamation and development of the Anacostia River and flats from the Anacostia Bridge to the District line, the Secretary of War is authorized to acquire by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to the land along the Anacostia River on both sides thereof between the high-water lines of said river, as determined by the United States Coast and Geodetic Survey, and lines following approximately the contour of 10 feet elevation on each side of said river above mean low water at the United States Navy Yard, from the Anacostia Bridge to the northeast boundary line between the District of Columbia and Maryland; and also all land below the high-water lines on each side of said Anacostia River between the limits named that is not now owned by the United States; and the appropriation herein made for the reclamation and development of the Anacostia River and flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of said land and for the payment of amounts awarded as damages for said land and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: *Provided*, That if said land or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon the request of the Secretary of War, shall institute condemnation proceedings to acquire such land under the provisions of chapter 15 of the Code of Law for the District of Columbia.

Mr. SMITH of Georgia. I desire that that amendment go over, too.

Mr. CURTIS. I have no objection to its going over.

The PRESIDENT pro tempore. Without objection, the item will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Klingle Valley Park," on page 94, after line 22, to insert:

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 are 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 highway and park purposes to preserve the Klingle Road Valley, comprising approximately 26½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *Provided*, That the tract of land hereinafter described, containing about 2 acres, shall be excepted from condemnation for such park, viz, a detached portion of said described park lying at the extreme eastern end thereof, east of the east line of a proposed street 90 feet wide, said described land being land now assessed in the name of Thomas Armat.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. CURTIS. I have no objection to both park provisions going over, including the one on page 96.

The PRESIDENT pro tempore. In the absence of objection, then, the Klingle Valley Park item goes over.

Mr. BRISTOW. I should like to inquire when these items which are going over will be taken up. There are quite a number of them.

Mr. CURTIS. They will be taken up the first thing in the morning when we call up the bill, in the order in which they have been passed over.

Mr. BRISTOW. Some of the items I wish to look into myself. The Klingle Valley Park item goes over, then?

The PRESIDENT pro tempore. It has gone over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Piney Branch Valley Park," on page 96, after line 18, to insert:

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 are hereby authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land along and adjacent to the Piney Branch Valley and between Sixteenth Street and Fourteenth Street NW., and the land adjacent to the Municipal Hospital grounds between Fourteenth Street and Georgia Avenue NW., for park purposes, comprising in all approximately 42 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts: *Provided further*, That the Commissioners of the District of Columbia are authorized to abandon for highway purposes any existing streets or parts of streets within the territory before described except Fourteenth Street: *Provided further*, That the Commissioners of the District of Columbia are authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898: *Provided*, That section 4 of said amendment shall not apply to the territory above described: *Provided further*, That under this authority Mount Pleasant Street may be extended with a minimum width of 45 feet; that Perry Place may be extended with a minimum width of 50 feet; and that Fourteenth Street Road may be established with a minimum width of 50 feet; that upon

the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of said District of Columbia.

Mr. BRISTOW. Should not that go over the same as the others? I make the request. The same principle is involved.

Mr. CURTIS. I have no objection to its going over.

The PRESIDENT pro tempore. The amendment will go over.

Mr. JONES. Mr. President, after the amendment ending on page 98, I desire to offer an amendment which would more properly come in on page 22. As I happended to be out when that page was reached, I will offer it at this time.

The PRESIDENT pro tempore. By unanimous consent, the Senator can insert it in the bill on page 22.

Mr. CURTIS. I ask the Senator to withhold his amendment and offer it to-morrow. It should go in on page 22.

Mr. JONES. That will be satisfactory.

The PRESIDENT pro tempore. The Senator from Washington withholds his amendment.

Mr. SMITH of Georgia. Can we not, by unanimous consent, have it read at this time?

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

For paving with sheet asphalt K Street north between Washington Circle and the bridge at Twenty-eighth Street west, $30,000.

Mr. CURTIS. That is not estimated for, and I regret to have to make the point of order against it.

Mr. JONES. I simply wish to make a brief statement in regard to the amendment. I should like to do so to-morrow.

The PRESIDENT pro tempore. The Senator can make it now.

Mr. JONES. I thought I would not take up the time to make it to-night.

The PRESIDENT pro tempore. Very well.

Mr. SMITH of Georgia. Mr. President, we are anxious to devote as much time as we can to the bill to-night, so as to get through with as much of it as possible.

The reading of the bill was continued to line 20, on page 99.

Mr. BRISTOW. Before we leave the small parks, I wish to make a suggestion to the Senator in charge of the bill. It seems that $15,000 is here appropriated for small parks and that the necessities for parks in Washington are for small parks. There are a lot of amendments which the committee seem to have incorporated in the bill enlarging the parks out in the vicinity of Rock Creek, where there are 1,600 or 1,700 acres of magnificent forest park, and in the city, where there is a congested population, there are no recreation grounds provided. Fifteen thousand dollars is appropriated for the small parks, when for parks that are really not needed there will be hundreds of thousands of dollars appropriated, if the bill is passed as reported, to get parks out where people do not live.

Mr. CURTIS. Forty thousand dollars was estimated for this purpose. Does the Senator wish to offer an amendment?

Mr. BRISTOW. In line 7, page 99, before the word "thousand," I move to strike out "fifteen" and insert "forty."

Mr. SMITH of Georgia. That is for little parks?

Mr. BRISTOW. Yes; for small parks.

The PRESIDENT pro tempore. The amendment will be stated .

The SECRETARY. On page 99, line 7, before the word "thousand," strike out "fifteen" and insert "forty," so as to read "$40,000."

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Water Department," on page 100, line 10, to strike out "$1,500" and insert "$1,600," and in line 19, after the words "in all," to strike out "$84,785" and insert "$84,885," so as to make the clause read:

For distribution branch: Superintendent, $3,300; draftsman, $1,600; foreman, $1,800; clerks—2 at $1,500 each, 4 at $1,200 each, 1 at $1,000, 1, $900; time keeper, $900; assistant foreman, $900; 3 steam engineers, at $1,100 each; assistant engineers—1 at $2,400, 1 at $1,600; leveler, $1,200; 2 rodmen, at $900 each; 2 chainmen, at $675 each; draftsman, $1,050; storekeeper, $1,000; assistant storekeeper, $750; assistant foremen—1, $1,275, 1, $1,200, 1, $1,125; chief steam engineer, $1,750; 3 assistant steam engineers, at $875 each; 4 oilers, at $610 each; 3 firemen, at $875 each; inspector, $1,200; janitor, $900; watchmen—1, $875, 1, $700, 1, $610; driver, $700; 2 messengers, at $540 each; driver, $630; chief inspector of valves, $1,400; in all, $84,885.

The amendment was agreed to.

The next amendment was, in section 6, page 106, after line 8, to strike out:

Bathing beach: For superintendent, $600; watchman, $400; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,750.

Mr. CURTIS. That is provided for in another part of the bill and of course should go out here.

The amendment was agreed to.

The next amendment was, on page 106, after line 12, to strike out:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. CURTIS. I ask consent to pass over the amendment contained in lines 13 to 16, inclusive, as that question is involved in another amendment.

The PRESIDENT pro tempore. Without objection, it will be passed over.

Mr. SMITH of Maryland. I offer an amendment and also present a letter in regard to it. I will say in regard to this matter that there has been information gotten since yesterday, and the Senator from Massachusetts [Mr. LODGE] and the Senator from Georgia [Mr. SMITH] have been informed of it, and they will offer no opposition to the amendment. It is an item that was struck out on a point of order.

I will say in regard to this appropriation that these buildings can be removed within a very short time. There are thousands of people in the District of Columbia who are asking for these shelters, and the farmers of Maryland and Virginia are very anxious for them. It is a means of bringing the producer and the consumer together, a means of giving cheap food and healthy food. We hear talk about the high cost of living, and this is one proposition that helps to solve the problem, as there is no middle man in it. As I said, it brings the producer and consumer together.

I wish to state, so far as the cost of this item is concerned, that the revenue now at 10 cents a day produces over $5,400. The revenue at 20 cents a day will be about $11,000, and the whole amount of the expenditure would be reimbursed in less than three years.

The PRESIDENT pro tempore. The Chair will inquire of the Senator if the proposed amendment is identical with the amendment that went out on a point of order?

Mr. CURTIS. I understand that it is the identical amendment.

Mr. SMITH of Maryland. I move to reconsider the vote.

The PRESIDENT pro tempore. The Chair will suggest that the point of order be withdrawn, if he will arrange it with the Senator from Georgia.

Mr. SMITH of Georgia. I consent to that.

The PRESIDENT pro tempore. The point of order is then withdrawn, and the question is on agreeing to the amendment.

Mr. SMITH of Georgia. I understood the Senator from Maryland also to state that although the Senator from Massachusetts is one of the Regents of the Smithsonian, after further information he does not object.

Mr. BRISTOW. I should like to inquire of the Senator in charge of the bill if it should not be 10 cents instead of 20 cents a day?

Mr. CURTIS. The commissioners think that 10 cents a day is too small a charge and that we had better make it 20 cents a day. I understand there is no objection to the amendment. It is recommended by the commissioners.

Mr. BRISTOW. I am in favor of making it as cheap as it can be made, because I am in thorough sympathy with the purpose in view.

Mr. SMITH of Maryland. I will state to the Senator the number of wagons that go to that shelter as it stands, without any shelter——

Mr. BRISTOW. I am in sympathy with the amendment, only I wanted to know if the charge could not remain at 10 cents if practicable instead of being increased to 20 cents.

Mr. SMOOT. All of the records show that they are perfectly willing to pay 20 cents; and that they would prefer to than to pay 10 cents for the accommodation they have to-day.

Mr. BRISTOW. All right.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer an amendment to come in as a new section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 106, after line 8, insert a new section in the bill, as follows:

SEC. 7. Hereafter not more than one painted or printed sign shall be placed on any piece of property in the District of Columbia advertised for sale or to rent, and then only when the owner of the property and the Commissioners of the District of Columbia consent thereto, and upon the payment of a license fee of $5 per year to the collector of taxes of the District of Columbia.

Mr. CURTIS. I make the point of order against that amendment. I will ask the Senator from Michigan to let the amendment go over until to-morrow.

Mr. SMITH of Michigan. Why? What is to be gained by it?

Mr. CURTIS. Then I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. CURTIS subsequently said: I wish to withdraw the point of order I made against the amendment offered by the Senator from Michigan.

The PRESIDENT pro tempore. The point of order having been withdrawn——

Mr. SMITH of Georgia. I should like to have the amendment read.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. OLIVER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 28, line 18, after "$8,500" insert:

From Connecticut Avenue to Ross Place, $6,000.

Mr. SMITH of Georgia. I make the point of order that that was not estimated for.

Mr. CURTIS. I understand that it was estimated for.

Mr. OLIVER. It has been estimated for. It is in the Book of Estimates.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. POMERENE. On page 106, after line 8, I move to amend the pending bill by inserting Senate bill 3812, to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission, as it passed the Senate April 20, 1912. No legislation, I dare say, since I have been a Member of this body was given such careful consideration as that bill. As I remember, it passed the Senate unanimously. The need for this legislation it is not necessary to dwell upon to-night. I hope that the point of order will not be made against the amendment. It seems to me the only way in which we can get the legislation through at the present session. I feel that we will be doing a great service to this city if the amendment could be adopted to the pending bill.

We all recognize the fact that there is need of a thorough investigation of the public utilities in this District. This measure is in keeping with the progressive legislation which has been adopted in all or nearly all the important States in the Union.

Mr. SMOOT. Mr. President, in the first place I wish to say to the Senator from Ohio that I cheerfully voted for that bill when it was before the Senate. The bill has been before the other House for some time. The other House have not seen fit to pass it yet, nor did they see fit to put it upon this bill.

I know of a great many other amendments that are going to be offered to this appropriation bill; it is purely legislation, and for that reason, Mr. President, and for no other, I feel that I must make a point of order against the provision.

Mr. BRISTOW. I desire to offer——

The PRESIDENT pro tempore. The Senator will suspend a moment until this matter is disposed of.

Mr. CURTIS. If this matter is to lead to discussion, I ask the Senator to let it go over until to-morrow. There is not a quorum here.

Mr. LA FOLLETTE. I rose to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. Is that one of the questions which the President pro tempore was submitting to the Senate for its decision?

The PRESIDENT pro tempore. The present occupant of the chair will say that it is in the discretion of the Chair to submit any point of order to the Senate.

Mr. LA FOLLETTE. I know that is true; but it occurred to me that in the discussion on some amendment a few days ago the present occupant of the chair, then on the floor, stated that in this particular class of amendments, involving the question of new legislation, it had been customary to submit the matter to the Senate. I was not entirely clear in my recollection about it, and I wanted to make inquiry.

Mr. SMITH of Georgia. If the Senator will allow me, is not the question he submits to the Chair not whether the Senate wants the amendment put on but whether they honestly believe as Senators that the rules exclude it?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Georgia. Then we have to vote it down.

Mr. LA FOLLETTE. But I have seen the Senate pretty liberal in its construction of that rule.

Mr. SMITH of Georgia. I should like to put it on, but——

Mr. FLETCHER. Rule XVI, if the Senator from Wisconsin will allow me, does seem to make it obligatory on the part of the Chair to submit the question to the Senate. It says:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Mr. LA FOLLETTE. I think that is the rule.

Mr. FLETCHER. This is an amendment to a general appropriation bill.

Mr. CURTIS. I judge that this objection is made under the clause of Rule XVI, which relates to general legislation and not that which requires the question of relevancy to be submitted to the Senate. But I ask unanimous consent that the whole matter may go over until to-morrow morning.

The PRESIDENT pro tempore. Without objection, the amendment will go over.

Mr. CURTIS. We have worked hard to-day, and I wish to move an adjournment.

Mr. BRISTOW. I have an amendment I wish to offer.

The PRESIDENT pro tempore. The Chair will ask if there is objection to passing over the amendment offered by the Senator from Ohio?

Mr. CURTIS. On the point of order.

The PRESIDENT pro tempore. That will be considered as pending.

Mr. BRISTOW. I have an amendment that I desire to offer. I do not think it will cause any debate at all. After line 23, page 34, I move to insert what I send to the Chair.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 34, after line 23, it is proposed to insert:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 by the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceeding as damages for and in respect of the land condemned, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions thereof, and the amounts awarded as damages for and in respect of the land condemned, shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to said District of Columbia from the assessments for benefits and covered into the Treasury of the United States to the credit of the revenues of the District of Columbia; and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. SMOOT. I ask the Senator from Kansas to let the amendment go over and be printed. It involves quite a question.

Mr. BRISTOW. I am willing that it shall go over.

Mr. SMOOT. I will reserve any point of order upon it.

Mr. CURTIS. I rose to move that the Senate adjourn.

Mr. BRISTOW. If the Senator will yield just a moment, I wish to say the amendment simply gives the commissioners authority to open up a street outside the cities of Washington and Georgetown, where they think it is necessary, and assess the benefits instead of having to come to Congress for every little street that they have to open.

The PRESIDENT pro tempore. The amendment will go over.

Mr. NEWLANDS. I have two amendments, which I should like to have printed in the RECORD and printed for the use of the Senate.

The amendments submitted by Mr. NEWLANDS were ordered to be printed, and to be printed in the RECORD, as follows:

That the Commissioners of the District of Columbia are hereby authorized, whenever in their judgment the public interests require it, to prepare a new highway plan for any portion of the District of Columbia, and submit the same for approval, after public hearing, to the Highway Commission created by act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities"; that such highway plans shall be prepared under the provisions of said act of Congress and an amendment thereto approved June 28, 1898, and that upon approval and recording of any such new highway plan it shall take the place of and stand for any previous plan for the portion of the District of Columbia affected.

And the following:

That the Superintendent of Public Buildings and Grounds and the Engineer Commissioner of the District of Columbia, with the advice and the cooperation of the Commission of Fine Arts, are hereby authorized to prepare and submit to Congress a plan for the gradual acquisition and development of parks and playgrounds in the District of Columbia, with a view to meeting present and future requirements for health and

recreation, designating in such plan the areas which they deem it desirable to acquire, the probable cost of purchase, and the probable cost of improvement, and designating such parks in the order of their importance as to the time of acquisition.

Where disagreement shall exist between such officials and the commission the grounds of disagreement shall be stated. The landscape architect in the office of the Superintendent of Public Buildings and Grounds shall cooperate with such officials and such commission in such work, and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the Treasury not otherwise appropriated for the expense of such inquiry and investigation.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 18, 1913.*

The House met at 12 o'clock noon.

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

Eternal God, our heavenly Father, to whom our thoughts and ways are as an open book, strengthen every worthy ambition, discourage every ignoble desire, that the pages of this day's transactions may be free from stains or blots, that at its close we may read them with an approving conscience and feel deep down in our hearts the approving smile of Heaven. Hear us and answer our petition, O God our Father. Amen.

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NEELEY, indefinitely, on account of illness in his family.

To Mr. GRAY, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ANDERSON was granted leave to withdraw from the files of the House the papers in the case of H. R. 24032, granting a pension to Lucie Boscian, no adverse report having been made thereon.

DIRECT ELECTION OF UNITED STATES SENATORS.

The SPEAKER. The Chair has in his hand communications from the secretaries of state of Texas, Montana, and Idaho, announcing the ratification of the seventeenth constitutional amendment, in reference to the direct election of Senators by the people.

DAILY HOUR OF MEETING.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That, until otherwise provided, the daily hour of meeting shall be 10.30 o'clock a. m.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that, commencing to-morrow, I shall ask the House to remain in session late at night until the sundry civil bill is disposed of.

The SPEAKER. The gentleman from New York gives notice that, beginning to-morrow, he will ask the House to stay in session until late to get through with the sundry civil appropriation bill.

Mr. MANN. Why not begin to-night?

The SPEAKER. The Chair does not know.

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. 8033. An act 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; and

S. 7278. An act providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

S. 8178. 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. 8274. 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. 8275. 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. 8314. 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.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound, under the direction of the Joint Commitee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on James Schoolcraft Sherman, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided*, That there shall be included in such publication the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President Sherman, and an account of the funeral services at Utica, N. Y.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16127. An act for the relief of William Kaiser;

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report back to the House the Army appropriation bill (H. R. 27941, H. Rept. 1535) with Senate amendments and to ask unanimous consent that the Senate amendments be disagreed to and ask for a conference thereon.

The SPEAKER. The gentleman from Virginia states that he is authorized by the Committee on Military Affairs to report back the Army appropriation bill and to ask unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. PRINCE. Mr. Speaker, I would like to ask the chairman of the committee if he will give opportunity on the floor of the House when the conference report comes in to discuss some of the disagreements in case we desire to do so?

Mr. HAY. Undoubtedly.

Mr. PRINCE. I have no objection.

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, may I ask the gentleman how many Senate amendments there are?

Mr. HAY. There are 39 Senate amendments——

Mr. MANN. Forty.

Mr. RODDENBERY. Do they appear in the RECORD?

Mr. HAY. They do; they appear in the CONGRESSIONAL RECORD of last Friday, February 14.

Mr. RODDENBERY. Does the gentleman mean in the House part of the RECORD?

Mr. HAY. No; I mean in the transactions of the Senate.

Mr. RODDENBERY. But they nowhere appear in the House proceedings?

Mr. HAY. No; because they were offered and agreed to in the Senate. These are Senate amendments.

The SPEAKER. The House bill is printed with Senate amendments.

Mr. HAY. The House bill is also printed with Senate amendments, and the gentleman can examine them if he desires to do so.

Mr. RODDENBERY. Mr. Speaker, I would like to have a vote of the House or the committee on each amendment——

Mr. HAY. I can not hear the gentleman.

Mr. RODDENBERY. Mr. Speaker, it occurs to me that in the nature of the Senate amendments all increasing the amount of the bill, although the Committee on Military Affairs recommends the nonconcurrence in the amendments, that it would be calculated to more nearly enable the members of the Committee on Military Affairs and the other end of the Capitol to understand the sense of the House and the committee with reference to those amendments if a vote of the House or committee were taken on each of those amendments, either by a roll call or by a division, so that it might appear what strength of sentiment there is behind the nonconcurrence of the House in these several amendments.