

## MINNESOTA.

M. Brixius, Watkins.  
C. H. Dickey, Wayzata.  
Erick Erickson, Murdock.  
William H. Franklin, Dodge Center.  
P. O. Fryklund, Badger.  
Alfred W. Johnson, Sebeka.  
C. F. Lieberg, Clarkfield.  
E. S. Scheibe, Cloquet.  
Louis A. Schwantz, Evansville.

## NEBRASKA.

C. F. Beushausen, Loup City.

## SOUTH DAKOTA.

James L. Minahan, Geddes.

## TEXAS.

J. W. Hardcastle, Lexington.

## WYOMING.

Elizabeth W. Kieffer, Fort Russell.

## SENATE.

TUESDAY, July 22, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

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

## PETITIONS AND MEMORIALS.

Mr. LANE presented a memorial of sundry citizens of Union, Oreg., 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.

He also presented resolutions adopted by Local Branch No. 61, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against any change being made in the eight-hour law relative to employees in the postal service, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Joseph Bernhardt, of Portland, Oreg., praying for the enactment of legislation granting to certain applicants the right to settle upon and purchase from the United States for the sum of \$2.50 per acre the land which they applied to purchase from the Oregon & California Railroad Co., should the same be decreed or declared to be forfeited to the United States, etc., which was referred to the Committee on Public Lands.

## BILLS INTRODUCED.

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

By Mr. JONES:

A bill (S. 2801) for the relief of settlers on unsurveyed lands of the public domain.

Mr. JONES. This bill is submitted by the Commercial Club of Seattle, Wash., together with resolutions of the club. It relates to public lands occupied by settlers within the primary or indemnity grant of the Northern Pacific Railroad. I move that the bill and accompanying resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

By Mr. LANE:

A bill (S. 2802) to authorize any farmer or association of farmers, any fruit grower or association of fruit growers, or other person or persons to manufacture, denature, and sell alcohol, and providing penalties for a violation thereof.

Mr. LANE. The bill permits farmers, fruit growers, and others to use the waste produce of their farms, such as vegetables and fruits, for the purpose of making it into denatured alcohol without the restriction of the present law. There are millions of bushels of fruit and vegetables which go to waste in this country, and which farmers are denied the use of, and from which they make no profit, for the reason that the restrictions of the present law are so great they can not take advantage of the opportunity thus afforded them.

The VICE PRESIDENT. The bill will be referred to the Committee on Manufactures.

Mr. SMITH of Georgia. It seems to me the bill should go to the Committee on Finance.

The VICE PRESIDENT. It can go to the Committee on Finance. It will be so referred.

By Mr. THOMPSON:

A bill (S. 2803) relating to the syndicating or otherwise supplying to newspapers, magazines, or other periodicals admitted to the privileges of the mail as second-class matter, reading, editorial, illustrative, or other matter, and forbidding the insertion therein of matter specially paid for unless plainly marked "advertisement," and prescribing penalties for the violation of the provisions herein; to the Committee on Post Offices and Post Roads.

By Mr. LODGE:

A bill (S. 2804) to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 2805) granting an increase of pension to Jennie A. Norton (with accompanying paper); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 2807) providing for a special study by the Secretary of Agriculture of diseases among sheep and goats and making appropriation therefor; to the Committee on Agriculture and Forestry.

A bill (S. 2808) authorizing negotiations with certain countries regarding the exportation of goats to the United States; to the Committee on Foreign Relations.

By Mr. NORRIS:

A bill (S. 2809) granting an increase of pension to Alfred L. Cain; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 2810) for the relief of the heirs of Joshua Nicholls; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2811) to establish a fish-cultural station on Long Island, in the State of New York; to the Committee on Fisheries.

## AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$6,000 to make suitable provision for the heirs of Angelo Albano, an Italian subject, who was killed at Tampa, Fla., September 20, 1910, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

## PROTECTION OF AMERICAN CITIZENS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 139, submitted by Mr. FALL on the 19th instant, as follows:

*Resolved*, That the constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

Mr. FALL. I have no desire, Mr. President, to debate the resolution at all nor to precipitate any discussion upon it. I can not see that there is any necessity for a reference of the resolution. It is short and is easily understood. It was a part of the platform of one of the great parties in the last campaign. It was presumably discussed and understood before the people, and apparently by a large number of them approved, or, at any rate, acquiesced in.

As I said, I do not care to go into a full discussion now nor to precipitate any debate upon the subject. I note, however, that on yesterday the Senator from Georgia [Mr. BACON], the chairman of the Committee on Foreign Relations, was prepared to move the reference of the resolution to that committee. I think no Senator here can have any more respect for or confidence in the ability of the Foreign Relations Committee to handle matters of this kind which are necessary for consideration by a committee before being considered by the Senate than I have, but in view of the history of this resolution I ask unanimous consent for its present consideration.

Mr. BACON. I could not hear a word the Senator said. I do not know whether other Senators were more fortunate or not.

Mr. GALLINGER. I will state to the Senator from New Mexico that the resolution is before the Senate in its regular order.

Mr. FALL. I am informed by those more familiar with the rules than I am that unanimous consent is not necessary for the consideration of the resolution.

My suggestion, if the Senator from Georgia did not hear me, was that the resolution should be passed; that there is no necessity for a reference of it. As to the resolution, it is easily understood. Every Senator here knows exactly what it is, and presumably those on the other side particularly knew exactly and know now precisely what the purpose of it is.

I am sure there will be no objection to the passage of the resolution from this side of the Chamber, and I hope none from the other side of the Chamber.

Mr. JONES. Mr. President—

Mr. FALL. I am not authorized, however, to speak for the Senators on this side.

Mr. JONES. I desire to say to the Senator that I would not consent to the passage of the resolution at this time. I do not know exactly how far the resolution goes. It seems to me to be a most important one.

As I understand the resolution it means about this: That if some person is not satisfied with conditions in the United States and wants to go to a foreign country and engage in business and gets into trouble there, he can embroil in war all the people of the United States by an attempt to protect him and his property. I am not in favor of the policy if that is the effect of the resolution. I would not want to consent to its passage at this time without consideration. It should be considered most carefully.

Mr. FALL. I understand the effect of the resolution to be this: At least one of the great parties of the United States stood ready before the last election and said to the people that they propose to follow the time-honored doctrine of this country, as I have always understood it, that where an American citizen, even in a foreign country, was obeying the laws of that country and was legally there in that country, pursuing his daily avocations or his business pursuant to the laws of that country, not at fault himself, he was to be protected to the full extent of the power of this Government to protect him in his property, in his life, and in his liberty. I understand this is a reiteration of that doctrine, and it is with that understanding that I ask for the adoption of the resolution.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Gallinger	Norris	Smith, S. C.
Bankhead	Hitchcock	O'Gorman	Smoot
Borah	Hollis	Page	Sterling
Brady	James	Perkins	Stone
Brandeggee	Johnston, Ala.	Pittman	Sutherland
Bristow	Jones	Poin Dexter	Swanson
Bryan	Kenyon	Pomerene	Thomas
Burton	Kern	Ransdell	Thompson
Cañon	Lane	Robinson	Thornton
Chilton	Lea	Saulsbury	Tillman
Clark, Wyo.	Lewis	Sheppard	Townsend
Clarke, Ark.	Lippitt	Sherman	Vardaman
Colt	Lodge	Shields	Warren
Cummins	McLean	Shively	Weeks
Dillingham	Martin, Va.	Simmons	Williams
Fall	Martine, N. J.	Smith, Ariz.	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city and is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMOOT. I wish to state that the senior Senator from Delaware [Mr. DU PONT] and the junior Senator from Wisconsin [Mr. STEPHENSON] are unavoidably absent from the city. I desire this notice to stand for the remainder of the day.

The VICE PRESIDENT. Sixty-eight Senators have answered on the roll call. There is a quorum present.

Mr. BACON. Mr. President, I do not propose to discuss now, nor do I understand it to be the desire of the Senate that there should be a discussion, as to the question of the correctness or the incorrectness of the proposition contained in the resolution. What may be an abstract and correct statement of a principle it may not be expedient to express and announce without reference to the particular circumstances at the time and without reference to the application which may be sought to be made of it.

A declaration of principle which is correct in itself may, when intended to be applied to a particular situation, require elaboration and amplification. Otherwise the purpose of the declaration may be misunderstood, and an improper construction may be put on the words of the declaration.

Everyone knows, Mr. President, that we are now in a position of very grave responsibility. Everyone knows that there are conditions which make that responsibility to those of us who sit here to-day one to which no man who values his obligation can shut his eyes. In view of the gravity of the present

situation I think I may safely say that any enunciation, in which it is proposed that there shall be an expression by the Senate affecting the present situation, should be most carefully considered by us under the particular advice of the committee which the Senate has constituted for that purpose with reference to questions of that character.

Words are very serious things at times, and this is one of those times. The words which should be uttered should be carefully considered and weighed. Therefore, Mr. President, without discussing the question at all as to whether or not this resolution enunciates the truth, or whether there ought to be an expression of the truth at this time, I respectfully say that the resolution should be considered by the Committee on Foreign Relations, and I move its reference to the Committee on Foreign Relations.

Mr. LODGE. Mr. President—

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

Mr. BACON. I do.

Mr. LODGE. What portion of the resolution—I have not a copy of it before me—is it that the Senator from Georgia thinks is incorrect or wrongly stated?

Mr. BACON. Has the Senator understood me to suggest that there was any part of the resolution that was incorrect or wrongly stated?

Mr. LODGE. I am trying to find out.

Mr. BACON. Well, if the Senator had listened he would have heard that I had expressly stated to the contrary.

Mr. LODGE. I listened to every word the Senator said.

Mr. BACON. I stated expressly that I did not intend to discuss the question whether it was or was not; and I suppose the Senator from Massachusetts heard that.

Mr. LODGE. I did, and I do mean to discuss the resolution. That is just it.

Mr. BACON. Very well. The Senator can proceed, if he chooses to do so.

Mr. LODGE. I want to discuss the resolution, and I am asking what there is in the resolution—I am not now speaking of the expediency of passing it—that is not sound?

Mr. BACON. Mr. President, I am addressing myself solely to the question of expediency, and not to the question as to whether or not there is a correct enunciation of a sound principle.

Mr. President, if we are to consider this question now, of course, there will be consideration as to whether or not the resolution is sufficient in itself or whether it should be added to and amplified in any way. We could not shut our eyes to the fact; we all know what the purpose of the Senator from New Mexico [Mr. FALL] is. The Senator from New Mexico desires that this shall be an enunciation on the part of the Senate of the proposition that the United States Government should by force undertake to redress any wrong which may be recognized as having been committed in Mexico upon American persons or upon American property.

Mr. FALL. Mr. President, will the Senator from Georgia yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I think the Senator from Georgia possibly is considering matters from another standpoint when he attributes to the Senator from New Mexico purposes which the Senator from New Mexico has not expressed on the floor at this time or at any other time. I think that the Senator from Georgia is attributing to the Senator from New Mexico motives possibly to which he certainly has not given utterance with reference to his purpose in introducing the resolution. If the Senator from New Mexico had added a second resolution to this, as under the circumstances he might well have done, authorizing the President of the United States to use the land and naval forces of the United States to carry out the purposes of the resolution when, in the discretion of the President, such course might be necessary, then the sentiments attributed to the Senator from New Mexico by the Senator from Georgia might have been correct, but so far the Senator from New Mexico has expressed no such sentiments.

Mr. BACON. Well, I may have drawn an incorrect conclusion from the utterances which the Senator from New Mexico has made upon this floor. If so, of course I do not wish to misrepresent him. I had certainly understood from what I have heard the Senator heretofore say that that was substantially his attitude. If it is not, of course I do not wish to attribute anything to him which he does not profess.

Mr. FALL. Does the Senator have reference expressly to the speech I made here on July 22 of last year and to the



remarks which I made subsequently, and particularly to those made prior to the meeting of the Baltimore convention?

Mr. BACON. Well, Mr. President, I yielded to the Senator from New Mexico. I do not know how far he desires me to yield.

Mr. FALL. The Senator from Georgia has attributed to the Senator from New Mexico certain purposes in offering this resolution, and he says now that he arrives at the purposes of the Senator from New Mexico by virtue of other expressions which the Senator from New Mexico has made on the floor; and I ask the Senator if those other expressions to which he refers were those made in July of last year and prior to the Baltimore convention.

Mr. BACON. Mr. President, I do not recall the exact dates of the speeches with which the Senator from New Mexico has entertained the Senate, and I think I made the proper amende, if such may be needed, when I stated that if I had in my construction of what the Senator had said misrepresented him I did not wish to be understood as insisting upon that construction of his language. I do not know how he could expect me to go further than that. I will say to him very frankly that the general impression which has been made upon myself—I do not know whether or not it has been made upon other Senators—by several utterances of the Senator upon this floor, the dates of which I can not recall, has been to the effect which I have indicated; but I do not wish to misrepresent the Senator, and, of course, I shall not insist upon that if he disclaims it.

But, Mr. President, the Senator purposes to limit the Senate to an expression of this kind at such a time without a consideration as to whether or not there should be, if any expression is made at all, additional expressions in connection with the resolution to prevent any misunderstanding of any declaration now made. I do not know that any resolution on the subject is required. If there is anything of the kind necessary, it seems to me much better that it should be put in a concrete form. This resolution would refer to the Balkan States as well as to Mexico. If the Senator from New Mexico has in view only Mexico in making the utterance, and if the conditions are such as to require any declaration from us, let us have it in a direct, concrete form, where we can meet it and judge of it and weigh it; but the proposition I make is that a matter of this gravity, involving such serious interests and considerations, should not be acted upon by the Senate without a reference to the committee charged particularly with that subject.

I am sorry that my very learned and distinguished and honored colleague upon that committee, the Senator from Massachusetts [Mr. LODGE], would so far permit his present attitude of energy—I started to say "bellicose" attitude, but I am afraid the Senator might not relish that word—to lead him astray from what I have always heretofore understood him to be very carefully guarding; that is, the propriety of everything of this kind, before it is considered and passed upon by the Senate, receiving the careful attention of the Committee on Foreign Relations, and that a matter of this kind should not be hurried to the consideration and expression of the Senate without the opportunity for that careful consideration and examination which can not be given by the Senate at large at such a time, and which can only be given by the patient and careful examination which the committee has the opportunity to give to it.

Mr. President, if I stopped to analyze this resolution and to discuss the propriety of its approval from the standpoint of its correctness—I care not whether it is founded on the Democratic platform or upon something else—there might be some very just criticisms made upon it. For instance, what constitutional right has a citizen of the United States in Mexico? What constitutional right has a citizen of the United States in the Balkan States?

Mr. FALL. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I will yield for a question or a suggestion, but I do not yield now for a speech. The Senator will have his opportunity later.

Mr. FALL. Very well; I will answer the Senator later.

Mr. BACON. I yield to the Senator for any suggestion he wishes to make.

Mr. FALL. I understood that the Senator had asked a question which I thought in my very feeble way I might be somewhat prepared to answer offhand, but I will answer it in my own time.

Mr. BACON. The Senator did not indicate his purpose when he rose. I am perfectly willing that the Senator shall answer now.

Mr. FALL. I think possibly, Mr. President, that it might be better to allow the Senator to conclude his remarks, and then I will have an opportunity to answer.

Mr. BACON. I do not intend, unless the sense of the Senate should indicate that such is its desire, now to enter into an elaborate discussion of this question.

Mr. FALL. Mr. President, allow me to disabuse the mind of the Senator of the idea that I want to make a speech. If I want to make a speech, I can make it in my own time and not by interrupting him. Therefore I thought the statement of the Senator that he would yield to me for a question or for a certain purpose, but not for the purpose of making a speech, was a little uncalled for. I will have the opportunity, I presume, of making a speech; but that is not my purpose. The Senator asks what constitutional right has an American citizen abroad? I think that has been decided so often that the question easily answers itself.

Mr. BACON. I did not have even a remote allusion to the Senator in the suggestion I made, to which he is replying with so much heat. I was speaking about myself, and not about him. It had been suggested that something might be said after I finished my speech, and I simply said I did not propose to make a speech. I do not know that that utterance should give any particular offense to anybody or excite any particular feeling. That is all I meant.

Mr. FALL. Allow me to assure the Senator from Georgia that the Senator from New Mexico has taken no offense and has not imagined that any offense was intended at all; but the Senator's words were that he would yield to the Senator from New Mexico for certain purposes, but not for the purpose of making a speech. The Senator from New Mexico did not interrupt for the purpose of making a speech.

Mr. BACON. I have no objection whatever to that, Mr. President. The Senator went on, then, to say that he would speak after I had finished my speech. I simply meant to say that I did not intend to make any speech at this time. I do not know why it was necessary to recur to what had previously occurred and take up unnecessarily the time of the Senate upon such a matter as that.

I do not propose at this time, Mr. President, to go into an elaborate discussion of this question. I do not think it is the proper time for it. I say that, if this is a matter recognized by the Senate as one which should now have the consideration of the Senate, it should come to the Senate in a proper form after consideration by the committee charged with that work. Therefore I do not propose now to discuss the resolution unless it is developed, as I have said, to be the sense of the Senate that it should be now discussed; and, Mr. President, if it is now to be discussed, I shall insist that the resolution shall be put in a shape to relate to that which doubtless the Senator had in his mind when he introduced the resolution. The Senator did not have the Balkan States in his mind, although there is a war over there, nor did he have in his mind any other country in which war might break out to-morrow. Every Senator will recognize that the Senator had Mexico in his mind; and if we are going to pass a resolution which is intended to apply to Mexico, let us be honest and put it in shape to mean exactly what it says and to say what it means, and not by indirection or by general expression seek to commit the Senate to the declaration of a principle the application of which is intended for a particular purpose, and not for a general purpose.

Mr. President, I will not move to lay this resolution on the table, because the Senator has given notice that he desires to say something and I have no desire to cut him off; but I do say that, if the temper of the Senate is such that they think the matter should be considered, I desire that it shall go to the Committee on Foreign Relations, and if such is not the desire of the Senate, then we might end it in another way.

Mr. LODGE. Mr. President, I had no intention of being "bellicose" in the question I asked, nor am I aware that I have opposed the reference of this resolution to the committee; but I had a curiosity to know just what there was in it which was objectionable. It now appears that there is some fault to be found with the phraseology and the use of the word "constitutional."

I take it that the American citizen's constitutional rights go with him to the border, but when it comes to his constitutional rights going with him throughout the world, I should personally have phrased it differently; I think I should have been inclined simply to say "the rights of American citizens." However, I have no desire to discuss this resolution on that particular point. It is taken from the Democratic platform, which I understood was in large measure prepared by the present Secretary of State and by the distinguished Senator from New

York [Mr. O'GORMAN], who is entirely capable of defending his own phraseology from every point of view if he happens to be responsible for it.

The intent of the first sentence of the resolution is plain enough. It is that the rights of American citizens, constitutional on the border and international in the rest of the world, should protect them. I for one am not ready to vote against that proposition. I think it is perfectly sound. The other statement is that every American citizen is entitled to full protection in a foreign country, both for himself and his property. I take it that is an equally sound proposition, and I should be sorry to vote against it, because I think the American citizen abroad is possessed of all the rights that are given him by treaties and by international law and is entitled to the protection which is given him by the law of nations. I can not conceive why anybody should want to question that.

Those are the two general propositions. The Senator from Georgia [Mr. BACON] doubts the expediency of dealing with the matter at this time. I am not speaking of the reference, which is one method of dealing with it. That which I speak of now is the substance of the resolution, and I wish to call attention to the fact that in the same platform from which these words are taken there is also this statement:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

Mr. President, is it possible that we can not consider and, if necessary, act upon two abstract principles like these, because those very principles are now being violated in a neighboring country? It seems to me that would be an unfortunate attitude to take at this time.

Mr. BACON. Will the Senator from Massachusetts permit me to interrupt him?

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

Mr. LODGE. I do.

Mr. BACON. Of course, there is always latitude of construction in any language which may be used. In view of the application which is doubtless in the minds of all Senators when we are called upon to pass upon this resolution, in the expression—

And every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property—

I want to ask the Senator if he would understand that to mean that if an American citizen 200 miles from the border, or 500 miles from the border, had property which he had purchased there, he himself bearing the management and control of it, and there should be an outrage committed upon that property and the American citizen, if you please, should be imprisoned, does the Senator understand that to mean that it would be the duty of the United States Government, if this proposition is recognized as a correct one, to send an armed force to liberate him?

Mr. LODGE. Certainly not, Mr. President. Those principles do not commit us to war.

Mr. BACON. That not being the case, the Senator at once is brought to confront the fact that in giving utterance to a principle of that kind, in view of the present conditions, we should give utterance to it in such a way as not to commit us to something to which the Senator himself says he would not agree.

Mr. LODGE. Mr. President—

Mr. STONE. Mr. President, if I may "butt in"—

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

Mr. LODGE. I shall be glad to do so.

Mr. STONE. If an American citizen were imprisoned in a foreign country and despoiled of his property, and if he could not be speedily released by diplomatic intervention through peaceable means, I for one would be willing to send an armed force into the country to take care of him.

Mr. BACON. There are too many "ifs" in what the Senator proposes, though.

Mr. LODGE. Mr. President, when I replied to the Senator from Georgia he asked if that meant sending down an army. It does not, in my opinion, for there are many steps which precede the use of military force. There are, in the first place, the usual diplomatic methods of enforcing our rights, which, of course, must be exhausted before further steps are taken. If such occurrences have existed in Mexico as have been referred to by the Senator from Missouri, it is our duty to put into operation every recognized engine of diplomacy for the protection and rescue of any American citizen under such circumstances.

No doubt a point can be reached where a nation so maltreats, outrages, wrongs, and possibly kills the citizens of another nation that if diplomatic methods fail the only resort is to armed force. We are not, perhaps, in that situation to-day. I trust and believe we are not. But, setting aside the question of the wording of these propositions—which, even if they might be better phrased, are perfectly clear in their intent—I think the announcement to this country and to Mexico that we will not pass a declaration of general principles of this sort is a very serious thing to do.

The resolution is here. We can not escape it. We must act upon it. To fail to act upon the resolution, or to lay it on the table, or to reject it, would be practically equivalent to saying that we are not prepared to protect our citizens in Mexico. Therefore it is not a question which can be brushed aside as an unimportant declaration of general principles upon which it is not expedient at this moment to act.

To my mind it would be a very serious thing for the Senate to refuse to take proper action upon the principles set forth in the resolution and proposed for our action. It can not be that we have reached the point where we are unable or unwilling or afraid to affirm general propositions of this kind, which have nothing to do with war, of course, but are simply abstract declarations of the right and the duty of the Nation to protect its citizens abroad. It may not be necessary to make such declaration in a resolution; but the resolution is here, requiring action, and I think proper action should be taken upon it.

Of course I have no objection to the reference of the resolution to the Committee on Foreign Relations. I think that is the proper course. But I do not think the resolution should be lightly dismissed, because negative action will be much more serious than affirmative action upon it.

Mr. WILLIAMS. Mr. President, if the resolution is to be passed it ought to be amended. It reads:

That the constitutional rights of American citizens should protect them on our borders, and go with them throughout the world.

The Constitution of the United States can not go with any American citizen throughout the world. It stops at the border. It does not make any difference who worded the resolution originally, or whether it was in a Democratic platform or not. That is a mere ad hominem crumb. It is absurd for any legislative body to make the assertion that the constitutional rights of its citizens exist upon the territory of foreign countries. What was meant, I suppose, was that the constitutional rights of American citizens should protect them on our borders, and that their rights under the law of nations should go with them throughout the world.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. One word more. Farther on it reads:

And every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government.

That also is not sound international law. I suppose what was meant was must be given the full protection of the law of nations by the United States Government.

If the resolution were amended so as to read in that way, it would be only an abstraction. It would be the utterance of a truth which nobody would dispute anywhere, at any time. But I differ with the Senator from Georgia [Mr. BACON] when he draws the conclusion that because it is an abstraction it might be useless. I think it would be a very good thing to strengthen the arm of the Secretary of State with a resolution of this sort at this time, properly amended.

I do not think we need make ourselves absurd in the wording of the resolution, however, simply because somebody else, somewhere else, worded it wrongly at the beginning. The persons who chose this language were not considering then the delicate international question involved. They were considering simply the appearance of the thing to the American people. The adjective "constitutional" has become so constantly a prefix of the word "rights" that I suppose it slips in by force of habit of thought.

I think that to utter an abstract truth of this sort, which no nation can dispute, which no lawyer can dispute, which no American would dispute, and send it out as a resolution of the United States Senate, would be the greatest possible aid that we could give to our diplomatic forces in wrestling with the problem at our southern border; and all the more so because it is worded in such phraseology that it may apply to anybody, anywhere, as well as to Mexico and the forces operating there.

I agree with both the Senator from Georgia [Mr. BACON] and the Senator from Massachusetts [Mr. LODGE] that before the resolution passes the Senate it would be well for it to be considered in the Committee on Foreign Relations. My chief reason for desiring it to be considered there is that it may come



back properly and accurately worded, in such a way that we may for all time stand by it as an accurate and correct expression of the abstract principle involved.

Mr. O'GORMAN. Mr. President, if there is an amusing feature to the discussions that are heard from time to time on the floor of this Chamber, it is caused by the dogmatic utterances which sometimes mark the expressions of individual Senators.

A nice appreciation of the correct use of language should indicate to the mind of any observing Senator that the use of the adjective "constitutional" before the word "rights" in the first line of the resolution is quite proper, and is not subject to the criticism even of the purist in speech.

There are various rights of an American citizen. There are private rights, personal rights, statutory rights, and beyond all of them, and far more important than the rest, are the constitutional rights, the fundamental rights upon which American citizenship is based.

Reference is made to the thought that the constitutional rights of American citizens do not extend beyond the borders of the United States. I am astonished that such a statement should be uttered by any occupant of a chair in this Chamber. In every treaty made by the United States Government with a foreign power there are provisions guaranteeing to the citizens of the United States in the territory of that power the same rights that they enjoy in their own territory. Moreover, by express language in our Constitution, every treaty made with a foreign power becomes the supreme law of the land.

When the declaration embraced in the resolution was made, it was intended to emphasize the attitude of the United States, if it found enactment in our laws, that these fundamental, constitutional rights of citizens of the United States should attach to their persons and their property in every part of the world.

As for myself, I am prepared to vote for the passage of the resolution now. I doubt whether there is a Senator upon this side who would hesitate to vote for its adoption. Yet very properly the chairman of the Committee on Foreign Relations has called the attention of his colleagues to the eminent propriety of observing the precedent, which has rarely been disregarded, of submitting the resolution to the appropriate committee—the Committee on Foreign Relations—because it does touch the question of our right with foreign powers under our treaty engagements.

Mr. WILLIAMS. Mr. President, in connection with what has just been said, three plain instances, I think, will furnish a complete reply.

The Constitution of the United States gives to every citizen of the United States the right to bear arms. Nobody would contend that that sort of a constitutional right accompanied an American citizen in France or Germany. The Constitution of the United States gives to every American citizen the right to resort to the writ of habeas corpus. It gives to every American citizen the right to be tried by a jury. Those are constitutional rights. Nobody would contend that either one of them would exist in a country which had neither habeas corpus nor trial by jury. All that America could claim for her citizen in such a country would be that he should be tried fairly by the laws of the land in which he was alleged to have committed the crime.

Mr. WORKS. Mr. President, the declaration in the pending resolution touches a subject that has given me a great deal of concern. A great many of the citizens of California are in Mexico. Many of them have lost their property; some of them have lost their lives; and still others of them are imprisoned in that country, I think, without right or warrant of law.

The question is, By what means should this Government protect them? We can not conceal from ourselves the fact that the resolution is directed to the relations of this country with the Republic of Mexico. The country will so accept it. Foreign countries will so look upon it. Are we prepared to declare at this time, as set forth in the resolution, that this Government should give full protection to its citizens in Mexico, both for themselves and for their property? What is meant in the resolution by "full protection"? It must necessarily mean that if at this moment our citizens in that country can not be protected by diplomatic means, we should go to war to protect them.

This question has been presented to me at various times personally by people who are suffering under the conditions that exist in Mexico. They are insisting, a good many of them, that this country should resort at once to intervention for their protection. That may be so. We may have reached a condition where it is absolutely necessary for us to take that step in order to protect the citizens of this country in Mexico. But I

submit, Mr. President, that before we make a declaration on the part of the Senate of the United States to that effect we should consider this resolution or any declaration that we propose to make seriously and carefully before going to that extent.

So far as the resolution simply declares a principle it is unobjectionable. Everyone recognizes the fact that it is the duty of this country to protect its citizens abroad as well as at home. I am not disposed to cavil about the use of language or to split hairs with respect to it. It does not make very much difference whether the right of an American citizen in another country is a constitutional right or some other kind of a right. His Government, of course, should protect him in his rights, whatever they may be.

I do not agree with the Senator from New York [Mr. O'GORMAN] that the Constitution of this country extends beyond its borders or that the rights he is talking about are constitutional rights.

Mr. O'GORMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. WORKS. I do.

Mr. O'GORMAN. I fear the Senator from California did not honor me with his attention when I was attempting to express some views a moment ago. I never declared, I never meant, that the Constitution extends beyond the domain and the frontier of our own country except indirectly by treaty engagements, where the principles of the Constitution, so far as they affect the citizen, are guaranteed to him in the various countries with which this country has negotiated treaties.

Mr. WORKS. Then, Mr. President, the right on the part of an American citizen as it exists in another country is not a constitutional right; it is a treaty right guaranteed to him not by the Constitution but by the treaty with another country, and that may, by virtue of the language of the treaty itself, protect him in his constitutional rights as he would enjoy them at home.

I agree with the Senator from Georgia that the resolution should go to the Committee on Foreign Relations, and that it should be considered deliberately and carefully before making any declaration on this subject. If it involved simply the matter of making this declaration as a matter of principle, we could do it without any hesitation; but if it is a declaration of principle that is to affect our relations with the Republic of Mexico, that is quite another thing, and it would undoubtedly be construed in that way.

Therefore I am not in favor of action upon the resolution now or hastily, but should very much prefer to see it go to the appropriate committee.

Mr. FALL. It is rather singular to me, Mr. President, that there should arise any discussion at all upon the adoption by the United States Senate, and the immediate adoption, of this resolution.

Words have been put in the mouth of the Senator from New Mexico, Mr. President, on more than one occasion in the Senate with reference to the discussion of foreign affairs, particularly relative to the conditions in Mexico. On the first occasion when the Senator from New Mexico undertook to call the attention of the Senate to the conditions existing in Mexico he endeavored to impress upon the Congress of the United States that unless some strong policy was declared and preparations made if necessary to carry it out by this country with reference to Mexico or any other country on this continent in the condition of Mexico, this country would eventually be dragged into a war.

The sole purpose of the Senator from New Mexico from the first word that he has uttered in this Chamber down to the present time has been to prevent war with Mexico. Every effort of the Senator from New Mexico with the last administration was to urge upon it the necessity of realizing the conditions in Mexico and of taking such action as, in the judgment of the Senator from New Mexico, would prevent war.

This matter has been allowed to drag along, until now we are told the situation is so delicate that we should not make a declaration of this broad principle which has been recognized as the American policy, and, as applied to individuals, to a certain extent setting forth the constitutional right of every citizen of this country.

The Senator from New Mexico is not responsible for the conditions in Mexico. It is delay, reference to a committee, failure to report back by the committee, failure of the administration to act when action was necessary, failure of the administration to carry out its warnings to the people of this foreign country which are responsible for the conditions which now exist in Mexico, and continued failure is going to result in what you, gentlemen, know will come about.



This is a Republic. It is not a centralized Government, where the people act through one man. We hesitate as a Republic, and rightfully so; we hesitate more than any other nation on the globe to protect our citizens because of the fear that we may bring on war. We hesitate to protect them in their rights to property and in their treaty rights, and a treaty by the Constitution is made the supreme law of the land. We hesitate, and, as I said, rightfully so and naturally so, because this is a Republic. Finally we are aroused. How? By some great disaster like the blowing up of the *Maine*; and then we are aroused to such an extent that instead of mediation, instead of interposition, instead of intervention quietly, with the entire armed force of the United States the people of this great Nation, being aroused, pursue the enemy to the uttermost corner of the earth and carry on a war—a war for civilization.

It is in your power, and it has been in the power of the last administration and the power of this administration up to the present time, to prevent war. It is not just or politic for any administration to say to foreigners or contending factions threatening battle or disturbance along our border that "you must not fire a shot into American territory nor injure anyone upon this side of the line," placing our armed forces in a position to enforce this warning; and when the injunction is violated and we are defied, our territorial rights invaded, and our citizens killed as in Agua Prieta and El Paso, fail entirely to punish such outrage and direct defiance of our order.

Strong action taken two years ago would have prevented war. The demand of Mr. Madero for proper assurances to this country that he was able to and would protect the rights of American citizens, which proper assurances could have been demanded then, would have prevented war. A determined policy on the part of this Government at any time during the last two years in dealing with these conditions would have prevented war. The protection of American citizens who were killed or who have been held for ransom on the border, such protection being extended through the armed forces, if absolutely necessary, would have prevented war instead of precipitating war.

But the policy of the last administration and, so far of this administration, the policy of the Congress of the United States, has been to delay, with the hope that something might happen to avoid the necessity of the United States, declaring that they would protect American citizens wherever they were.

Mr. President, I am a little bit astonished at the Senator from Mississippi [Mr. WILLIAMS] advancing the argument he has made here as to constitutional rights. Of course, the Constitution of the United States declares inalienable the right of American citizens to bear arms. Still we know perfectly well that means that the right to bear arms is subject to local rules and regulations in every State or in every municipality of the Union.

I call his attention to the fact that the constitutional rights of American citizens to protection, and not through the courts of Mexico, has been passed upon by this country. In what are known as the Laffragua letters every argument which the ingenuity of the Senator from Mississippi and of his colleague from Georgia or any distinguished gentleman on the other side could use upon this subject was used, and was used, if they will permit me to say, with the same ingenuity that they might advance. It was the same argument used by Mr. Laffragua, the minister of foreign affairs of the Mexican Republic and afterwards minister to this country. The right of the Mexican Government to force American citizens into the local courts, under the treaty of 1831, which is yet in force for the protection of American citizens in Mexico, was insisted upon by Laffragua, was fully passed upon, and it was decided by this Government that conditions changed, and that, although the general rule was as stated, this general rule only applied during times of peace and to peaceable conditions, and not when conditions were such as exist at the present time; that under such conditions American citizens would not be expected to appeal or submit first to local tribunals, but would receive directly the assistance and protection of their Government and not be relegated to a miserable Mexican court to try out his rights.

Now, Mr. President, so much for this general argument. In 1860 the great Democratic Party went on record before the people of the United States in almost identical language with that which is now embraced in the resolution:

*Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad and whether native or foreign.

Mr. President, there has been a time when I myself took great pride in the fact that the Democratic Party of the United States stood for American citizenship at home and abroad. I want to say as an American citizen that I am yet proud of the fact that in its last convention the Democratic Party, presumably

after due consideration, in as full knowledge of conditions in New Mexico as is possessed by the Senator from Georgia or any other Senator, because those conditions existed then, and with the conditions in Mexico in view and not the conditions in the Balkans, adopted exactly this plank in your platform. But I say that it applies to American citizens in the Balkans, as we have before this made it apply to them in Armenia and in other countries of the world.

It is not only in Mexico, Mr. President, that this country has interposed by its armed forces by the authority of the Congress of the United States and without such direct authority to protect American citizens in their property rights and to protect their lives and their liberty. Hundreds of cases can be referred to in which the United States has gone into foreign countries with its armed forces and with its ships of war and there demanded, and has committed acts of war in, the protection of the property and the rights of its citizens.

Now, the Senator from Georgia undertakes to put words into my mouth. I call his attention to the speech which I made in the Senate on April 22. At that time the Senator sought to put me in the position of seeking to bring on war, a war for filthy lucre, by stating that he would not agree, as he intimated that I desired, to send the armed forces of the United States into the Republic of Mexico for the protection of the dollars of those citizens who had gone across there.

My reply was then:

If I intimated that an army should be sent into Mexico for any purpose, I do not recall it. The Senator has stated that if I want to know whether he is willing to send an army down to Mexico to secure these damages he wanted me to understand he was not. I say with perfect and equal frankness to the Senator that if it becomes necessary to protect one American citizen in Mexico or anywhere else to send 200,000 men there to do it, I am in favor of sending American troops there to do it, not to collect a dollar, but to protect an American citizen, wherever he may be.

I called his attention then and I call the attention of the Senate of the United States again, and I call the attention of the Secretary of State of this great United States again to the fact that Americans in Mexico are not mere adventurers who have gone across the line to make a few dollars from Mexico and bring them back. It is not alone for the protection of property rights of the American citizens that those of us who understand the conditions have asked this Government to make declaration of its policy at least through this high lawmaking body.

Five thousand American citizens, Mr. President, many with children born on Mexican soil, making homes there under concessions by which the Mexican Government guaranteed to them their American citizenship and like citizenship of their children born in Mexico, with protection of lives and property, of their little farms and homes—American citizens living in Mexico, who drove out the Apaches from the Sierra Madre where no Mexican dared to go, have been thrown out, their houses burned to the ground, themselves driven at the muzzle of rifles from the Mexican Republic, and no redress has been asked or offered. The Senate of the United States has passed two resolutions providing funds to remove these people from the danger zone and to provide for their temporary needs until they could obtain employment on this side of the line, where they sought refuge, with the accumulations of a lifetime taken from them by armed banditti without protest from this Government.

A year ago the Senate passed a resolution, concurred in by the House, appropriating \$20,000 to pay the expenses of sending trains down there to get these people out of Mexico, and a few days later it passed a bill appropriating \$100,000 to support them until they could obtain work with which to support themselves. These were American citizens. Let me repeat that their children, although born on Mexican soil, under the laws and concessions of the Mexican Government have all the rights of American citizens. It is not only the capitalist who has gone across the border for the purpose of "mulcting" Mexico that is appealing for protection.

Mr. President, the United States has developed Mexico. Citizens of the United States have built practically every street railroad, every electric line, every power-transmission line, and practically all the railroads. They have developed the mines and have now invested in Mexico one hundred times as much in productive property as the Mexicans themselves have, and all that is asked is that the Senate of the United States shall reannounce the American doctrine that an American citizen behaving himself in a foreign country is entitled to the protection of his Government.

Mr. President, the writers on national law are those I think whom our forefathers followed and whom our statesmen have generally followed in expounding the American doctrine. We have not followed the writers on civil law, but rather our statesmen have founded their doctrine upon those laid down by



Vattel and Grotius and the other writers, and I hope they will continue to build upon that foundation.

Mr. President, when this country becomes so thoroughly commercialized, so thoroughly selfish within its own borders, that it will not render absolute protection by its armed forces, if necessary, to its American citizens abroad, then I ask you what will be the spectacle if this United States of ours were in a great war with some country which was our equal or our superior?

One of the axioms of the old law writers is that the prince is entitled to the loyalty of his subject wherever that subject may be. Even if in the remotest corner of the earth, when the subject hears that his prince is in danger he is supposed to hasten home and to offer his sovereign his life in defense of the liberty or life or the property or the rights of that sovereign. And conversely it is true that a citizen of this country wherever he may be—in Russia, or in Japan, or in China, or in Nicaragua, or in Mexico—has a constitutional right, because this is a Republic founded upon a Constitution—has a constitutional right to rely upon his sovereign, his Government, for protection.

This Republic of ours is and should be responsible for the protection of the citizen where he stands, obeying the local laws of the land, and I tell you, Mr. President, that when any country grows so weak that it will not extend that ultimate protection to that citizen, the days of that republic or that country are numbered.

Mr. BACON. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I yield.

Mr. BACON. I simply desire to ask the Senator practically the same question I asked the Senator from Massachusetts. The Senator insists upon the right of a citizen in Mexico to protection by this Government. I have been unfortunate in misunderstanding him in the past, and therefore I ask the question now, Does the Senator contend under that proposition that if an outrage is committed upon a citizen of the United States, say 500 miles in the interior of Mexico, and he is imprisoned, the duty of protection devolves upon this Government, the duty to send an armed force for his release?

Mr. FALL. If such armed force is necessary for his release, if no other method will secure his release, he is entitled to the assistance of the last citizen of the United States to release him.

Mr. BACON. Then, as I understand the Senator from New Mexico, his proposition is this: The Senator states that there have been a great many of these outrages, a great many instances in which citizens have been imprisoned, a great many instances in which their property has been destroyed, and the Senator says that so far our diplomatic efforts in the direction of redress and protection have failed. Does the Senator mean from that to deduce the conclusion as now the position occupied by him that it is the duty of this Government to send armed troops into Mexico for the purpose of liberating those men and for the purpose of getting redress for the property thus destroyed?

Mr. FALL. Mr. President, the argument of the Senator from Georgia reminds me of that of one of the greatest lawyers that we ever knew of in our southwestern country, of whom it was often said that if you would grant his premise, you must give him the decision. In the first place, the Senator from New Mexico has not said that the diplomatic efforts of the United States Government to avoid the present conditions have failed.

Mr. LODGE. They have never been attempted.

Mr. FALL. They have not been attempted. Nothing has been done to protect American citizens in Mexico.

Mr. BACON. Mr. President, the Senator from New Mexico makes that statement very broadly, and for me to permit it to pass unchallenged might be construed as consent to its accuracy. I am very certain that the Senator is absolutely without warrant in making that statement, if there is any truth in men. I know not only has there been under the present administration, but that under the past administration there was the most constant effort made through our consular officers and through our diplomatic officers for the purpose of securing protection for our citizens there and for the purpose, so far as it was reasonable and practicable, of securing redress. Of course everybody will recognize the fact that in the disturbed condition of affairs in Mexico, with their people rent in twain, with one part of the country under the domination of one faction and another part of the country under the domination of another faction, they were not in a condition then to furnish the money to repay the millions and millions of dollars which would be necessary to recompense for the destruction of property; but it is a fact, and I assert it as a fact on this floor upon

the faith of the truth of statements made to me by officers of the Department of State in the last administration and by officers of the Department of State in the present administration, that there have been such efforts continuous and unceasing.

They may not have availed; but it is not true, Mr. President, that the Government of the United States, either under the past administration or under the present administration, has been indifferent to the rights and interests and protection of the lives and property of citizens of the United States in Mexico. I know, not only from general statements made by officers of the State Department of the past administration to me and to other Senators, but also by statements made to me by officers of the State Department of the present administration, as to these general efforts, but I know in particular instances, Mr. President, where citizens of my own State are in that country and where they have business enterprises that numerous times, in response to my appeal, both in the past administration and in the present administration, efforts have been made to insure the safety of the persons of those people—I say "those people"; I mean our citizens—and to provide, as far as possible, for the protection of their property. So when the Senator from New Mexico gets up here and makes the statement to go out to the world that there has been no effort made through diplomatic measures to protect the persons and property of our citizens, it must be denied, Mr. President, and the Senator must be put upon his proof.

Mr. FALL. Mr. President, I might reply by suggesting—

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I will in just one moment. I might reply by suggesting to the Senator from Georgia that if he were put upon his proof there might be a tale involved of the efforts in behalf of citizens of his own State which I think would corroborate what I have said to some extent. One of them was in this city recently. He was here with a delegation of some 15 men making representations to the State Department. I think the Senator is aware of that fact. I have a letter from that constituent or client of the Senator, as well as having had a conversation with him.

Possibly, Mr. President, the Senator from Georgia and the Senator from New Mexico do not agree as to what a "diplomatic effort" or a "necessary effort" might be. We are so far apart, apparently, in our ideas upon this subject that it seems impossible for the Senator from Georgia to understand the Senator from New Mexico, although, in the opinion of the Senator from New Mexico, his language is not ornate, but is usually plain.

Mr. President, I am aware of the fact that on more than one occasion where, for instance, as in Madera, within the last day or two, Americans were surrounded by a lot of bandits and threatened with being wiped out, the department here has cabled to the City of Mexico, 1,200 miles south of Madera, with all the railroads blown out between Madera and the City of Mexico, with three-fourths of that great country, as the State Department knows, in the hands of the insurgents—they have cabled to the City of Mexico representing to them that Americans were in danger in Madera and asking them to use efforts, if possible, to secure the liberty of those Americans so endangered. Mr. President, I myself have some documents directly from the State Department, and the efforts of the State Department in the last administration and in this administration have been along those lines entirely, along the lines of making representations to the Government in the City of Mexico.

The great trouble is that apparently some of our Senators, who should be most thoroughly informed, seem to think that the City of Mexico is Mexico, and that all you have to do is to appeal to whomsoever happens to be temporarily in command in the City of Mexico, however unable we may know him to be to afford protection, even granting that he desired to do so, and to rest content, and say that we have exhausted the efforts of diplomacy and have done all that we could do to secure the protection of American citizens. Mr. President, I do not agree that that is the ultimate end even of diplomatic effort.

Now, I want to say one other thing. I have noticed within the last week one occasion in which it was reported in the newspapers that the Secretary of State called upon the Secretary of War to communicate with Col. Brewer along the Texas border, and through him to demand of the insurrectionists the release of certain Americans. I hope, Mr. President, that this newspaper story is absolutely true.

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

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I do.

Mr. BACON. Just in that connection I wish merely to say that my information has not been in accord with that now stated by the Senator from New Mexico [Mr. FALL], to the effect that the efforts of the American Government through the Department of State, either in the former administration or the present administration, have been limited to representations made at the City of Mexico, as suggested by the Senator; but from matters that came within my personal knowledge, aside from general statements, I know that efforts have been repeatedly made through our consuls to try to deal with whatever force was then the active militant force in the particular neighborhood and try to secure protection for our people.

Mr. LODGE. Will the Senator from New Mexico yield to me?

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

Mr. FALL. I yield.

Mr. LODGE. On the matter of consuls, I will say that I know the consuls have been so treated in connection with their dispatches here, or were last winter—I do not know how it is now—that they were afraid to exert themselves. They did not think that zeal and energy would be rewarded or recognized by the State Department at Washington; and I have no reason to suppose that that condition has been changed.

Speaking of diplomatic efforts, I certainly want no war; but I do want our international treaty rights exerted to the full through diplomatic channels. I wish to ask the Senator from New Mexico if it is not true that the German minister in Mexico recovered 100,000 marks, or whatever the sum was, and made them pay him 100,000 marks for the murder of a German subject?

Mr. FALL. That is true.

Mr. LODGE. I would like to know if it is not also true that a member of the German legation went before a court-martial and rescued from that court-martial an American citizen who could get no relief from our representatives in Mexico because they were not backed up at home.

Mr. FALL. That was in the City of Mexico. Mr. President, I think I have given some—

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. Certainly.

Mr. STONE. I desire to express my gratification at the lively awakening of my friend from Massachusetts on this important subject and to congratulate him. The speech he has made just now is one that appeals much more strongly to my heart than the speech he made about a year ago when this subject was up.

Mr. LODGE. I did not make a speech a year ago on Mexico, although I was against military intervention. Mr. President. I have maintained silence until this time. I had hoped that when a new President and a new Secretary of State came into office they would pursue a different course, and I am disappointed that they have not done so.

Mr. BACON. Mr. President, I owe an apology to the Senator from Massachusetts for having used the term "bellicose" in connection with himself. I want to say, as my justification, that I have been hearing some such belligerent expressions from him in private conversations of late as those he has now uttered, which caused me to use the adjective, for which probably I ought to apologize to him, but the Senator will recognize now my justification.

Mr. LODGE. If the Senator from New Mexico will allow me for a moment—

Mr. FALL. Certainly.

Mr. LODGE. I only want to say that if it is belligerency to insist that every diplomatic effort shall be put forth for the protection of American citizens, then I am belligerent, and I always have been.

Mr. BACON. I have faith in the statements made to me by present officials of the executive department of this Government that every effort is being made which it is practicable to make now. There is nothing which rests more heavily on the minds of those charged with this duty and this responsibility than the difficulties which are presented by the present situation in Mexico and by the plight of our citizens who are there. But, Mr. President, if the Senator from New Mexico will pardon me—I am afraid I am interrupting him unduly—

Mr. FALL. I should be glad if the Senator would allow me to conclude, unless he desires to continue at this moment; and if he does, of course I yield to him.

Mr. BACON. I merely want to say, with the permission of the Senator from New Mexico, recognizing his courtesy in that

regard, that it is a very easy thing to make general statements.

Mr. FALL. I want to say to the Senator, inasmuch as that is apparently in answer to the statements I have made—

Mr. BACON. I am talking of the statements made by the Senator from Massachusetts now.

Mr. FALL. That I will call his attention to enough specific statements, I think, to occupy him a little while, if he will yield to me for a moment.

Mr. BACON. Mr. President—

Mr. FALL. If the Senator will just wait a moment, I will give him specific statements right up to within the last day or two, and verify them by the record.

Mr. BACON. If the Senator will permit me, before I take my seat I desire to say that I had no reference to the statements made by the Senator from New Mexico, not having reference when I used the word "statements" to the question of statements of specific facts. I was speaking about statements of propositions such as the proposition suggested by the Senator from Massachusetts, and I was simply proceeding to speak of the ease with which these propositions can be presented, and how difficult it is to determine upon the specific acts to be performed to carry out these propositions. It is that which I had in mind, and not what the Senator from New Mexico now refers to.

Mr. LEWIS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. If the Senator from Illinois will allow me—

Mr. LEWIS. May I ask the Senator from New Mexico if he will allow me a moment of his time to make an inquiry of the Senator from Massachusetts [Mr. LODGE]?

Mr. FALL. I would be very glad to do so, Mr. President, if—

Mr. LEWIS. May I be permitted to ask the Senator from Massachusetts at what time did the event occur to which he has alluded when some American citizen was deprived of the protection of the American flag and was saved by a German?

Mr. LODGE. I think it was within the last two months. I can not give the exact date, but I can procure it.

Mr. FALL. It was reported by one of the Secret Service men of the United States Government, I will say to the Senator.

Mr. LEWIS. Can the Senator from New Mexico give, approximately, the date?

Mr. FALL. Yes, sir; it happened more than four months ago. The Senator from Massachusetts was mistaken by about two months.

Mr. LODGE. Mr. President, if the Senator from New Mexico will allow me before he sits down, I should like to state one proposition which I have never seen reversed by the present administration, although it was enunciated by the last administration, to the effect that American citizens injured and shot on American soil should find their redress before Mexican courts.

Mr. LEWIS. May I ask the Senator from New Mexico whether the occurrences to which both he and the Senator from Massachusetts allude have transpired since the present administration came into power?

Mr. FALL. No, sir.

Mr. LEWIS. It was previous to that time?

Mr. FALL. It was.

Mr. LEWIS. Now, I ask the Senator from Massachusetts, did the Senator from Massachusetts make a protest to the Republican administration, of which he was a member, against this outrage against which he now raises his voice?

Mr. LODGE. I did not; for the very simple reason that I did not know of it until about six weeks ago. Those matters are not made public.

Mr. LEWIS. Was the Senator from Massachusetts at that time a member of the Foreign Relations Committee under the previous administration?

Mr. LODGE. I was.

Mr. LEWIS. Did he not have an opportunity of obtaining information from the Department of State as to what had transpired?

Mr. LODGE. I did not have information of that case. They did not give it to me.

Mr. LEWIS. Has the Senator from Massachusetts, as a member of this body, taken such information as he now has to the State Department and asked from the present administration relief for the American citizen?

Mr. LODGE. Mr. President, the Senator from Illinois seems to think this is a question of party. There is no question of party about it. I blame my own party quite as much as I do the Democrats to-day.



Mr. LEWIS. The Senator from Massachusetts is the party to whom I am now alluding. I want to know what that party from Massachusetts did in the matter.

Mr. LODGE. What did I do? I did everything I possibly could. I did not attack the administration then in power and I have not attacked the administration which is now in power.

Mr. LEWIS. I have asked the Senator if, since he became possessed of the knowledge, he has made any appeal to the present administration or to the State Department for the relief of the person to whom he has alluded?

Mr. LODGE. The person to whom I have alluded was already relieved.

Mr. LEWIS. Then there was no cause of complaint.

Mr. CLARK of Wyoming. Mr. President, I rise to a question of order. I ask that the debate be carried on under the rules of the Senate.

Mr. FALL. I must insist that I have the floor.

Mr. LEWIS. I yield the floor to the Senator from New Mexico.

The VICE PRESIDENT. The Senator from New Mexico has the floor. The Chair will try to preserve order.

Mr. FALL. As suggested by the Senator from Massachusetts [Mr. LODGE], the Senator from Illinois [Mr. LEWIS] seems to think that in some way this debate is tinged with partisanship or by partisan politics. Mr. President, it is an effort on the part of a Republican Senator here to have the Senate of the United States indorse a plank in the Democratic platform.

The Senator from Georgia [Mr. BACON] has referred to the exhaustive efforts made to protect Americans in Mexico. Now, I will call attention to one case under the last and under this administration.

The present defender of the Federal post at Juarez is a bandit known as Inez Salazar. Salazar upon one occasion took the town of Paral, in Mexico, and there captured an American citizen, Thomas A. J. Fountain. He threatened to shoot him immediately, although he was taken in uniform. The consular agent of the United States at Paral, Mr. J. A. Long, immediately protested and communicated the circumstances to Marion Letcher, from the State of Georgia, the American consul at the city of Chihuahua, the consular agent at Paral being within the district of Chihuahua. The consul, I am glad to say, is one of the few American consuls in the Republic of Mexico who have attempted in any way to protect American citizens. Under instructions the consular agent at Paral informed this man Salazar that Fountain was under the protection of the United States, and that he should not be killed. The next morning he was shot through the head and killed.

In the meantime the action of the consul at Chihuahua had been reported to and partially approved by the Secretary of State. I say "partially," because the Secretary held that the consul's representation that the United States wanted the execution of Mr. Fountain suspended until an investigation should be had was the proper course to pursue.

Fountain was killed. The President of the United States sent a message to Francisco I. Madero, then the President of Mexico, to Pascual Orozco, then in insurrection in the State of Chihuahua, and to Inez Salazar, who at that time was one of Orozco's captains in the field, saying: "These acts must not be repeated. American citizens must be protected; and if you do not protect them the people of the United States will hold you responsible."

A few days since Inez Salazar, with his hands red with the blood of an American citizen, come over to El Paso, Tex., on this soil, where we have 2,500 or 3,000 American soldiers engaged in guarding the Mexican border for the Mexican Government at the expense of the United States. Mr. Salazar went to one of the most prominent hotels in El Paso and remained there. Just before he left he was arrested by a United States commissioner, Mr. Oliver, for violation of the neutrality laws in attempting to smuggle arms across the border. He was released under a \$1,000 bond, which he promptly forfeited, stepped across the international line, and is there safe. This was the red-handed murderer whom the American people were going to hold responsible, according to the "diplomatic" statement of the last administration.

The attention of the present State Department was called to the fact that Salazar was across here on American soil, and that the President of the United States had notified him that he would be held responsible. The answer was, "But he said 'the American people,' not 'the American Government.'" That is one of the cases.

Mr. BACON. Mr. President, I do not wish to interrupt the Senator, but I should like to ask him a question, because I really want information.

Mr. FALL. I am trying to impart it, so I will consent to the interruption.

Mr. BACON. I desire to propound this question to the Senator: After that notice had been given by President Taft, and when the man who had committed this undoubted and unquestionable outrage was found on American soil, if the President of the United States had desired to punish him under what law could he have done it?

Mr. FALL. I am not arguing the legal proposition. I am giving the Senator the results of his course, the results that he is trying to bring about, the results that he is demanding shall follow—that we shall pursue pure "diplomacy" and allow our murdered citizens to go unavenged.

Mr. BACON. If the Senator will pardon me, the Senator did, as I understood him, criticize the administration for not having carried out its threat. The threat was that if that thing was done the American people would hold this man responsible.

Mr. FALL. Very well.

Mr. BACON. I hope the Senator will pardon me a second. The Senator criticizes the past administration, not the present one, because when this man appeared upon American soil the threat was not carried out, and the President shielded himself for failing to do so behind the statement that the threat was that the American people, not the American Government, would hold him responsible.

Mr. FALL. I did not mention the President's name in connection with this matter.

Mr. BACON. Oh, no; the Senator did not mention the President's name.

Mr. FALL. I am very sorry that the present occupant of the White House, in my judgment, knows very little about the situation. I believe when he is informed he will possibly follow another course.

Mr. BACON. But I am asking a question, Mr. President, and I hope the Senator will answer it. Suppose that not the President, but the officer of the Government charged with the duty, had desired to punish this man for this red-handed outrage when he was found on American soil, in what way would he have proceeded to do it?

Mr. FALL. This man is the leader of the insurrectionary forces on the opposite side of the river. At the present time there are 284 soldiers from the Mexican side of the river incarcerated at Fort Bliss, within 2 miles of where this man was. He could have been placed with them, where no longer, as a human tiger, could he have sought the blood of American citizens.

Mr. BACON. If the man was found on American soil, and he was to be proceeded against, he must have been proceeded against under some law, either military or civil. I am asking the Senator to point out under what law that could have been done.

Mr. FALL. I am telling the Senator. I say, under the same law under which these other soldiers are held at Fort Bliss as prisoners. They are held there as military prisoners, under military law, which has been invoked in their case.

Mr. BACON. That may have been an omission.

Mr. FALL. I do not propose to go into any discussion with the Senator as to details. In answer to the Senator's challenge to me to do so, I am now citing instances in which diplomacy has not been used, as I claim, or, if used, has failed.

Another instance, Mr. President: Within the last few days the acting American consular agent in the town of Cananea, Mr. Charles L. Montague, was threatened with deportation from the Republic under article 33 of the constitution of Mexico. Mr. Montague, as it happened, is the manager of the bank at Cananea. As the manager of the bank he refused to turn over to a certain constitutional official money deposited in his bank belonging to a Huerta sympathizer, who lived at Guaymas, without an order or a check or a draft or the consent of the depositor. At once it was sought by this official to have Mr. Montague deported as a pernicious citizen under the clause of the constitution which I have mentioned.

Article 33 of the Mexican constitution is in direct conflict with the treaty of 1831 between the United States and Mexico, which is in full force and effect, for the protection of American citizens. But without action by the State Department Mr. Caracristi, a citizen of Virginia, has been deported from the City of Mexico without trial, without even being allowed to go before any authority to prove his innocence, without having any question of his guilt raised except by a warrant served upon him, when he was hustled to the train and forced out of Mexico. At the same time Mr. H. H. Dunn, a correspondent for a syndicate of American newspapers, was deported from the City of Mexico, under article 33, without trial. Within the last two or three weeks another reporter for newspapers, a resident

of California, was deported from the City of Mexico without trial. In each case the American ambassador was called upon, the American consuls were called upon, the protection of the American Government was called for by these American citizens, and in no instance has the American Government interfered even by making diplomatic representations.

In the Montague case, as it happened, Montague was not only a banker and an American citizen, but he was also acting consular agent of the United States at that point. Upon representations made to the State Department by myself, before a telegram had been received from Consul Simpich, at Nogales, the acting Secretary of State prepared a cablegram to Consul Simpich. That was sent to Simpich, but was changed in some respects to acknowledge the receipt of his cablegram. Simpich is one more American consul who is an American. He is located at Nogales. He is one of the best that we have in the foreign service, in my judgment. Immediately upon the facts being represented to Simpich, he called upon the constitutional government of Sonora to protect Montague as an American citizen and as a consular agent. The State Department of the United States approved his telegram in so far as it demanded the protection of a consular agent, but distinctly informed him that in making his representations he must bear in mind the distinction between an American citizen sought to be deported under article 33 of the constitution and an American consular agent.

I say that the American citizen working in the mines of Cananea for his \$3 a day is just as much entitled to the protection of this Government as any other American citizen or any acting consular agent of the United States Government in Mexico. A consular agent is not a diplomatic officer. Therefore when some matter comes up with reference to a consular agent it is not a diplomatic question, as it would be with reference to an ambassador, a minister, or an attaché of an embassy or a ministry. The same rule of international law does not apply to a consular agent that applies to a person accredited to a country as a diplomatic agent. A consular agent is no more entitled to the protection of the Government than is a horny-handed American working in the bowels of the earth in the mines of Cananea.

I am glad to say, Mr. President, that other influences were brought to bear which, in conjunction with the representations with reference to his official capacity, have not only secured the release of Mr. Montague, but he is entertained every day as the guest of the men who were seeking to force him out of the country and rob his bank. All that is needed is strong representations, in some instances, and you will secure results. But you will never do it by undertaking to make a distinction, and this result never would have been brought about had that distinction been left in the minds of these people, between a consular officer and an American citizen.

Mr. Montague was protected because these men found that vengeance of another character would seek them; because 200 American citizens in Cananea said to the 50 Mexican soldiers: "Don't you touch Montague; he shall not be deported, neither shall you touch him;" and because there were several thousand good, true American citizens within 40 miles of the border who let it be understood that if Montague were touched Sonora would be an adjunct to some other country than the so-called Republic of Mexico, possibly in a very short time. Representations were made, and they had effect. The diplomatic representations alone, as usual, would, in my judgment, have gone unheeded.

The Senator has asked for specific instances. Mr. President, this debate, as I said in the beginning, has gone very much further than I intended. I thought there should be no argument. I can see absolutely no necessity for the reference of the resolution. Instead of attempting to precipitate trouble, I have invariably yielded here in the Senate to the great wisdom and the long experience of the Senator who is chairman of the Committee on Foreign Relations. Against my judgment I have so far yielded in the past as with reference to the last resolution which I introduced in this body on the 27th day of last month, and as to which the Senator gave me his word that its consideration by the Committee on Foreign Relations should not be delayed. Nothing has been heard from it, Mr. President; yet I know that the Senator, in his great wisdom and from his long experience in foreign affairs, has concluded that that is the better course for the interests of the country generally, "diplomatically speaking." We must always put quotation marks around "diplomatic," and emphasis under it and over it, in dealing with matters here in the United States Senate. I know that it is not because of any desire that the resolution should not be reported back and discussed, but because the

Senator believes it best for the interests of the country that the resolution should be retained in the secrecy of the Foreign Relations Committee.

I agreed at that time that the resolution might be referred to the Foreign Affairs Committee. If the Senators on the other side are not ready to reaffirm the policy which they announced, presumably after due consideration, knowing the circumstances as they existed in Mexico at that time as well as they know them now and as they knew them before, presumably meaning what they said when they further declared that this plank should be kept when they were in office, and should not be used merely to catch votes during the campaign; if the Senator still believes that under all the circumstances the resolution should go into the hands of the Committee on Foreign Relations, and there should be amended by striking out the word "constitutional," or putting a comma somewhere in it, I shall not oppose the reference of the resolution. The American people will bring resolutions out of the Foreign Relations Committee before long, and will not submit much longer to a policy which puts a period or a comma between an American citizen and proper protection.

Mr. LANE. Mr. President, I want to say just a word. The resolution naturally appeals to anyone, and the recitation of instances which happened in Mexico wherein American citizens were maltreated makes any native-born American citizen feel indignant. As an American citizen and as a Democrat one is in favor of passing almost any kind of a resolution, even though it be a bit incendiary under the circumstances and in the heat of excitement. But there is a history back of this, lying deeper and farther, which rises up to annoy me as I listen to the discussion.

I quite agree with the Senator from Mississippi [Mr. WILLIAMS] that the general statement that the power of the Government should accompany American citizens in all foreign countries is proper if it is perfectly worded, and we are all in favor of it. We have heard from the Senator from New Mexico recitals of incidents of injustice which have been practiced upon American citizens in a few cases.

A number of years ago I was down upon the northern border of Mexico, and I accompanied a gentleman who was engaged in mining over in the very little place the Senator speaks of now—Cananea. He recited to me, as an evidence of his great skill in acquiring the goods of this world, how he got into possession of copper-mining and other property in that country. He stated that he had been aided in getting hold of large possessions in that country by using undue financial influence with the Government; that by that means citizens of this country were acquiring large tracts of immensely valuable properties in Mexico, not by virtue of any such laws as we have in this country, but by bribery of officials and chicanery and skulduggery, if you please; and having gained possession at a very low rate, for 5 or 10 cents an acre, the land was afterwards sold for \$20 and \$30 an acre. Thus they were enabled to make a great deal of money, and—

The VICE PRESIDENT. The hour of 2 o'clock having arrived the morning hour has expired, and—

Mr. LANE. I should like to say a little more about that.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. SIMMONS. Mr. President, for the purpose of taking a vote on the resolution that has been under discussion, I am willing to lay the unfinished business aside, and also to enable the Senator who had the floor to finish his remarks.

Mr. GALLINGER. I object, Mr. President. Let the regular order be proceeded with.

The VICE PRESIDENT. There is objection on the part of the Senator from New Hampshire.

PRINTING OF MAP IN RECORD.

Mr. FLETCHER. Mr. President, I wish to make a parliamentary inquiry. A motion was entered yesterday to reconsider the vote by which an order was made directing the printing of a map in the speech of the Senator from Iowa [Mr. CUMMINS]. That motion is still pending. I wish to understand what its status is.

The VICE PRESIDENT. The Chair rules that a vote on the motion to reconsider is in order.

Mr. FLETCHER. It is in order now?

The VICE PRESIDENT. Yes.

Mr. GALLINGER. While I am not going to be captious about the regular order, the unfinished business is before the Senate and can not be interrupted by any proposition of that kind.



Mr. SIMMONS. Without a motion to lay aside the unfinished business, I do not see how it would be possible for anything else to take precedence of it.

Mr. FLETCHER. I was going to ask the Senator from North Carolina if he would not allow the unfinished business to be laid aside long enough to take a vote on that question, because it is a matter which properly comes up to-day.

Mr. SIMMONS. If it is a mere matter of taking a vote, unless there is some objection to it, I will consent.

Mr. GALLINGER. The Senator from North Carolina has served notice on me two or three times that he is going to insist on the tariff bill being considered.

Mr. SIMMONS. Yes; and I am insisting on it; but I understand that this is a matter connected with a speech of one of the Senators on the tariff bill, and he is withholding his remarks until the question can be settled.

Mr. GALLINGER. I insist upon the regular order being proceeded with.

The VICE PRESIDENT. The Chair was under the impression that without any objection a vote could be taken on the question to reconsider. There being objection, the regular order is the consideration of what is known as the tariff bill.

Mr. FLETCHER. Then I understand that the motion to reconsider will go over until to-morrow.

The VICE PRESIDENT. Until the morning hour to-morrow.

Mr. FLETCHER. At the conclusion of the routine business?

The VICE PRESIDENT. During the morning hour to-morrow the motion to reconsider will be in order.

#### STABLE MONEY (S. DOC. NO. 135).

Mr. FLETCHER. The Senator from Oregon [Mr. CHAMBERLAIN] asked permission on the 19th instant to have a document printed and leave was granted by unanimous consent. There are certain illustrations which go with the document, and he failed to include in his request the illustrations accompanying it. For that reason the matter is being held up. I ask unanimous consent that the illustrations accompanying the document be printed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President—

Mr. GALLINGER. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield.

Mr. GALLINGER. Did I understand the Senator from Florida to ask that certain illustrations should be printed in a document by consent of the Senate, or printed in the RECORD?

Mr. FLETCHER. Not in the RECORD, but printed in a document offered by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. GALLINGER. By consent of the Senate?

Mr. FLETCHER. Yes.

Mr. GALLINGER. Without reference to the Joint Committee on Printing?

Mr. FLETCHER. The Senator from Oregon obtained unanimous consent to have the document printed, but failed to include the accompanying illustrations. I am now simply adding that as a part of his request.

Mr. GALLINGER. I simply wanted to express my gratification that the Senate can order illustrations printed without a reference of the question to the Joint Committee on Printing.

Mr. FLETCHER. I never questioned that in reference to a Senate document.

Mr. GALLINGER. I think it is right.

Mr. FLETCHER. It is quite different in its application to the RECORD.

Mr. GALLINGER. Simply because the Joint Committee on Printing has made a rule that there is a difference, that is all.

Mr. FLETCHER. It made no rule with reference to documents, I think.

The VICE PRESIDENT. The unfinished business will be proceeded with.

#### THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

#### MEATS AND CATTLE ON THE FREE LIST.

Mr. SMOOT. Mr. President, the provisions of the House bill to admit meat, hides, wool, and so forth, free, while imposing a duty on cattle and certain other live stock, were so clearly an attempt to deceive the farmers that the majority party in the Senate is to be congratulated for seeking to make the provisions more consistent. In doing this they have, however, added to the injury already provided for by the House, and instead of making meats, and so forth, dutiable the bill now adds live stock to the free list. With meats free it will help concen-

trate the control of those products in the hands of what are known as the beef barons and will help kill off small dealers and throttle competition. The expense of feeding and the shrinkage of carcass are eliminated in transporting beef, hence a large corporation with facilities for importing dressed beef can save a good deal in labor, feeding, and so forth. When no duty is imposed it will be a discrimination against the farmer and others raising live stock in this country. But if meat, and so forth, is to be admitted free it is better that the deception should be done away with and live stock also allowed to come in free. Eighty-five per cent of the corn raised in this country is used for live stock. The importation of meats and of live cattle will give a tremendous advantage to Canada, Mexico, Argentina, and other such countries, at the expense of the American producer. It will strengthen the grip of the large packer, and will not in any probability reduce the cost of meats a particle to the consumer.

#### THE VAST CEMENT INDUSTRY SHAMEFULLY TREATED.

The House reduced the duty on Roman, Portland, and other hydraulic cements from specific rates equivalent to 21.32 per cent to 5 per cent ad valorem, and even this 5 per cent has been cut off in the bill now before the Senate. The cement industry is one of the great mineral industries of the United States of the nonmetallic minerals that rank with copper and salt. Last year over 79,000,000 barrels of Portland cement were produced, employing a capital of \$150,000,000. About 35,000 persons are employed in this industry, and there are about 200,000 dependent upon it for a living. It is a national industry. That is, it is not localized, and practically every State in the Union has cement works. Cement can be made almost any place where clay and limestone can be found. It is an industry that is the outgrowth of a protective tariff. In 1897, when the Dingley tariff law was passed, only 2,677,775 barrels of Portland cement were produced in this country, with a value of \$4,315,891.

Mr. MARTINE of New Jersey. Will the Senator from Utah allow me a moment?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. MARTINE of New Jersey. Are we not now exporting cement?

Mr. SMOOT. I will give the exact figures just as soon as I reach them in my speech.

Mr. MARTINE of New Jersey. May I say just a word?

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I will say yes; to a limited extent.

Mr. MARTINE of New Jersey. I shall not interfere with the Senator's speech.

In the State of New Jersey our citizens are largely engaged in the manufacture of cement. Within the past three weeks the president of one of the largest manufactories of cement in the State of New Jersey, a man of large wealth, came to my office. He is a gentleman whom I know very well. I said to him, referring to him by his first name, "Earnest, do you feel that we are going to wreck all the industries in cement in New Jersey?" He is a Republican senator in the State of New Jersey, and is a protectionist. He said, "No; I think nothing of the kind. I had hoped that you might leave 3 or 4 cents a hundred on cement, but we are doing a fine export business to-day and will continue to do it. We really need no protection on our cement."

Mr. SMOOT. Before I get through I will cover what the Senator has said.

The production in this country has gradually increased from year to year until last year it reached nearly 80,000,000 barrels. At the same time the price, which before production began in this country was \$3 a barrel, and was \$2.13 in 1891, and \$1.61 in 1897, was reduced to as low as an average of 81 cents a barrel in 1901. This enormous increase in production with a corresponding decrease in price offers no excuse for the removal of all duty and the opening of our markets to foreign competition. In times of world panics America is made the dumping ground of Portland cement by European nations, and this is particularly the case in view of the fact that Portland cement could form one of the most important articles of ballast for foreign vessels coming to this country for cargoes of the products of the soil.

The points of heaviest imports of Portland cement are Charleston, Savannah, Pensacola, Mobile, New Orleans, and Galveston, where foreign vessels come for outbound cotton cargoes. The same applies to the Pacific coast, where not only German, Belgian, and English cement comes in ballast in vessels coming for grain, but also Chinese and Japanese cement made by the cheap labor of the Orient, which, by the way, the State of New

Jersey is not in a position to be interfered with by that trade as are California and the Western States, and all this in face of the fact that only within a few miles of San Francisco there are four cement works in actual operation. Two other plants have lately opened buildings in Washington, north of Seattle, and they also have felt the inroads of foreign cement. About two years ago 10 of the largest cement plants in Canada were consolidated in a single firm under one management. They are protected at home by heavy duties, and the removal of the duty here will enable them to dump cement into the northern border States at prices ruinous to the United States mills now supplying that district. The mills in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, and Washington would be seriously affected by this removal of the duty, and as the mills in these States produce to-day 67 per cent of the output of the whole country it can readily be seen what a detrimental effect such a change in the tariff, as proposed by this bill, will have on the entire industry. In 1906, under the rates of duty then in effect, 2,273,493 barrels were imported. By the increase in production and the reduction in price imports have greatly decreased. With such great competition at home and such low prices, with nothing in the way of a trust or combination, what possible excuse can there be for the removal of all the duty on this product involving the living of 200,000 persons?

#### HOW AMERICAN LABOR WILL SUFFER.

The payment of labor in this industry has constantly increased. According to the Government returns, the average was \$430 a year in 1890 and \$576 in 1909. This removal of the duty would practically close all cement works along the coast and near the Canadian border and also at such other ports as could be reached by water transportation. The cost of the production of cement is practically all labor. At least about 90 per cent of the cost is labor. There are no great profits in the industry now, as shown by the fact that 32 out of 110 works have gone into bankruptcy, and two or three failures have occurred since this proposed tariff change was brought to public attention. The advantage to the community at large in the development of this industry has been to make school-houses, theaters, and buildings and houses of all kinds to a large extent fireproof; to make old streets safe with good paving instead of wooden and brick paving; to make a great advance in the way of good roads, and the strengthening of bridges, and improvements in many other ways. The value of the cement produced last year was about \$66,000,000, all but about 10 per cent of that amount going to labor, which, under this bill—a large portion of it—will be transferred to workers in foreign countries. Vice Consul General Poole, of Berlin, in a recent report on the cement industry of that country, says that the average yearly wage of workers in the industry was \$280 a year, as compared with \$576 in the United States, as shown by our census. The consul in Germany gives the value of the cement there as 85.3 cents a barrel, as compared with 84.4 for the same year in the United States. The prosperity of Germany and the great demand for cement there keep up the price. But this will not always be the case, and with the labor cost here 100 per cent higher than in Germany and with ships bringing cement to this country as ballast, the industry can not be maintained here at existing wage prices, in competition with Germany and other foreign countries.

#### WHITE CEMENT WILL ALL BE IMPORTED.

The production of white nonstaining Portland cement has grown rapidly in this country in recent years. In 1903 the production was 60,000 barrels and in 1911 over 135,000 barrels. Two companies engaged in the production of this cement have gone out of business, owing to the high cost of production. This product being white in color and nonstaining—by which is meant that when used as a mortar for setting, pointing, and backing fine-textured stones they are relieved from the staining which occurs when brought into contact with ordinary Portland cement—there has been an increasing demand. Ordinary gray Portland cement is burned with coal, while in the manufacture of white Portland cement the burning process must be accomplished by using fuel oil, which is a very substantial factor in its cost. The advance in the cost of this commodity was 33 per cent in 1912 over 1911, and contracts made for the year 1913 are at an advance of 55 per cent over the price at which fuel oil sold in 1911. The production of the cement in this country has caused a large reduction in its price. The increasing cost of its production and the removal of all duty will simply force Americans out of the business. The average selling price of white nonstaining Portland cement is now \$2.75 per barrel of 400 pounds, at the mill, including the value of the package, and the present duty of 8 cents per 100 pounds, or 32 cents per barrel, is the equivalent of but 12 per cent ad valorem. This duty should at least be maintained.

The effect is shown in a letter of May 30 from Mr. C. Boettcher, president of the Colorado Portland Cement Co., before the Democratic Party in the Senate had agreed to remove all the duty. He says:

Our business is very light; we are shipping only about one-half the amount of cement that we should ship at this time of the year. There are no improvements of any kind going on in this State at the present time.

Similar reports come from other parts of the country, and are simply an indication of what will take place when this proposed law takes effect.

#### THE AMAZING PROVISION AS TO LIME.

Lime furnishes another exhibition of the reckless way in which American workmen are treated by this bill. The duty now on lime is 5 cents a hundred pounds. This it is proposed to reduce to 5 per cent. The average ad valorem of the present duty is only about 10 per cent, which it is proposed to cut one-half. That the lime business is not profitable now is shown by the earnings of various companies engaged in its production. This proposed change seems to be for the benefit of the Canadian manufacturers. They are now protected by a duty of 12½ cents a hundred pounds, including weight of barrel, bag, or cask, or a duty 60 per cent higher than that imposed by the United States. Hence American lime is entirely excluded from Canada, but considerable lime is now exported from that country. In 1905 the imports were 46,148,700 pounds. There has been no change in duty since that time. In northern Maine over 800,000 pounds of lime were imported last year from New Brunswick, and the Rockland & Rockport Lime Co. said before the Ways and Means Committee that there were imported through the Portland customs district over 8,000,000 pounds last year. With this cut in the duty of one-half it will give the Canadian manufacturers practically control of the Atlantic coast trade as well as that of the States bordering on the Canadian line. The Canadian lime manufacturers can use water transportation and can ship their product in foreign bottoms to all of the principal consuming markets of the Atlantic coast, whereas the American manufacturer must use American ships, which pay higher wages, for this coastwise trade. Lime is manufactured in all parts of the United States, with very sharp competition, and there have been large losses in the business in recent years because of low prices. What possible excuse there can be for opening our border markets to the Canadian producers while their American competitors are excluded from the Canadian markets is beyond comprehension.

The imports of crude gypsum in 1901 were 190,000 tons, in 1909 they were 288,781 tons, and in 1912 they reached 426,500 tons. With such a large increase in imports there can be no excuse for the proposed reduction in the duty imposed by this bill. The imported article is quarried easily on the coast of Nova Scotia, is brought to the coast cities by cheap barge freight, where it is milled and then again transferred by water ready for distribution all along the Atlantic coast for use in the coast cities and for shipment inland. There was a large reduction in the duty on this product in 1909, since which time imports have largely increased.

#### A SMASHING BLOW AT THE GLUE INDUSTRY.

Glue has been treated in this bill in the same way as other articles which have increased enormously in production in this country as a result of a protective tariff, and which at the same time have been greatly reduced in price. The rates on glue and gelatin have never been high, thus allowing ample competition from abroad, which has increased in recent years. In 1899 the glue imported, valued at not more than 10 cents a pound, amounted to 2,706,304 pounds, while in 1910 the imports were 5,947,184 pounds. That clearly shows that there is no excuse for the provision in this bill to reduce the average rate of the tariff on imports, valued at not above 10 cents a pound, from 35.06 per cent in 1912 to an average estimated rate of 14.29 per cent. Such a violent change, as the manufacturers have protested, will practically destroy their industry in this line of goods and will be of no ultimate benefit to the consumers of the country in the way of lower prices, but will mean an enormous loss by sending abroad a large sum to pay for a product now largely produced in this country. It will tend further to hasten the concentration of the industry in a few hands. The American manufacturers not only compete with each other, but they have to compete with the great German syndicates and combinations, which under our laws would be held illegal and void as trusts. Under this change Germany will control the market, regulate prices, and dump surplus products into this country at prices with which the domestic manufacturer can not compete. The existence of these foreign trusts is not and can not be disputed. They were distinctly pointed out by the nonpartisan report of the Tariff Board.



The glue industry gives employment in this country to thousands of persons, and produced in 1909 nearly \$14,000,000 in products. The average number of wage earners employed increased 77 per cent in the five years ending with 1904, and 14 per cent in the five years ending with 1909. The average rates on glue and gelatin have always been fixed at something less than the average rates on other products. Under that policy the industry has always been conducted on a competitive basis, but it is now proposed practically to destroy the industry.

#### GREAT INFLUENCE OF THE AGENT OF A GIGANTIC FOREIGN TRUST.

The chief advocates of low rates both before the House and Senate were importers, the chief one of whom said that he had been engaged for four years as general agent of a German and an Austrian glue concern, a well-known gigantic trust, adding:

I have no experience in glue manufacture and have come into possession of a few elementary ideas which, secondhand though they may be, derive their value from their source.

In a long letter to the Finance Committee this agent of the gigantic foreign trust tells of "saving \$1,000,000 to the American people by the revenue from imports." The greater part of the glue imported comes in under the value of 10 cents or less a pound. To make a revenue of a million dollars from such imports would mean the practical annihilation of the American industry. Thousands of men would be thrown out of work, while millions of dollars would be sent abroad to pay for glue, and that would mean other thousands thrown out of employment here, because when the money is kept at home it is expended for American products. To call it a "saving" to impose \$1,000,000 in tariff dues and send an enormous sum to Europe to pay for things that could better be made in this country is characteristic free-trade talk.

This agent of the gigantic European trust tells us that a protective tariff "is justified neither by constitution nor by moral law," and yet Germany and Austria have the most complete and effective protective laws in existence. Considering wages and cost of production, their rates are much higher and more effective than ours. The American manufacturer can not under the duties imposed by this bill, without a great reduction in wages, hope to meet the competition of this European glue trust. It is one of the strongest and most complete monopolies in the world and has the advantage of being able to do its work with the approval of the various European Governments. At present it absolutely controls the glue-manufacturing industry of Germany and Austria, has plants in Italy, France, Holland, Russia, and recently extended its operations to South America. The trust claims to control 75 per cent of the output of glue on the Continent of Europe and is largely engaged in the manufacture of gelatin. In view of the attitude of the American Government toward monopoly, this great reduction in the tariff rates on glue and gelatin for the benefit of this European trust is inexplicable.

There is no trust in this industry in the United States. Under present conditions the glue makers of this country are importing about 50,000,000 pounds of their raw material from countries with which the United States desires closer trade relations, and this interference with the glue industry here would greatly injure our trade with these other nations. Then, in the manufacture of glue and gelatin there is produced throughout the United States, as a by-product, an immense quantity of nitrogenous and phosphatic material available and used for fertilizing purposes. A tariff law that will disastrously affect the glue and gelatin industries of this country will deprive the farmers of many thousands of tons of fertilizer now procurable at a low cost. If the rates proposed in this bill are enacted into law a large quantity of raw glue stock now imported will go to Europe to be used there in making glue, which will be exported to this country, not only to the injury of our home manufacturers but also to the disturbance of freight rates between our country and other countries to which we desire to increase our exports.

#### WAGES IN EUROPE AND AMERICA.

One importer tells of selling in the past "enormous quantities of French gelatins in this country, where now he is selling very little, entirely due to the superiority and low prices of the domestic manufactured article." That is very good testimony to the beneficial effect of a protective tariff, but he has the assurance to ask for a reduction in duties so that he can recover his lost trade, and the Democratic Party seems to be anxious to oblige him. Consul General Dillingham, reporting from Coburg, Germany, in 1911, stated that the maximum wages paid there to men in the gelatin industry for 60 hours' work was \$4 a week. To allow as low as 12 per cent duty as protection against such wages is monstrous, and that is the proposed rate on gelatin valued at not above 10 cents a pound.

The American manufacturer now has to comply with the exacting requirements of the pure-food law, that has greatly increased the cost of production, but the European manufacturer does not have to comply with similar requirements in his own country. The glue that is exported from this country is a packing-house product, a specialty, to produce which only the packing houses have the raw material. It is not a competitive glue, and is a very small proportion of the production of the country. The assertion has been made that the glue manufacturers are controlled by the meat packers. There is no truth in that statement. I have in my possession sworn affidavits from about two-thirds of the manufacturers showing that they are entirely independent. The imports of glue not above 10 cents a pound in value were \$186,988 in 1902 and \$455,029 in 1910, showing a competitive condition. The average consumer would not be benefited by reduced rates. The cost of glue as a component part of other products is relatively small. Only the purchasers of large quantities would benefit from lower prices, but, as experience has shown, when the foreign trust gets a hold here prices would go up. American competitors could not exist long when this trust desired their extinguishment. Glue has not advanced in price in the last three years, though the raw materials have greatly advanced in cost. That shows the benefit of keen home competition, which will be destroyed by subjecting our market to the control of this immense foreign trust.

#### AUTOMOBILES—EXTRAORDINARY CHANGES—FOREIGNERS FAVORED.

Just why the European manufacturers should have any consideration whatever in fixing this or any other duty is beyond the comprehension of any fair-minded American citizen. But they figure very extensively in this fixing of the rate on automobiles, occupying many pages of the hearings, and filing threats which if made by American manufacturers in any other country would be considered insolent and, no doubt, meet with proper retaliative treatment. The boards of trade of Belgium, Germany, France, and Italy, through their attorney, stated that they would watch the spirit of Congress in reference to automobile provisions and would retaliate if their protests against the existing rate did not receive consideration. It was admitted by their attorney that the wages paid in this country by automobile manufacturers are from two to two and one-half times more than are paid in Italy. In fact, they are from three to five times as much as the wages in Italy, and in about the same proportion to the wages paid in Belgium, England, or any other country in Europe.

This attorney for the foreign manufacturers declared that if the duties on chassis were reduced, as requested by the foreign manufacturers, to 25 per cent, they would quadruple imports of chassis. Another one of their attorneys asked for a duty of 33 per cent, and is given 3 per cent less, or 30 per cent. The Italian Chamber of Commerce in New York, a subsidized Italian organization, states in a letter that it—has for its principal duty the protection and the promotion of the Italian commerce in general, and has to try to obtain from the Government of the United States the best advantage to the great current of business from Italy to the United States, and that may produce the most benefit to the Italian producer.

This Italian chamber asked for merely a reduction of 5 per cent, but our Democratic friends in this Chamber conceded 15 per cent to them.

A number of the leading automobile manufacturers in Italy said, in a joint letter to the minister of commerce of that country, that the group of American importers which composed their agents in this country had called—

for moral and material help for the purpose of putting an ease end at the campaign in question.

Which means that these American importers called upon their principals in Italy to furnish means to push the campaign here for lower duties, and they got what they wanted, as is clear from this statement:

The invitation of the American importers was welcomed in Italy by the manufacturers, and the same are now asking you to try your very best to have the Italian Government favor the request of the American importers of Italian automobiles.

The Italian Chamber of Commerce said that it had not asked for more than 5 per cent reduction on complete automobiles, and it furnished this reason in reply to the Italian manufacturers, who made complaint because a greater reduction had not been requested:

We have to consider that before making a great reduction on the Italian automobiles, for which entrance in this country is not less than \$2,000,000 a year, we have other products more important for the Italian commerce. The silk, for \$12,000,000; olive oil, \$4,500,000; vegetables, \$3,500,000; cheese, \$4,000,000; leather, \$1,200,000; marble, \$1,500,000; coral, \$500,000; chemical products, \$1,500,000, etc.

The Italian Chamber of Commerce seems to have been very successful in getting lower duties on all these products, with many of them on the free list.



It is ridiculous to put a duty of 45 per cent on automobiles valued at \$1,500 or more, and then to admit at 30 per cent chassis and finished parts. The bodies of automobiles are too bulky, and subject to damage in shipping, and too expensive to ship by reason of their bulk in proportion to their value. Hence European manufacturers, as a rule, do not make the bodies, and as long as they can send chassis into this country at 30 per cent, the 45 per cent duty on any kind of an automobile would be of no value as a protection to American manufacturers. One of the Democratic members of the Ways and Means Committee of the House said that—

the automobile chassis is practically the finished car, with the exception of the body and the tires.

That is the truth. The chairman of the Ways and Means Committee said:

The automobile is the chassis; the balance is merely a carriage body.

Hence the duty of 45 per cent is meaningless. The chairman of the Democratic congressional committee, in an interview in the Detroit Free Press, which has been generally quoted and not contradicted, says:

We put the tariff down to the point where the representatives of the automobile importers told us they could compete, and we expect that they will take advantage of the reduction on parts and import in sections for assembling here.

That is the truth of the matter, and this reduced duty on automobiles is made, not for the benefit of American workmen and manufacturers or the American people, but for the benefit of workmen in Italy and other countries that will be able to send their goods here under this proposed law.

#### IMPOSING A DUTY ON BANANAS—TEXTBOOKS FROM THE ORIENT.

There were imported in 10 months of last year bananas of the value of \$10,856,554. This fruit is consumed by poor people and is produced in the United States to a very limited extent in Florida and some other southern points. The imposition of a duty on such a product, while sugar, wheat, flour, potatoes, and other food products produced in the United States to an enormous extent are put on the free list, is a most extraordinary proceeding. A few more bananas may be produced in the South, but the time will never come when anything more than a mere fraction of the consumption now of bananas can be produced in the United States.

According to the report of the British Government, wages in the printing industry in the United States are two and one-third times higher than in the United Kingdom, but the wages there are materially greater than elsewhere in Europe. There are about 400,000 persons engaged in printing and publishing in the United States, practically all of whom will be affected by the provisions of this bill putting books used in schools and other educational institutions on the free list. There is no limit as to what may be used as an alleged "educational" institution. If all such books can be printed outside of the United States and brought in free, it will mean a material reduction in the wages of printers or the loss of an enormous industry in the United States for the benefit of foreign publishers and workmen. Good printing is now done in the English language in both China and Japan, and as the printing of such books would largely be merely the work of copying what has already been done in this country, we may expect, under this provision, that many of our textbooks in future will come from the Orient.

#### INCONSISTENCIES AS TO FISH, COAL, IVORY, AND BOOTS AND SHOES.

Canada pays a bounty to her fishermen, but they are to be allowed to send their fish into the United States without the payment of any duty, which means the extinguishment to a large extent of the fishing industry of this country.

Canada imposes a duty of 60 cents a ton on bituminous coal coming from the United States, but she is to be allowed to send coal mined in Canada to this country free of duty. In the same way Canada imposes a duty of 10 cents a pound on tea coming from the United States, but a large proportion of the tea consumed in this country comes in by way of Canada free of duty. However, that is the course in regard to agricultural products and other things put on the free list by this bill. As there are already two or three hundred American establishments in Canada producing manufactured goods which are dutiable in that country, it is fairly certain that the number will be doubled after this bill becomes law, because all of those manufacturers will have the advantage of a protective tariff in Canada, with the freedom of the American market in many of their products, and a duty that will not be protective to American manufacturers in their lines of industry.

It is as difficult to imagine any excuse for some of the duties imposed in this bill as it is to understand why other articles are put on the free list. For instance, a duty is put on ivory tusks. No country in the world imposes a duty on such ivory,

and, of course, there is no thought of home production of that article. But \$1,300,000 is imported, and taken almost altogether in payment for cotton goods sold in Africa. This ivory is used principally in making keys for pianos and other musical instruments used in schools, homes, and so forth, in developing higher ideals and making life more comfortable for a large proportion of our working people. To impose an unnecessary duty on this ivory not only will interfere with the sale of cotton goods in Africa, but will make it more difficult for the ordinary persons to get the small types of musical instrument in the production of which ivory is used. While a duty is placed on ivory, such articles as mother-of-pearl, tortoise and other shells, jet, whalebone, coral, mahogany, rosewood, satinwood, lancewood, ebony, and so forth, remain on the free list. One New York firm last year sold \$865,000 worth of cotton cloth in Africa and took ivory tusks in payment. The cloth went to Zanzibar, Mombasa, Aden, and Khartum. This duty should not be insisted upon.

Putting a duty on ivory and admitting boots and shoes free is an illustration of the inconsistency of this measure. In the manufacture of boots and shoes the following articles are used as raw materials, which are dutiable in this bill: Worsted cloths, cotton goods, velvets, velveteens, satin, cotton braid laces, silk braid laces, and buckskin, kid skin and bronze, kid-skin leather, and a number of other things. Putting the finished articles on the free list and leaving a duty on the raw materials is a characteristic feature in this bill. Bone char and animal carbon are duty free for the benefit of the Sugar Trust, but bones crushed or broken, or bone particles used in the production of bone char, are dutiable.

#### A HARD BLOW TO THE SOAP INDUSTRY.

The treatment of soap in this bill is indefensible. In House bill No. 20182 laundry soap was reduced from 20 to 15 per cent, while in this bill it is reduced to 5 per cent, and a duty of 20 per cent is imposed on essential oils used in the manufacture of soap. There is no soap trust to limit competition. Prices show no substantial change in a long period, though prices of other things have advanced. The price of soap is determined by the output, a large manufacturer being able to produce cheaper than a small one. There are large manufacturers in England who, with a 5 per cent duty, will take the seaboard trade in particular. Canada exacts the equivalent of 25 per cent duty on such soap. There were 436 establishments, according to the census, making laundry soap in 1909, but the laundry-soap catalogue shows 600 and more establishments, scattered in every State except Alabama, Florida, and North Carolina, while there is one in Mississippi, one in South Carolina, and one in Virginia. Materials such as essential oils and vegetable oil are now purchased through European markets, and the imposition of a duty of 20 per cent on them will give the European manufacturers an advantage in the purchase of such articles. They now have an advantage in the cost of labor, of alkalies, and of vegetable oils. Europe formerly held the trade with Porto Rico, Hawaii, Panama, and the Philippine Islands, but it is now controlled by the American producers. With a duty of only 5 per cent on soap that trade will soon pass into the hands of foreign manufacturers. In the exports of soap are crude saponified cottonseed oil, "foots," shipped in barrels, used for textile purposes. Excluding our insular possessions, exports of soap have not increased in the last six years.

Imposing a duty of 20 per cent on essential oil used in the soap industry, with only 5 per cent on soap, is absolutely inexcusable. The distinction should be made between essential oil used by perfumers and the low-priced oil used in laundry soap to counteract the natural odor of the soap. Such essential oils are necessary ingredients and a 20 per cent tax on them is a rank injustice. The words "fancy or" are omitted in designating perfumed toilet soaps. They were inserted in 1909 to prevent the dumping of so-called nonperfumed toilet soaps manufactured abroad, when they are really fancy soaps. Pears' soap came in in that way until the courts interfered and classified it as a fancy toilet soap. England exacts a duty on such transparent soap of approximately 35 per cent. If this wording is not changed they can send their soap here at 10 per cent. The paragraph should contain "perfumed, fancy, transparent, and all descriptions of toilet soap," at 40 per cent. On castile soap the duty is reduced to 10 per cent; at present it is 1½ cents a pound. The imports of castile soap have increased largely at the existing rates and amounted to nearly 4,000,000 pounds in the nine months ending this year in March, showing that there is no need of any reduction in the rate. The soap industry has been built up with reliance on free essential oils. They have been upon the free list under all tariffs. The imposition of a duty upon the ingredients which enter into the manufacture of these necessities, and thus discriminating against an industry



in which competition is so strong, is without any excuse whatever. The laundry soap manufacturers add to the basic tallow an oil which gives a greater lather, making the soap serviceable in hard-water districts and greatly improving the soap. The admixture of these oils is also made a feature. Some of the raw materials have been placed upon the dutiable list without any reason, and such a reduction of duty as is proposed would open our market to a very large inflow of foreign soaps, without any advantage to our people.

#### HOW THE BILL WILL INJURE COTTON MANUFACTURING.

The cotton industry suffers under this bill in the same way as other industries. As the United States produces about two-thirds of the cotton used in the world, it should be able to produce such cotton goods as are consumed in this country. But there is the same difficulty in this industry as in any other, with wages from two and one-third to five times greater in this country than in Europe and Asia, where cotton goods are produced. About \$68,000,000 worth of cotton manufactures were imported in 1910, \$48,953,231 in 1905, and \$37,789,988 in 1900, showing the rapid growth in these imports. The only reason why a single dollar's worth of those goods is imported is because of the lower cost of labor abroad. We have the advantage in the raw material, though, owing to low transportation rates, such material costs as much to a New England manufacturer as it does to one in Europe. But notwithstanding the large importation of manufactured goods in ordinary years, this bill proposes a sweeping reduction in duties based on a miscalculation as to conditions in this country and abroad. Even those who have been active in agitating for lower duties are protesting vigorously against the rates fixed in this bill. Mr. Walter H. Langshaw, of New Bedford, Mass., has been one of the men criticizing existing rates on cotton manufactures, but he is protesting vigorously against the rates proposed by this bill. In a letter he says:

There are thousands of bales of cotton and cloth in storehouses which millmen would like to sell at cost; also some new mills. I have one, bought under "protective duties." Part of it has been stopped for two years, because we can not get cost for its product. I should like to find a customer at cost, or even 20 per cent less.

Mr. Langshaw says that five or six mills in New Bedford, completed about three years ago, have not earned a dividend, and their stocks are offered as low as \$45 a share, with no buyers. There have been 125 failures in a few years in the knit-underwear manufacturing, and yet it is proposed to reduce the duties on such goods a good deal more than one-half. American goods of that kind can not be sold in even the West Indies and Latin American countries in competition with those of Europe, because of the higher wages paid here, and the consequent higher cost of construction, equipment, and maintenance, and therefore the increased cost of manufacturing knit underwear, which pays \$35,000,000 in wages in this country annually. There is no combination and competition is keen, but on cotton underwear there is a cut in the duty of one-half, and on woolen of more than one-half. The imports of cotton hosiery in the fiscal year of 1910 were in value nearly \$6,000,000, but duties are to be severely cut all the same.

#### ENGLISH MANUFACTURERS EXPECT TO INCREASE EXPORTS.

The conditions in the United Kingdom are quite different from those in the United States. The Fine Cotton Spinners and Doublers' Association of Manchester, England, with 3,000,000 spindles, recently declared an 8 per cent dividend on ordinary stock, with a 5 per cent bonus. The mills in Bombay, India, engaged in spinning and weaving, all paid dividends last year of from 4 to 30 per cent. Sir Charles Macara, president of the Federation of Master Cotton Spinners' Association, of Lancashire, England, recently declared in discussing industrial conditions in the cotton industry in this country and this proposed new law:

All American concerns have cost a tremendous amount more to capitalize than ours have cost. They are left with a big handicap. At present, despite their tremendous tariff, we have retained the finer end of the trade and there is every likelihood that in this branch of the industry the tariff reduction will benefit us, because it is very difficult for them to secure the skilled workers we have at our disposal. Their workers are of mixed nationalities and constantly migrating and they can not compete with Lancashire in fine fabrics. The reduced tariff will increase this end of our trade.

It is in the finer goods that our American producers find great difficulty in meeting foreign competition and most of these goods are produced in Northern States, which will explain to some extent the lack of interest shown by our Democratic opponents in that branch of the industry. Over 90 per cent of the cotton yarns produced in this country are No. 40's and under. Yarns over 40's are now on a competitive basis, as the imports average over 90 per cent of the domestic production and yet a slashing cut is made on this finer class of goods, which is nearly

all produced in the North. The chairman of the Ways and Means Committee of the House is quoted as saying:

New Bedford mills are rich—they can stand it.

But with several mills in that city unable to pay any dividends he is evidently as much mistaken about New Bedford as about the rest of the country.

From an official report of the British Government we learn that in the cotton industry 16 per cent of the men in England, working full time, earn less than \$5 each, with nearly the same percentage in the woolen industry. Nearly 44 per cent of the men in the cotton industry earn between \$5 and \$7.20 a week. Women largely predominate in that industry in the United Kingdom, and 13 per cent of them, working full time, earn less than \$2.40 a week each, while 39 per cent earn between \$2.40 and \$3.60 a week. The average hours of labor in the cotton industry in England are 55.5 a week.

#### MUST COMPETE WITH ASIATIC LABOR.

Those are the wages and the hours in the country where the highest wages are paid outside of the United States, but in other countries wages are very much less. Japan, which has taken away our cotton trade in Manchuria and which, according to a report of its delegate at the recent meeting of the International Cotton Federation held in Paris, will soon control the trade of China and has "400,000 more spindles in the course of erection," pays in wages a mere fraction of what is paid in the United States. But Japan will soon become a competitor in our cotton trade in this country and, when the Panama Canal is opened, can easily reach our eastern markets. At that Paris meeting it was said that in Bohemia yarn prices were so low that yarns were exported to Germany, the Netherlands, and even to the United Kingdom, and Germany reported that in cotton manufacturing its position was "prejudiced by surplus yarns from Austria being offered at prices below cost." It was said that production in Austria was curtailed one-third and would evidently be further curtailed, unless a market could be found for the goods. In England there has been an increase of 12,000,000 spindles since 1906, and new looms are being put down at a rapid rate, and exports of yarn are increasing on a rapid scale. Foreign manufacturers are already preparing to flood our market when this bill becomes a law. They have taken large orders already in this country for goods to be delivered under the new rates. The Senate committee has improved the cotton schedule to a small extent as compared with its condition when it left the House, but it is now altogether inadequate to protect the workmen in that industry. Samuel Ross, president of the Mill Spinners' Union and a member of the emergency committee of the United Textile Workers of America, in speaking for the workmen said:

The proposed duties are too low to prevent large importations of competitive products. The large textile unions have declared in their conventions that wages must not be reduced. Any attempt to lower the wages will meet with our most strenuous opposition. It is not lower wages that we fear, but periods of no wages from a cessation of output. From conversations with the workmen I know that they trusted the Democratic Party not to make such reductions as would tend further to increase the hardships of the workman. But this would be the result, as shown by the fact that preparations are now being made by foreign manufacturers, at no little expense, to manufacture products for export to this country, which products are similar to those now being made by us. The jubilant spirit with which the cotton schedule has been received in England by the president of the English Manufacturers' Association down to the smallest manufacturer is very apparent from trade and business conditions in England. Jobbers and users of yarns from 50's upward are using the argument that it will be impossible for our manufacturers to quote prices within several cents a pound of that for which the foreign manufacturer can sell. I have in mind a case in New Bedford where a mill bought 80's yarns from England in preference to making it themselves, although possessed with the facilities for so doing, but a general reduction of wages of 10 per cent took place, and they then began making the yarns themselves. That was some years ago and only shows the effect of even a small reduction in wages. The wages paid in proportion to the wholesale value of finished product at New Bedford are as high in some cases as 70 per cent, but this bill imposes duties ranging from 5 to 30 per cent. The condition would apply in a greater or lesser degree to the larger textile centers of the country.

That is what a workman says about the effect of this bill.

#### STRIKING AT THE PRODUCERS OF FINE GOODS.

Fine and fancy cotton goods are not a necessity of the great majority of the American people. A fair rate on them, therefore, could be justified on the ground that they are luxuries. But this bill is drawn up so as to allow the importation of such goods. The conversion cost alone of the finer yarns in the United States and England proves conclusively that 30 per cent is the minimum rate of duty necessary to equalize that cost. As the yarn becomes finer the difference in cost becomes greater. The Tariff Board reported that "the comparatively small difference in output per weaver does not offset the higher wages paid in this country" on the finer goods. Since the Tariff Board made its report there has been a 10 per cent increase in wages in Massachusetts and a 3½ per cent decrease in the hours of



employment, both of which tend to increase the labor cost, and there has been nothing of the kind in competing countries. Fine cotton goods are made of yarns chiefly between 60's and 99's, and yet these 40 numbers are given only 20 per cent and 22½ per cent ad valorem even in the Senate bill, and a little more on the gray cloth. The labor cost of yarns in number 100's is one-half more than in 60's, and that has been recognized in all tariff bills since 1883. The difference in cost here and in England is greater as the yarn becomes finer. But no recognition was made of that fact in the House bill and a wholly inadequate recognition is made in the Senate committee amendment. The production of fine-yarn goods in this country is comparatively new and the industry is now struggling to establish itself, but this bill gives it a staggering blow. Cotton yarn is the raw material for spool thread, but a higher duty is imposed on the yarn than on the thread by the House bill, and no satisfactory remedy has been made by the Senate committee.

Handkerchiefs, hemmed, of linen, are reduced 15 per cent, but the cloth out of which they are made is reduced only 5 per cent. Handkerchiefs of cotton are given a protection of only 5 per cent over the cost of the raw material—only one-half what is given in the case of linen handkerchiefs.

There are large mills exclusively devoted to the manufacture of cotton goods in 42 States, employing 500,000 persons and consuming over 4,500,000 bales of cotton annually. There is nothing sectional about the cotton industry of this country and there should not be anything of that kind in this bill. The products from the mills of the South are of a heavier and coarser grade than those of the eastern mills, but the production of finer goods is progressing in the South and if not killed by this bill will grow rapidly.

#### SOUTHERN MANUFACTURERS THE LEAST HURT.

The manufacturers of heavy-weight cotton and coarse cotton yarn are not seriously threatened by the rates of this bill. They have a large advantage geographically, where the mills and the cotton fields are contiguous, and wages are much lower in the mills of the South than in the North. The manufacturers of fine fancy shirtings, fancy cotton dress goods in woven and printed styles, are obliged to pay more for their yarns and more for finishing their goods than foreigners, and under the proposed reduction in rates the goods from England, Scotland, Belgium, France, and Germany will enter into sharp competition with the products of the New England mills, and the growing trade of those southern plants that are now endeavoring to produce fine yarn goods. American cotton goods manufacturers are season after season producing goods of higher intrinsic worth. But they now meet with sharp foreign competition which will be vastly increased under this proposed law. American-made cotton goods have found a market in some foreign

There is hardly any other line of industry in which the working margin is so close as in that of cotton manufacturing. Styles change rapidly, so that any fine goods, if not promptly disposed of, will remain a loss. In all branches of the textile industry in the United States arbitrary labor regulations regulate hours of labor and pay, and otherwise greatly increase the cost of production. No other country is under such restrictions. We are all glad that workmen are thus protected, but nothing will so interfere with the success of such regulations as this reduction in tariff rates.

#### STRIKING AT AMERICAN WATCHES AND CLOCKS.

The reduction in the duty on watches and clocks to an extent of nearly 20 per cent and the eradication of all the specific rates is another one of the monstrous blunders committed by this bill. In the manufacture of both watches and clocks American genius took the lead. European countries engaged in this industry have assiduously and deliberately copied and imitated every improvement adopted by American producers, so that this country now has no advantage in that respect, while it has not labor as efficient and well trained in this industry as is the case abroad, and wages are three and four times greater in this country than in Europe. For over a century the American clock was the pride of the American traveler, who found its face a familiar friend in nearly every country of the globe. But American clock machinery has been copied by foreigners sent here in disguise as laborers, and even the names adopted by American manufacturers have been used, and trade-marks also, so that with the cheaper labor abroad, working long hours, any reduction of duty means just so much lower wages to Americans, or else driving them out of employment altogether. American clock manufacturers do not sell abroad cheaper than at home; there is no trust; no water in their capitalization, and no manipulation of any kind. Several firms engaged in this business have either failed or given it up for lack of sufficient profit. Only one new concern has attempted to go into the

manufacture of clocks, while two have failed. Prices have been reduced to a very great extent, while the factories have paid and are paying more and more each year for material and help. By sending experts to this country to pose as ordinary laborers, and obtaining employment in the factories here, foreign manufacturers were enabled in this way to copy American machinery, the shape of the clocks, their names, and then to export them to Australia and elsewhere where American clocks were extensively sold, and by selling the inferior articles, under the same name, ruin American trade. They have carried on that work in Canada, as well as in other countries, where they use the same name and even put on the dial of a clock the name of the American city where it was alleged to have been manufactured, although in this case it was produced in Germany.

The so-called Tariff Reform Club, of New York, a free-trade organization, in the campaign of last year, circulated a paper asserting that a certain clock made in New Haven was sold in this country for 68 cents, and if exported for 55 cents. The New Haven Clock Co., when this was brought to their attention, promptly invited the chairman of this free-trade club to examine its books and be convinced of the falsity of the statement made by the club. This was done, and the club acknowledged its misstatement and admitted that "these clock companies did not discriminate against the American producer."

#### TRUTH FROM A PRODUCER—GERMAN COMPETITION.

Walter Camp, the president of the New Haven Clock Co., says: The life of an eight-day striking mantle clock is at least 10 years, and such a clock can be bought anywhere in this country to-day at retail for \$2 or less, making it represent an annual outlay of 20 cents. We have reduced the cost of clocks to the consumer 50 per cent in the last 25 years. We have practically reached the limit of human ingenuity in the matter of machine work on clocks. The foreigners have gradually imitated our machinery until they are as well equipped as we are, and are paying their labor only about one-third or one-half as much. The increase of these foreign clocks from 1908 to 1912 was 70 per cent. Somewhere between two and three million of them came into the United States last year. The skilled workers' budget in Europe shows that a man and his wife and three children, all of them working, earn approximately \$365 a year. Our people earn two and one-half times as much as that. We are already informed that there are large shipments of clocks awaiting the proposed reduction of duty; and, of course, we realize that any of the patterns that are brought in here below a margin of profit must be abandoned, and we do not see why the Germans will not then increase their prices. The saving, in any event, to the consumer, when he is only paying 20 cents a year for his clock, is, of course, infinitesimal.

One of the reasons put forward for reducing the duty is that American clocks are exported. A little over twice as many clocks and parts of clocks in value are exported as are imported, but American exports go to countries where the American producer is protected by preferential rates of duty, as, for instance, in Brazil, where a 20 per cent reduction is made on American clocks; but even then the export business is gradually dwindling in its proportion, and the clocks that are exported are such as have not been copied in patterns by the Germans and others. German clocks are sold in this country at less than they can be purchased for in Germany. The American consul at Mannheim, Germany, reporting on this industry in Baden, says:

The earnings of many of those employed in factory labor in their homes exceed those of like employees in factories, but these earnings are often the result of labor extended far into the night. In the Black Forest clock industry a working day of from 14 to 16 hours is common; also in many other industries. In the city of Pforzheim, which is the center of an enormous jewelry manufacture, the average wages for adult females is said to be 38 cents, and in the surrounding villages 31 cents, while the average daily wage of female chain makers is 46 cents, and in other branches of jewelry manufacture is 45 cents.

Foreign importations under the present duty have steadily increased, showing no ground for any lowering of the duty. The horological schools established by the governments in the clock-making districts of foreign countries save the manufacturers the cost of expert and experimental work, all of which the American manufacturer is obliged to bear himself. There is nothing in the way of a trust in the clock business, and no reason for any lowering of duties to invite greater foreign competition.

#### INDEFENSIBLE REDUCTION ON WATCHES.

There is less ground for reducing the duty on watches than on clocks, and there is no sound reason for any reduction in either case. The imports of watches and parts for the fiscal year 1912 were, in value, \$2,313,677, while the exports were only \$1,880,667, and these exports largely went to countries giving preferential rates and where there are advantages in time of delivery, etc. Ad valorem duties, which are imposed in the pending bill, are impracticable when applied to watch movements.

The value of a watch movement is in its timekeeping qualities, which can not be determined by an external examination however critical, even by expert watchmakers, and can only be ascertained by elaborate tests for the purpose of determining whether or not it is properly jeweled, and the number and kind



of its adjustment, which tests would require a great deal of time and special equipment. Ad valorem rates leave the Government at the mercy of foreign manufacturers, as their valuation will have to be accepted. The test of watches for temperature and position adjustment and for determining the qualities of materials and finish requires special equipment and skilled experts schooled in that line of work, to say nothing of the time and patience required. Many of the largest importers of watch movements in this country have their own factories in Switzerland and the movements are billed to themselves here at cost or under cost. Five of the largest factories in this country said that they exported no goods, except possibly a little to Canada. Most American manufacturers of watches import at least from 50 per cent to 65 per cent of the materials that go into a watch movement, on a part of which they pay duties, which fact alone gives the foreign manufacturer of watches a great advantage. The "home industry" in the watchmaking trade is still prevalent in Europe, and especially in Switzerland. The Swiss manufacturer has an advantage in many instances in the use of water power at a low cost. The American factories have to maintain repair departments, as all movements are guaranteed against defects, and a hospital must be maintained for putting into shape all movements which fail to keep accurate time. The foreign manufacturer is not bothered in that way, as he makes no such guaranty. In Switzerland, which country exports some years nearly \$30,000,000 worth of watches and parts, or 10 times as many as are exported from the United States, watchmaking schools are established by various municipalities, with the result that the Swiss watchmaker is a trained expert having a general knowledge of every phase and process in the production of a watch. For that reason watchmakers in Switzerland have a greater efficiency and a wider knowledge of their trade, as a rule, than those in the United States. The Swiss manufacturer has at his command any amount of trained, skilled workmen, but the American manufacturer must train his own workmen.

#### DUTY EVADED—HOUSE WORK IN SWITZERLAND.

Many foreign watches are imported under what are called "knock-down" systems for the purpose of evading the duty on complete watch movements.

Watches and watch movements do not properly belong to Schedule C. The metal used in the construction of a watch movement makes up an infinitesimal part of the cost of production. The labor cost averages from about 81 to 87 per cent of the total cost, and the jewels used in the construction of a movement amount in many cases to about 50 per cent of the cost of the raw material in a watch movement. Metals, therefore, do not compose the chief values of a watch movement, but only a very small part of the value. Such a movement is a most delicate and intricate piece of mechanism. The most skilled and able workmen are required in the production of this most wonderful time-keeping instrument, and it should not be classified with iron and steel products, but properly belongs in Schedule N. Watch cases are largely composed of gold and silver, and articles of gold and silver are classified in Schedule N.

A consular report states that a peculiar feature of the industrial system of Switzerland is what is known as the "house industry," or the production of various articles of manufacture in the homes of the workmen. The importance of this particular branch of industry is due to the fact that it involves the relation of cheap hand labor to mechanical production. It practically eliminates the labor question and enables the importers to compete successfully in markets where organized labor dominates the situation and where standards of labor are maintained. The percentage of cost of labor thus employed in the various branches of industry in Switzerland is as follows: Textiles, 39 per cent; watches and jewelry, 24 per cent; clothing, 10 per cent; straw braids, 56 per cent; and wood carving, 52 per cent. Of the total engaged in industrial pursuits in Switzerland, 24 per cent belong to the house industry. At home in that country over 13,000 are engaged in the production of watches.

The general trend of prices in the American watch industry has been downward for many years, while the quality of the movement has each year been improved and the cost of production has been much greater. Straight specific duties on all classes of watch movements are desirable, and the change to ad valorem duties is most unwise. While the difference in the cost of material and labor is startling, yet when the difference in conditions, and in hours of work, plant investment, working capital required, and general expense of manufacture is considered, together with the fact that prices have gone down, any reduction in the duty is indefensible. The condition of the industry in this country demonstrates that fact.

#### THE APPEAL OF THE GLASSWORKERS NOT ENTERTAINED.

The appeal of the workmen in the glass industry against a reduction of duty which would admit a large proportion of foreign wares of this kind is very touching, though it will be ineffective. There are in this country about 11,000 skilled glass-bottle blowers, whose average wage per day is about \$4.60, and there are dependent upon this industry 35,000 unskilled workmen and their families. The necessity for maintaining the present tariff is as great now as at any former time, and already there are many workmen out of employment because of threatened tariff changes. One of the appeals of the workmen reads:

The reduced tariff means reduced wages to our members and other sacrifices such as we experienced under the Wilson tariff law; we therefore beseech you not to make any reduction on the present tariff rates on imported glassware, as these rates do not now afford sufficient protection to American workmen, notwithstanding the extraordinarily keen competition, and if the tariff rates are reduced it will bring on us a deplorable state of affairs.

Mr. T. W. Rowe, in behalf of the American Flint Glass Workers' Union, told of his experience in Europe, where he made a tour of investigation last year. He said:

The conditions under which the people are employed around the glass works in continental Europe are so horrible that they defy exaggeration. Wages of continental European glassworkers are about one-fourth those paid to American glassworkers, and in addition to that there is female labor and child labor. I saw married women carrying their babies to the factory, the manufacturer having provided a nursery so that when the baby became hungry the mother could leave her work and go and nurse the baby. I visited a large factory at Val St. Lambert, and I saw young girls wheeling cinders and coal and carrying boxes that I am sure would tax the strength of ordinary men. When the tariff was reduced in 1894 goods were shipped into this country by the boatload and laid down in competition with American labor cheaper than our labor cost. A large number of our plants were thrown into idleness. We accepted a 20 per cent reduction in wages. When the tariff was restored the American manufacturers restored that 20 per cent reduction. We have greatly increased production and have removed the limit and increased the output in certain lines with a view of enabling the American manufacturer to meet the foreign competitor. I am glad to say that it has done some good, but it has not entirely remedied the evil. Every time the tariff has been touched and there has been a reduction on glassware it has meant a reduction in wages and injury to the workmen.

#### WINDOW-GLASS WORKERS THREATENED.

Belgium exports 95 per cent of its product of window glass, which is dumped into this market whenever there is a surplus that can not be disposed of elsewhere. The business in Europe is in the hands of a syndicate, or trust, as we call it in this country. The failures in the window-glass business in this country have been larger than in any other industry.

Mr. GALLINGER. Mr. President—

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

Mr. SMOOT. I do.

Mr. GALLINGER. In reference to glassware, which the Senator has been discussing, has he investigated the matter as to whether or not under the last low-tariff law that industry was greatly harmed in this country and whether there was any very great reduction in the price of that commodity to the consumers of the United States?

Mr. SMOOT. Mr. President, I remember very well the discussion of the tariff bill of 1909, when we were honored here by the presence of a Senator who was a glass manufacturer. He showed to the Senate glassware that was made in different parts of this country, gave the price the manufacturers received for it and what the ultimate consumer paid, and the difference in the figures was so great that I doubt whether there was a Senator on the floor who listened to the remarks who was not amazed to learn that there was so great a difference between the price received by the manufacturer and the price paid by the ultimate consumer. As suggested by the Senator from New Hampshire, in the retail price there was no difference, and I say now that the retail price to the consumer, if this bill goes into effect, will be no less than it is to-day.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. SMOOT. Certainly.

Mr. GALLINGER. I recall the very interesting exhibit that the Senator from West Virginia, Mr. Scott, made on that occasion. It is my recollection that the discussion developed the fact that the consumers of glassware in the country got no benefit from the reduction of the tariff. I will ask the Senator, who has given very great attention to this matter, whether he is of the opinion, if the reductions which are contemplated in the pending bill upon that product become a law, that the consumer is likely to be any better off so far as purchasing those articles is concerned than he is to-day under the existing law?

Mr. SMOOT. My opinion is that he will be no better off.



Mr. President, in 1909 when this schedule was being considered, I took as an example a 12 by 15 pane of glass. I purchased one here at a store in Washington. I had one purchased at a retail store in New York. That pane of glass laid down in this country duty paid cost 2½ cents. I paid in the store here in Washington 15 cents for it and in New York it cost 25 cents. Is there any likelihood that by taking off half a cent a pound it is going to reduce the retail cost of a pane of glass or glassware of any kind to the ultimate consumer, judging from the great difference that always has existed between the price the manufacturers receive and the consumer pays?

In only two years in the last seven, according to the national association, have any profits been made. One-half of the glass is made by hand, and this large employment of labor at prices three or four times as great as in Belgium, accounts for the lack of profit in the business, which is subject to the dumping process from Europe. The freight rates from Antwerp to New York are 19.3 cents per hundredweight, and from Pittsburgh to New York 18 cents. From Antwerp to New Orleans the cost is 14 cents, and from Pittsburgh 43 cents. From Antwerp to San Francisco the transportation cost is 35 cents, while from Pittsburgh and points east of the Mississippi River to the Pacific the cost is 90 cents per hundredweight. The opening of the Panama Canal will help the European manufacturers. The English manufacturers have announced the intention of establishing factories in Canada, and what effect that will have remains to be seen. Prices have advanced in Belgium in prospect of the increased demand here. A firm of importers have made statements before Congress in regard to this matter, stating that the Imperial Window Glass Co., formed in this country some years ago, cost the people of America \$6,000,000. That is an illustration of the length to which importers go in trying to break down our industries in order to increase their business of importing from abroad.

The Imperial Window Glass Co. was not in business long, and its total sales amounted to only \$7,104,447, and the net profits were \$569,408—not a very large profit; but a half a million is a very different thing from \$6,000,000. The window-glass manufacturers ask: "Why should any of our representatives favor a measure that will ruin an industry and reduce the wages of 15,000 workmen? We believe many glass workers will be without employment and many valuable plants will be idle and will never again become active should this proposed scale of duties become operative. All sections will feel the depressing effect of closing our shops entirely, or trying to operate for an uncertain period under what we consider unfavorable conditions." The decreased rates under this bill run from 36.3 to 55½ per cent. Eighty per cent of the production is included in brackets, on which the reduction runs as high in some cases as 54.2 per cent. American workmen can not live as the Belgian workmen have to live or exist. Eighty dollars is paid in this country for labor in the production of window glass where \$30 is paid in Belgium. The plants in this country are the most modern in the world and are practically all of recent construction, while in Europe some very ancient plants exist, but the profits here are often very small owing to competition. Reducing rates is simply helping foreign producers at the expense of those engaged in the same industry in this country.

The cut-glass industry, on which rates are also reduced, is suffering now from the provision inserted in the Panama Canal act that allows free entry to everything required to equip a ship.

#### HELPING A FOREIGN TRUST CONTROL THE PLATE-GLASS MARKET.

In the production of plate glass, Belgium is the keenest competitor with America in this market. Labor in Belgium in this industry averages 65 cents a day, as compared with \$2.30 in the United States. It costs twice as much to complete a factory here, raw materials are more, and there is no trust, but keen competition, while the European manufacturers are combined in a syndicate, regulating production and prices, and all selling through one agency, thus doing away with any competition at home and making it easy for them to sell at low prices in this country. Plate glass was first made in this country under the tariff of 1875. Before that time the cost was \$1.75 to \$2.25 a square foot. The price has gradually gone down, so that it was \$1.21 in 1880, 99 cents in 1890, 90 cents in 1900, 46 cents in 1905, 43 cents in 1908, and 39 cents under the present tariff. That reduction was accomplished in a tariff that imposed 22½ cents per square foot on a size that it is now proposed to reduce to 12 cents. Owing to the great difference in wages it costs 23½ cents a square foot for a factory here in complete operation to produce such glass, while in Belgium, with a curtailed production, the cost is only 11 cents, and they are

capable of increasing their production 46 per cent. The difference in cost is 17½ cents a square foot. Germany has a flat rate equivalent to 12.42 cents a square foot, which keeps out the Belgian product. The existing law here, on sizes not exceeding 720 square inches, does not make up the difference in cost of production here as compared with Belgium. There is a small excess on sizes over 720 square inches, but American manufacturers lose on the first two brackets and do not make enough on the last to be remunerated, while the foreigners, because of their trust agreement, make very large profits. The reduced rates proposed would place the foreign trust in control of our market. The consumer is paying only one-third or one-fourth as much for plate glass now as he did 35 years ago, when he was dependent upon foreign production. The increase in imports this year, 42 per cent for the dull months of January and February over the same months last year, shows what may be expected. The Pacific coast and Rocky Mountain trade will be lost to American producers, because the foreigner now has an advantage of 5 to 5½ cents a square foot in freight. The freight from Belgium to any Pacific coast city is 2 cents a square foot. From Pittsburgh it is 7½ cents in carload lots and 10 cents on a less quantity, and railroads have filed notice to increase that rate to 18 cents on less than a carload lot.

Mr. BRISTOW. Mr. President—

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

Mr. SMOOT. I do.

Mr. BRISTOW. I should like to inquire if the Senator has made any calculation as to the freight from Europe to interior points in the United States—as from Antwerp to Pittsburgh, for instance.

Mr. SMOOT. The freight rate from Antwerp to New York is 19.3 cents per hundred, and from Pittsburgh to New York 18 cents. From Antwerp to New Orleans the cost is 14 cents, and from Pittsburgh it is 43 cents.

Mr. BRISTOW. I remember that. I was listening to the Senator. Now, what is the rate from Antwerp to Pittsburgh?

Mr. SMOOT. I have not the exact figures, but I doubt whether it is very much more from Antwerp to Pittsburgh than from New York to Pittsburgh. I do know, Mr. President, that the freight rate from England through to Salt Lake City on crockery ware is less than the freight rate from Ohio to Salt Lake City.

Mr. BRISTOW. That is what I have been advised. Does not the Senator think that more important legislation, so far as the consumer is concerned, would be the control of freight rates rather than to undertake to control that by a duty?

Mr. SMOOT. I am simply calling attention to these freight rates and stating the advantages that the foreign manufacturer has over the American manufacturer to show under existing conditions disadvantages the American manufacturer is laboring under.

Mr. CUMMINS. Mr. President—

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

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

Mr. CUMMINS. I take the liberty of stating to the Senator from Kansas that I have a table showing these rates, and I intend to use it presently in connection with an amendment I have proposed to the tariff bill, which provides that railroad or transportation companies shall not charge more for carrying products or commodities from the seaboard inland when produced in the United States than they charge for like products when imported into the United States. I intended to press that amendment with all the vigor I possess, because I regard it as one of the most unfair practices that can be instanced in all our transportation system. Now that the domestic producers are in many instances denied adequate protection, to make them pay from one-third to one-half more than their foreign rivals must pay for transportation over our own railroads is to me utterly indefensible.

Mr. GALLINGER. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from New Hampshire.

Mr. CUMMINS. I can not answer the specific question as to any one rate, but I have a table of that kind which I will produce when I present my amendment.

Mr. GALLINGER. I will say to the Senator that as at present advised I am in full sympathy with his contention on that point, and I rose to ask the Senator if that matter is not in the control of the Interstate Commerce Commission.

Mr. CUMMINS. It is, but unfortunately the Interstate Commerce Commission has decided that rates from foreign countries into the interior points of the United States may be judged by the same rule that governs through rates in our own



country, and the commission has affirmed the validity of the discriminations that I have suggested.

Mr. GALLINGER. Am I safe in assuming that the Senator from Iowa does not agree with that position?

Mr. CUMMINS. I do not. I do not believe there should be any such thing as a through rate from a foreign country into the United States. When a product reaches the port of New York and must be transferred from a ship to a car, and at the same time a domestic producer in New York loads a car that is carried in the same train that takes the foreign product, I think it is a gross wrong to charge the domestic producer more than is charged his foreign competitor.

Mr. GALLINGER. I quite agree with that position.

Mr. CUMMINS. But it will need a legislative declaration in order to change the practice which has been affirmed by the Interstate Commerce Commission.

Mr. BRISTOW. If the Senator from Utah will yield for just another question, I should like to ask the Senator from Iowa if the same rate from the port of entry to the interior points was charged the domestic shipper from that port that the foreign shipper pays, would it not be possible now probably to ship from Pittsburgh to New York and then under the foreign rate from New York back past Pittsburgh into the interior at a less rate than the rate now from Pittsburgh or interior points?

Mr. CUMMINS. There may be some rates so adjusted as to bring about the possibility suggested by the Senator from Kansas. For instance, I have been told that rice from China or Japan can be shipped into the United States to Galveston and then to some point in the interior more cheaply than it can be shipped from Galveston to the point of destination.

Mr. SMOOT. Mr. President, I, too, have a list of freight rates that I used here, I think, two years ago in the tariff discussion, showing the rates from all foreign shipping points to almost all the large cities and distributing points in the United States. I quite agree with the Senator from Iowa in what he says in relation to the rates from foreign countries to interior points in the United States.

The freight rate from Belgium to New Orleans is only one-third as much as from Pittsburgh to the same city. Of course if it is designed to give the foreign trust, with its low-priced labor, control of our markets, the passage of this bill with reduced rates will bring about that result.

Mr. BRISTOW. If the Senator will pardon another interruption, in speaking of the freight rate from Belgium to New Orleans, of course that is a water rate, while from Pittsburgh to New Orleans it is probably a rail rate. That shows a very great advantage to the European country, but the illustration of the Senator from Iowa shows that where both rates are rail rates practically the same advantage is given to the foreign manufacturer.

Mr. SMOOT. I recognize that fact, Mr. President.

Mr. OLIVER. Will the Senator allow me?

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I should like to ask the Senator from Utah before he leaves this subject whether he has made any study of the trade conditions in Belgium with regard to the glass business; that is, the operations of the syndicate in control of business there, and the advantages which are given them with regard to charging reduced prices for the ware.

Mr. SMOOT. I suppose the Senator was not in the Chamber when I referred to it, but the glass industry in Belgium is under one control, one management, one sale agency. Prices are made by that agency and no other price can be given, whether it be for home consumption or whether it be for export. I know in some cases, especially of iron and steel in Germany, production is controlled by cartels and agreements, and one year there was assessed against all the manufacturers \$3.51 a ton for the goods that had been exported from that country, and that \$3.51 a ton was divided among all the manufacturers whether they exported a pound of it or not. This industry is under just such control, and not only this industry but nearly all the chemicals manufactured in Germany are in the same condition.

#### EFFECT ON POTTERY.

In the production of pottery greater capital is required in proportion to the annual output than in other industries, and more labor is necessary in proportion to the capital. About 90 per cent of the cost is labor, and 66½ per cent goes out in pay envelopes. The wages in this industry in the United States are the highest paid and there has been no strike in 20 years. Competition here, as a result of the establishing of this industry, has reduced prices two-thirds to the consumers, and prices are lower now than ever before. American manufacturers supply less than two-fifths of the consumption. Chairman UNDERWOOD, in his speech on this subject, said: "When we see a large amount of importation as compared with the American consumption, I

believe we can all concede it is competitive." When three-fifths of the consumption is of imported goods that certainly ought to be satisfactory competition without any reduction of rates to bring about larger importations. There is no trust in this business, and the average profits have been less than 6 per cent. Included in the import figures of the Government are many goods of a special character made of pottery ware, but not used by or sold to the crockery trade, which should be excluded from any comparison. The import figures are the value of the foreign product where made, and there has been a great deal of undervaluation in imports of crockery, chinaware, etc. The imports in 1884 were \$4,945,813 of foreign value, and in 1912, \$10,062,203. The imports from England since 1885 have decreased 20 per cent, while those from Germany have increased 410 per cent; from Austria 266 per cent; and from Japan 1,523 per cent. The selling value of the imports in 1890 was about \$14,000,000, and in 1912, \$28,000,000. With such a large increase in importations it is extraordinary that anyone should propose a reduction in rates, which necessarily means so much work taken away from Americans employed in this country. Twenty-six factories in Trenton, N. J., engaged in this industry have gone out of business in the last 34 years.

Of the chinaware consumed in this country there is 400 per cent more of it imported than produced here, and yet this bill reduces the rate on such ware.

Mr. MARTINE of New Jersey. Mr. President—

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

Mr. SMOOT. I do.

Mr. MARTINE of New Jersey. I should like to say, if any such number of factories have gone out of service in the last 34 years they have gone out of service under the beneficent reign of Republican protection, and it is the Republican Party that has blighted the industry and driven it out.

Mr. SMOOT. I want to say if it had not been for that protection there would not have been any factories in New Jersey to fail, as the Senator suggests. I wish to say that if the industries in New Jersey have failed in the past, under the protection system as suggested, God help them in the future under this bill.

Mr. MARTINE of New Jersey. God knows they will be quite as safe as they have been under the Republican régime.

Mr. SMOOT. That is not what the people of New Jersey will think within three or four years.

Mr. MARTINE of New Jersey. It is useless to bandy words over that question, but the fiat of the people of New Jersey has been the condemnation of your system of protection. I can bring to this body a list of men who have been workers in the mills and shops of Trenton who will testify that they got infinitely better wages in the pottery shops under a lower tariff than under the present tariff.

Mr. SMOOT. Such a statement is so extraordinary that I doubt whether it is worthy of discussion.

Mr. MARTINE of New Jersey. The Senator refers to the fact that in 34 years 26 factories have gone out of business, and I submit that it was under the Republican system of protection.

Mr. SMOOT. I think most of the 26 factories failed when the Democrats were in power before, in the years 1893 to 1897.

The percentage of labor cost is usually large in the manufacture of pottery wares, but differs according to the kind of ware made and whether decorated or not. About 55 per cent of the cost of white ware is paid in actual wages, while the remainder goes for materials, salaries, and other expenses, a considerable proportion of which goes to labor in producing materials. In decorated ware the largest factory in this country last year paid 62.04 per cent of the cost in wages, while 25.72 per cent went for materials in the production of which labor was paid a large percentage, and labor cost also figures in the remainder of the expenditures. In terra-cotta and other fire-clay products not so much is expended for labor, as more machinery is used, but the census returns group pottery, terra cotta, and fire-clay products together, and yet the returns show that 60 per cent of the cost of the product is paid out in wages. British reports show that from 40 per cent to 45 per cent of the finished value, according to the kind of ware made, is paid out for labor.

#### AMERICAN WAGES 110 PER CENT HIGHER THAN ENGLISH.

The American piecework prices average 110 per cent higher than the English, while the American wages earned are on an average over 126 per cent higher than in England, and the wages in England are higher than in other countries. The average earnings per hour for all classes of labor in the potteries of the several countries are as follows: United States, \$0.2483; England, \$0.11; Germany, \$0.0913; Austria, \$0.086; France, \$0.0825; Belgium, \$0.0693; Holland, \$0.065; Japan, \$0.025.



The New Jersey reports for 1912 give the average weekly earnings per capita of all wage earners as \$13.88, while the English Government trade reports for the week ending January 25, 1913, give the average earnings there as \$4.73. The ratio of males and females employed is, in New Jersey, 100 males to 20 females; in England, 100 males to 80 females; and in Germany, 100 males to 300 females.

In the United States a woman doing the same class of work as the man receives the same rate of pay, but in England and other European countries she receives approximately one-half as much. Much of the work done in this country by men is done by women in Europe, who receive correspondingly low pay. A plate maker is paid in New Jersey \$27.30 and in England for the same work, \$6.90; a jigger man gets \$29.01 in this country, as compared with \$8.42 in England, and so on with other workmen. These figures are taken from the report made by the president of the English Pottery Manufacturers' Association at the time of the labor dispute, his purpose being to show that the potters were earning good wages, fully up to those in other lines of industry. Another English manufacturer said that the average of all of his working people was \$4.88 per head per week. Labor in this country gets all and more than the entire duty assessed under the present law. In 1852 the rate imposed was 24 per cent, and in domestic competition an assortment of white tableware sold for \$95.30. In 1864, in war times, with 40 per cent duty, the price was \$210.75. In 1875 the price was \$129.61. In 1900, with 55 per cent duty, the price had declined to \$41.67, and this year, with the same duty, the price is \$35.72.

#### EFFECT OF THE LAST DEMOCRATIC TARIFF LAW.

The reduced rates of the last Democratic tariff bill were disastrous to the pottery industry, closing a number of factories, which were never able to reopen. It resulted in a reduction of over 60 per cent in the earnings of the operatives on account of not having sufficient work to keep them employed, while there was an actual reduction of 12½ per cent in the rate of wages. In 1892 the domestic product was in value \$8,800,000, and the imports were nearly the same in foreign value. In 1894, under the Wilson law, the domestic product had declined in value to \$4,200,000, while the imports had declined to \$6,879,437. The people did not have the money to pay for pottery, and as a result not only the domestic production, but the imports decreased vastly, but in 1896 the imports had increased to \$10,605,861, while the domestic production was little more than in 1894, but in 1899, when we had a protective tariff, the domestic product had increased to \$9,434,109, while the imports had declined to \$7,603,959.

English earthenware has been displaced largely by the increased imports of cheap German and Japanese chinaware. These goods are used for the same purposes and take the place of earthenware. The imports from Japan were less than \$200,000 worth in 1895, but had increased in 1908 to \$1,452,156. That is the direction from which our workmen have to fear increased competition from any lowering of the rate. The railroads owned by the German Government give special rates to goods for export, in some cases being about half the rate covering the same distance for home consumption.

The Democratic handbook estimates an increase in importations of over \$1,600,000 foreign value. That is an underestimate, but even that much means a displacement of at least \$3,200,000 to the American product. That would mean increased cost in whatever remainder was produced, because a factory working full time is working to the best advantage, whereas working slack time always leads to increased proportionate cost.

The Democratic mayor of Trenton, N. J., says that the cost of producing earthenware in the United States is 75 per cent greater than in England, while the average wages are 110 per cent higher. He says that from 60 to 66½ per cent of the cost of pottery ware goes into pay envelopes and that any reduction in the tariff must fall heaviest on the wage earner. That is the unbiased opinion of a leading Democrat given at a time when a political campaign was not being conducted, but when he was fearful of a destructive blow being directed against a leading industry of his home town by the party in power.

Mr. MARTINE of New Jersey. And notwithstanding the fact of the anticipated calamities which the Senator from Utah has just narrated, the Democrats, with a full knowledge of them, carried the city of Trenton a number of times.

Mr. SMOOT. That may be; and if the Democrats were the only ones to suffer I should say, let them take the consequences.

The New York importers arguing in behalf of foreign earthen and china ware state that the imports have decreased, which is not the case; and they further add that there must be "consid-

erable relief from a reduction in the duty or importations will fall off." What a great misfortune it would be if importations should decline according to the view of these importers. They add: "There is cutthroat competition among the domestic potters which is the principal cause of their troubles." Under those circumstances, why should duties be reduced to add to this cutthroat competition, as the importers call it? There are about four times as much chinaware imported as is made here. The ground for any reduction in the duty is far from clear.

In the production of earthenware and chinaware labor is the chief cost. There is no such thing as superiority of American labor in the production of these goods, because it is a matter of life training in foreign countries, the Governments of which pay particular attention to the encouragement of the industry by maintaining Government shops and factories, where experiments and various methods are made and tried at the expense of the Government. England, France, Germany, Denmark, and Japan supply means for that purpose. But there is nothing of the kind here. American employers have to comply with employers' liability laws, State income tax, Federal excise laws, and laws requiring contribution to American standards, and so forth.

#### A STILL GREATER IMPORTATION OF GLOVES.

This country has long been paying large sums to Europe for gloves. There is no reason why gloves should not be manufactured here just as well as in Europe. The glove industry has gradually been increasing in this country as a result of protective duties, though they never have been sufficient to interfere with imports in some lines of that industry. From 1904 until 1909 there was an increase of \$6,000,000 in the annual value of gloves and mittens of leather produced in this country. There are about 13,000 persons engaged in the industry, and it is making satisfactory progress if not interfered with by tariff-for-revenue legislation. There were nearly \$8,000,000 worth of gloves imported last year, but it is proposed under this bill to reduce the duties to such an extent as to admit a large additional importation, and even to put some kinds of gloves on the free list. No leather gloves of domestic manufacture are exported, although competition is fierce, and wages in this country prevent their manufacture here to a large extent in competition with the low-paid European workers. Only one-twentieth of the fine leather gloves now used in this country are made here, the remainder being imported, and even that one-twentieth part can no longer be produced here under this proposed law without a great change in present conditions.

#### ALUMINUM AND ALUMINUM LEAF.

The people of Knoxville, Tenn., as shown by their Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, all in joint session, are greatly opposed to the disturbance of the duty on aluminum. This bill reduces the rates over one-half. The South has the only deposits of bauxite, while it has vast coal deposits and water power. The manufacture of this product in the last 20 years has grown from practically nothing to \$40,000,000 per annum in value, while the price has declined from \$4 a pound to 18 cents. It is more expensive to produce in this country than in Europe. The foreign bauxite ores are richer, while the coal and water power are in close proximity to the bauxite.

#### LINOLEUM, COLLARS AND CUFFS, AND HANDKERCHIEFS.

The change in the duties on linoleum from specific rates that equaled 47 per cent in 1910 to 30 per cent ad valorem seems to have been based on misleading figures furnished the House committee in its handbook and used in its report. Table oilcloths and all kinds of artificial leather were included in these statistics. It was said that \$356,761 worth of linoleums and other such fabrics for the floor were exported, but practically none were exported. It was this apparent misstatement as to exports which probably led to the cut in the duty, as our Democratic friends seem to regard export trade as something in the nature of a crime to be punished. But the exports in this case were of tablecloths and things of that kind, and not floor fabrics. The production was also wrongly stated. There is no consistency in rates in this bill. The duties on finished products in many cases with free raw materials range from 25 to 35 per cent, while oilcloth and linoleum, of which the raw materials are dutiable at 20 to 25 per cent, are also made dutiable at from 20 to 35 per cent.

The existing duty on collars and cuffs is 45 cents a dozen and 15 per cent ad valorem. It is proposed under this bill to make them dutiable at 30 per cent, and when made of cotton, 25 per cent. There is no combination or trust in this business and the competition is keen. Canada and Germany impose a duty of 37½ per cent, and the duty is still greater in some other



countries. The American producer should have at least as much protection, instead of discrimination against him, as is proposed in this bill. The Japanese are coming into the market as producers of these articles, and we all know what that means when the wages paid in that country are taken into consideration. Female labor is largely employed in this industry and it can not compete with Japanese and European labor under the rates now proposed.

I have pointed out but few of the objections to the bill. Indefensible as they are, I assure the Senators there are others and of just as serious a nature.

I might add that the first industries of this country to suffer from the passage of this bill will not be the great trusts and powerful corporations, but the thousands of manufacturers of small capital—the independent concerns making such goods as require the highest type of workmen and workmanship. It is this class that I am interested in seeing protected and for them I shall try to see that certain rates in this bill are amended.

For the last two years, particularly since the last election, the leading Democrats find in the past of their country since the Civil War only the record of a nation provincialized, hampered, and hobbled by legislation which has stunted its growth and kept it in industrial swaddling clothes. I have listened to and read such statements with amazement, for the marvelous, unheard of, and unknown industrial development of our country is not only known by every American, but by the people of every civilized country of the world. Notwithstanding this, pictures portrayed in speech and press of our country being dominated by selfish interests with a result of a universal robbery of the American people, though unjustifiable, have had the effect of creating distrust and unrest among a certain class of the American people. Whether for good or bad will be yet demonstrated.

I have been so proud of my country's development, her history, her people, that I never get tired of singing her praises, nor never cease thanking my God that I was born an American. It is natural that I should be jealous of her every interest. I am interested in maintaining her present standard of living and preventing, if possible, her working people from coming in direct competition with the unfortunate working people of less favored countries. I have visited the leading industrial countries of the world. I have seen there the value placed upon human labor. I have seen the poverty, the squalor, and suffering to which the laborer is subjected. I have seen the effect of such upon the men, women, and children of those countries, and I have made a vow that no act of mine shall ever place an American workman in the position of having to compete with such conditions. There is only one way to prevent it, and that is by a protective tariff, and therefore I have been, and am still, a protectionist without qualification.

Mr. BACON. Mr. President, if there is no Senator who desires to continue the discussion—and I assume by no one attempting to take the floor that that is true—

Mr. GALLINGER. The Senator from Idaho [Mr. BORAH] had intended to speak this afternoon, and, unless he thinks it is too late, I think he will probably now proceed. I will ask the Senator from Idaho if he cares to proceed this afternoon?

Mr. BORAH. I should prefer not to proceed unless there is no other way in which the Senate can occupy its time. I can speak if it is desired, but I prefer not to do so now.

Mr. SIMMONS. Mr. President, as there is no Senator over here who desires to speak, unless there is some Senator on the other side who wishes to take the floor, I think we had just as well proceed with the bill.

Mr. GALLINGER. Mr. President, objection has been raised by certain Senators on this side that the bill ought not to be read for amendments until the statistics, which are being prepared, which I understand will soon be ready, are on the desks of Senators.

Mr. SIMMONS. They will be ready to-morrow morning, I think.

Mr. GALLINGER. Very well.

Mr. SIMMONS. But if there is any Senator who is ready to speak—and I understand the Senator from Idaho could go on this afternoon—I do not think we ought to lose the next two hours.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. SIMMONS. I think the Senator from Idaho—if the Senator from New Hampshire will pardon me—is ready to go on.

Mr. BORAH. I am perfectly willing to go ahead if it is the desire of the Senator in charge of the bill that I shall do so.

Mr. SIMMONS. I have no object in the world, except that I am very anxious to push this matter as rapidly as possible

without inconveniencing Senators, and I know the Senator from New Hampshire is in entire sympathy with me in that view.

Mr. GALLINGER. I am in much greater sympathy with the Senator than the Senator was with us during the consideration of the last tariff bill, which was debated here three months; so that we do not feel in a temper, or I do not, to be urged very much in this matter, no matter from what source the urging comes. We are going to conduct this debate, so far as this side is concerned, as rapidly as possible. There will be a Senator ready to speak to-morrow. If the Senator from Idaho does not speak to-day, there will be two Senators ready to-morrow, and another Senator will be ready to speak the next day. As I have said, I think we ought not to be urged very much in the matter.

Mr. SIMMONS. I hope the Senator from New Hampshire does not understand me as desiring unduly to urge anyone at this time to speak who is not prepared to do so; but I understood the Senator from Idaho [Mr. BORAH] to get up and announce that he would go on this afternoon.

Mr. GALLINGER. The Senator from Idaho, however, stated that he would prefer not to go on until to-morrow, and I recall that in all previous debates such a statement has been sufficient for us to yield and to allow the Senator to proceed at a time when it best suited his convenience.

Mr. SIMMONS. It is only a little after 4 o'clock now, and this is the cool part of the afternoon. Of course, however, if the Senator from Idaho does not desire to go on, I shall not insist upon it.

Mr. BORAH. Mr. President—

Mr. BACON. I hope it will be left entirely with the Senator from Idaho to do whatever he prefers.

Mr. GALLINGER. I think that is right.

Mr. BORAH. Mr. President, perhaps the discussion of that portion of the bill which I propose to take up might very well have been left to a later hour, until such time as the provision with reference to the income tax was more directly before the Senate. But in view of the desire of those who have the bill in charge to occupy the time, I can perhaps say as well this afternoon, upon one phase of the subject at least, what I desire to say as at any other time. I am in sympathy with the desire to complete this bill, or rather, I should say, to vote upon the bill, as I understand it is already completed. I am willing, therefore, to proceed at this time, although I had expected not to speak until later in the week.

Mr. President, we have now succeeded in adopting an amendment to the Constitution of the United States which removes all embarrassment with reference to enacting a proper income-tax law. Heretofore whatever legislation has been had, has been had with the knowledge upon the part of those advocating it that the constitutionality of such a law was or would be involved. Certainly that has been true for the last few years; but we are now in a position where we may consider the question of an income tax and what it should be with a view of making it a permanent part of our national tax system. I recognize in the beginning that it is no easy task to frame a satisfactory income-tax measure.

When Mr. Gladstone was taunted and criticized with maintaining an income tax in times of peace, his reply was, "If the country is content to be governed at a cost of from sixty to sixty-two million pounds, or even sixty-four million pounds, a year, there is no reason why it should not be governed without the aid of an income tax, provided Parliament so will it to be; but if it be the pleasure of the country to be governed at a cost of from seventy to seventy-five million pounds a year, it must be governed by the aid of a considerable income tax. That," said the premier, "in my judgment, is the whole case."

Congress is often criticized for its extravagance and must share the responsibility for our increased expenditures. But no one knows better than Congressmen, from correspondence and from numerous requests to support different measures, that the country itself is not averse to heavy expenditures. Everyone is in favor of curtailing appropriations except as to those matters in which he is interested, and as to those matters he looks upon even increased appropriations as parsimonious. Congress will never deal successfully with the question of expenditures nor adopt any plan of permanent worth and value as to economy until the country itself is aroused and joins in an intelligent effort to bring about that result.

Those who look upon an income tax as a war tax—as a tax to be reserved for great national emergencies—will regret to see the United States coming to its use in time of peace. Those who believe that the income tax should constitute a permanent part of our national tax necessary in order to equalize the burdens of government will regret that even with its adoption

so much must still be collected by taxes from other sources. In other words, if the reduction of unnecessary expenditures was to accompany the adoption of this tax, if all taxes were to be reduced and yet a proper portion of that which yet remained to be collected could be collected from those more able to respond, it would be a matter of congratulation. But if this tax is to be levied and those now bearing the great weight of taxation are to find no relief, if their burden is to remain the same while more money is simply gathered for waste and extravagance, it will be a national misfortune.

In 1891-92 our appropriations for that Congress reached the sum of a billion dollars. That fact gave rise to considerable discussion for a while and became a subject of criticism by the opposition party—one of the distinct issues of the political campaign following. We have now reached the point where we appropriate more than a billion dollars for a single session. At the close of this last session it was found that the appropriations and obligations upon the Treasury amounted to the stupendous sum of \$1,175,604,134. Thus, regardless of which political party we find in power, regardless of party pledges, regardless of the pressure with which these things rest upon those least able to bear up under them, our expenditures increase, not in steady and uniform harmony with the law of natural increase, but through irregular leaps and bounds characteristic of recklessness and waste, of unconcern for the individual welfare and indifference to the public interest. And it would seem that the saturnalia has just begun, only the fringe of the revelry have we thus far witnessed. We are beginning to feel already that we should build embassies and increase salaries, that we should impound, coordinate, and unify the waters of our streams and rivers, that we are to construct a vast system of public highways, that we are to replenish and reforest our hills and mountains, that we are to provide for old-age pensions, and thus for things legitimate and things unnecessary, for things real and things fantastical, we are to have an increased demand for revenue.

Mr. President, this spirit of extravagance is not confined to the National Government nor to our own country. It is nationwide and world-wide. In 1870, if my memory serves me correctly as to the date, Mr. Gladstone budgeted for £70,000,000; and in doing so he felt called upon to inveigh against the great extravagance of his country, and the effect of extravagance both upon the Government and upon the people. His great budget speech upon that occasion is noted for his remarkable presentation of the effect of extravagance upon a people aside from the mere question of the pecuniary loss involved. To-day England budgets for £195,000,000, and with each returning year it becomes a serious question, and a question of some nicety for the chancellor of the exchequer to ascertain from what part of the goose he can pluck a few more feathers with the least possible noise. It has become in that great country a study, a science, as to how to apply the taxes in order to get from the English people sufficient revenue to meet the ever-increasing expenditures of the nation.

It will be said, of course, that England has grown in population and in wealth, and that the increase of expenditures must be expected to keep pace to some extent with the other increases. But her increase of expenditures has far outrun her increase of population or wealth, proportionately speaking. In 1870 the tax of the English people was £2 8s. 3d. per head. To-day with her increased population it is double that, or £4 6s. 3d. per head.

In our own country, if we look about, we find the same condition as to public expenditures in both city and State affairs. In 1907 the expenditures of the State government of New York were \$58,000,000. Five years thereafter they had increased to the sum of \$84,000,000. In 1907 the appropriations for the city of New York were \$273,000,000. Five years thereafter they had increased to \$355,000,000. I do not choose New York because it is an exception or for invidious comparison, but because the data from that State seem more recent and accurate. Totalling the county, State, and National expenditures of this country, they increase by two and a half times about every 12 or 15 years.

I make these statements with reference to expenditures in order that I may apply a little later the question of how we are to meet these expenditures, and from what source we are to receive the means by which to take care of them.

It has always been counted a singular triumph of statesmanship to find a new source of revenue—to tap some reservoir into which industry and frugality had stored their gleanings. Pitt and Peel and Gladstone, Turgot and Necker, Hamilton, Gallatin, and Chase, with varying degrees of success, won renown in this field of statecraft. But he will be an exceptional leader and financier indeed, rare among all the bene-

factors of men, who while opening up new sources of revenue finds a way to close down others, who while distributing more equitably the burdens of taxation finds a way to provide against the ever-increasing and stupendous weight of the burden as a whole. I pause long enough to say that so far there is no change in sight. We are treading the old paths, finding new sources of revenue, and taxing the old sources up to the limit. There will be no relief for those who ought to have relief under the present plan unless there are changes elsewhere. While we will have an income tax, the people of this country will experience no lifting of the present weight. We will simply have found a new source of revenue to feed our insatiable, unconscionable, and scandalous desire to spend money.

For instance, we find that under the revenue law in force in 1912 we collected from customs \$311,000,000. I am taking these figures from the report which accompanied this bill to the House. We collected from internal revenue \$293,000,000, making, in all, the sum of \$604,000,000. Of course we had at that time no income tax. Under this bill, according to the report which accompanied the bill to the House, it is estimated that the customs receipts will be \$267,000,000 and the internal-revenue receipts \$322,000,000, or a total of \$589,000,000. That is some \$15,000,000 less than the amount collected in 1912. Adding to that the estimate of the income tax of \$70,000,000, we have \$659,000,000 to be collected from these sources; or, in other words, an excess of \$55,000,000 over the sums collected in 1912. So our expenditures climb more rapidly than all schemes for securing new revenue. I do not believe that we are ever to have economy in government again unless the people themselves become thoroughly aroused upon the subject. This, in my opinion, is the first argument for an income tax. Extravagance is an American disease, permeating and enervating the whole body politic. Will an income tax educate us to consider of our waste, not educate us into parsimoniousness, but to slow down our indiscriminate and shameless waste?

We must expect a certain increase of expenditures. The obligations and duties of government are becoming more complex and multifarious, and I presume they will be more and more so; but the waste and extravagance which accompany legitimate expenditures have reached the point where it is conservative to call it a scandal. Take, for instance, the improvement of our rivers and harbors—a most necessary and legitimate outlay—yet the waste, the utter waste, which accompanies this legitimate expenditure is astounding. In many of our departments here in Washington they use the money saved by the industry and frugality and often drawn through personal sacrifice from the citizen as if they had a shop in one corner of the department where it was manufactured. I am not talking now about theft and graft such as when discovered may be the subject of criminal prosecution. I am speaking of that utter disregard of the value of money, of what it costs in labor and management to secure it, of that duplication and loose and regardless expenditure which in its effect is far worse and far more injurious to the people than mere petty pilfering by which we are sometimes justly stirred. Now, so long as this waste and extravagance go on, so long as these enormous expenditures continue, whether we have a protective tariff or a tariff for revenue or whether we have a spotted and incongruous mixture of both, we are going to have an income tax. It is inevitable and it is necessary.

It would not be so bad if all this spending were but a pecuniary loss. But waste and extravagance in public expenditure as in private expenditure, the collecting of more money from the people than is necessary for a just and economical government, means enfeeblement; it means moral disintegration; it means in the end dissatisfaction with the government. It means social unrest, disorder, pauperism, crime, anarchy, and revolution. That is what it has meant in every free government where it has obtained, and, proud and self-sufficient as we are, we are not yet exempt from the laws of economy or of morals, the violation of which laws have brought about the disintegration of other governments. Let us hope, therefore, that when the taxgatherer's hand is uncovered, when we see it as it reaches out for these enormous sums, that we will be aroused to ask, What are you going to do with all this money? Let us hope that when they call for a part of our income we will beget a system of strict accounting and strict accountability and that both the people and the representatives, the representatives so because the people demand it, will be vigilant to know what becomes of the money which is taken openly from our savings. I have always believed that the income tax would be an educator for public economy.

But if it does not prove so, Mr. President, then more and more must this great burden be put upon the large incomes of the country. Especially must it be laid with an ever-increasing



weight upon the more idle incomes, the inactive, the settled and fixed incomes. It is not possible to continue to raise this whole amount, constantly increasing, through taxes upon consumption, and if it were possible it is entirely unjust to do so. I have no doubt that were this Government economically administered you could raise all the taxes necessary and never vary the rule of fair protection to those industries which for the prosperity of the country ought to be protected. But it is wholly impracticable under our system to collect all that we want under which those of limited means pay far more than their proportion. Our luxuries of government must be taken care of according to the ability to pay and not according to our necessities.

There is one class of expenditures which ought to be very interesting in these days, in view of the discussion which is constantly going on in regard to the era of universal peace, which seems to be so near at hand in the minds of many people. For the last 15 or 20 years there has been, upon the part of influential and benevolent people, advocacy of universal peace; and I doubt not that great and marked progress has been made. But the period in which we have been advocating with great zeal and earnestness the doctrine of universal peace is the period characterized above all others in the history of the world by the increase of expenditures for armament. They have grown in proportion to the earnestness and zeal of the advocates of universal peace.

In 1911 the expenditure for this purpose upon the part of Germany was \$318,000,000; upon the part of France \$270,000,000; upon the part of Great Britain \$341,000,000; upon the part of the United States \$282,000,000. Last year, 1912, our expenditures for wars, past and anticipated, amounted to \$383,000,000. The sum total of expenditures for armament during the year 1911 upon the part of all the civilized nations of the earth was \$2,263,000,000.

Mr. GALLINGER. Mr. President—

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

Mr. BORAH. I yield.

Mr. GALLINGER. Does the amount that was spent by the United States include the pension appropriation?

Mr. BORAH. The last figures do.

Mr. GALLINGER. The pension appropriation is included?

Mr. BORAH. That is what I had reference to when I said "wars, past and anticipated." The last figures did include that.

So, notwithstanding the fact that we anticipate the somewhat hasty fulfillment of the dream of universal peace, it would seem that there is to be no relief so far as expenditures are concerned. While we are to be relieved, it is to be hoped, of the horrors of war, we are not to escape the misery superinduced by the deadening drain which comes from heavy expenditures.

A short time ago the German Emperor held his silver jubilee. During that occurrence people very generally throughout the world accorded him unusual credit for the efforts which he had put forth in behalf of this great movement. If the public press quotes the Emperor correctly, he stated that he hoped his reign would be characterized in history by the efforts which had been put forth in behalf of this cause. Yet while the German Emperor was celebrating his silver jubilee, and the world was paying proper regard to him for what he had done, the Imperial Parliament of Germany increased the expenditure for armament this year over the previous year \$250,000,000. The significant feature of it is, so far as this discussion is concerned, that the increase of \$250,000,000 was not secured by raising the percentage of taxation upon the great incomes of Germany, by raising the rate a little higher at the top among those who could well pay for this luxury without feeling any discomfort or inconvenience. Instead, it was raised by lowering the exemption from \$2,500 to \$1,250, thereby placing the increased burden of \$250,000,000 almost entirely upon the moderately well-to-do people of Germany whose incomes range between \$1,250 and \$2,500 a year.

I have spoken, Mr. President, of the income tax as a teacher of economy. I understand perfectly that it will be said, and that it is said, that unless it applies to all it will not have this effect. As I am going to urge a higher instead of a lower exemption, I understand also the charge of inconsistency which will be brought against me. But it is all answered, to my mind, by the fact that the majority of the people are paying more than their proportion of the taxes; that they fully understand this and feel the burden; that they are altogether anxious to assist in curtailing expenditures; and that our spirit of extravagance in government is supported in a very large degree by those who are extravagant in private life—those who never notice the tax upon consumption and can only be aroused by

curtailment of the incomes with which they satisfy their own extravagance. I have watched very closely for several years when a proposal was made for increased expenditures in some line of appropriations, and I have never yet observed any marked criticism of any extent from the source which has so much to do with molding public opinion in this country. On the other hand, my observation leads me to believe that the men of small means in this country are thoroughly interested in the question, and are willing at all times to assist in curtailing expenditures.

In discussing the income tax, the question is, How are we going to equalize these burdens, which constantly increase, as between consumption and property?

Or, rather, the question is, Are we willing to equalize these burdens between taxes on that which we want and that which we have?

The beginning of an income tax is the question of exemption. I am quite aware of the general, almost universal, feeling that the exemption in this bill as it came from the House was too high. We can not discuss the question of exemption without bringing to its consideration, however, the question of who pays the other taxes—the indirect taxes of the country. In other words, if all revenues were raised by direct taxation, everyone would be in favor of a very low exemption in an income tax.

Speaking for myself, if we raised even the greater portion of our revenue by direct taxation, I should be in favor of an exemption of from eight hundred to a thousand dollars, if not lower, because everyone should pay taxes. It makes better citizens, and it is a duty which every citizen owes to his Government, to share in the burden of maintaining and supporting the Government.

In our country everyone does pay taxes. My contention is that the man of limited means pays now more than his proportion of indirect taxes. As soon as this bill came into the House there was a general criticism throughout the country that the exemption was class legislation. As I am opposed to the lowering of the exemption as it stood in the House, I desire for a few moments to direct attention to that subject and to that feature of the bill.

A distinguished leader in finance, making a speech in the city of New York a few days after the bill came into the House, said:

I regard as the most dangerous at the present time the disposition of legislative bodies to pass laws which are calculated to produce classes. I think, for instance, the proposition to assess the incomes of men who have incomes of more than \$4,000 and exempting the incomes of those who receive less than \$4,000 per annum is one of the worst things that has ever happened in this country, because it immediately arrays 97 per cent of the people against 3 per cent of the people.

The distinguished financier seemed to omit entirely from his consideration the fact that seven-eighths of the revenues of the country, as they will be raised by this bill, will be raised by a tax levied upon consumption. I think I have the figures here.

According to the estimates which accompanied the bill to the House, we are to realize from customs \$267,000,000, and from internal revenue \$322,000,000, or a total of \$589,000,000. That, according to the statement of the report, is the tax which is levied upon consumption—the tax which you must pay when you consume that which you want and which you must have. The income tax, under the exemption of \$4,000, as against this \$589,000,000, amounts in the estimate to \$70,000,000. So we are placing upon consumption, through collecting indirect taxes, a burden of \$589,000,000 and upon the wealth and incomes of the country, the great property holdings of the country, the sum of \$70,000,000.

Mr. President, it seems to me that in view of the fact that the wealth of the country, according to the exemption as it came into the House, was to pay but one-eighth of the taxes of the country, there was no real necessity for yielding to the demand to decrease the amount of the exemption. Some time ago there was an estate probated in one of the cities of the United States, and it probated for \$87,000,000. Another estate was probated, and it probated for the amount of \$100,000,000. The day laborer working for these estates which probated such sums realized during the year an income of perhaps from \$800 to \$1,000, and out of that income of a thousand dollars it is perfectly safe to say that he paid not 2 per cent, not 4 per cent, not 6 per cent, but 10 or 20 per cent in the way of taxes. In my judgment there is not a laborer working in the mines of the great financier who complains of this as class legislation that does not pay out of his income yearly as taxes twice the proportion that would be charged against the financier's income by the bill, even if he had an income of \$100,000 a year and took the highest rate.

In the report which accompanied the bill to the House, no doubt drawn by the brilliant leader of the majority in that body, I find this statement:

For the fiscal year ending June 30, 1912, the Government derived \$311,000,000 from tariff taxation and \$293,000,000 from internal revenue proper. These taxes rest solely on consumption. The amount each citizen contributes is governed not by his ability to pay tax, but by his consumption of the articles taxed. It requires as many yards of cloth to clothe and as many ounces of food to sustain the day laborer as the largest holder of invested wealth, yet each pays into the Federal Treasury a like amount of taxes upon the food he eats, while the former at present pays a larger rate of tax upon his cheap suit of woolen clothing than the latter upon his costly suit. The result is that the poorer classes bear the chief burden of our customhouse taxation.

The tax upon incomes is levied according to ability to pay, and it would be difficult to devise a tax fairer or cheaper of collection.

I am not going to stop to discuss the proposition, which always comes up in the discussion of a tariff for protection and a tariff for revenue, as to what proportion of the tax levied the consumers of the country pay. But this much we know: That upon consumption there is levied \$589,000,000 and upon the property of the country, the wealth of the country, there is levied \$70,000,000. Under those circumstances, is it necessary to reduce the amount of exemption from \$4,000 to \$3,000? Or is it not, according to the rule of equity and equalization of burdens, perfectly fair and perfectly proper to lay this other tax, \$70,000,000, upon those who can pay it out of their incomes and suffer no inconvenience or lessening of comfort? Would not the man with less income pay fully as much tax proportionately as the man with an income in excess of \$4,000?

Therefore, if I had my way about it, I should place this exemption back at \$4,000, and then make the exceptions which were made with reference to the dependent wife and children. When you have done that, you have given to a man in this country no more than it is necessary for him to have in order to feed and clothe and educate his children or his family. When you have done that you have gone not a step beyond a fair distribution according to ability between the man below the exemption and the man who is so fortunate as to be above it. When you take a few hundred dollars from a man who has an income of ten or twenty or thirty thousand dollars, you diminish not at all his comforts; but in so far as you draw from a man's income that is not in excess of four or five thousand dollars, you reduce the possibility of his doing that which he ought to do for the comfort and the education of his family.

I take the liberty of quoting from some who have given much study to this question and whose statements bear out, it seems to me, my line of thought. Prof. Seligman says:

Under existing conditions in the United States, the burdens of taxation, taking them all in all, are becoming more unequally distributed and the wealthier classes are bearing a gradually smaller share of the public burden. Something is needed to restore the equilibrium; and this something can scarcely take any form but that of an income tax.

Mr. Gladstone in discussing the question of exemption, as usual in discussing a subject, covered the whole subject matter. While fixing the exemption lower than I contend it should be fixed here he calls particular attention to the fact that the indirect taxes which bear most heavily upon the poor were being eliminated. Then speaking particularly of the small income he says:

One circumstance which makes the tax particularly galling to this class of taxpayers, perhaps, is that the charge is more accurately and fully levied in their case than in the case of many wealthier persons assessed in respect of trades and professions. As a general rule, the concerns of those who possess only these small incomes are more transparent, so to speak, than the private affairs of their richer fellow countrymen. Every neighbor can see through them. They may be said to live in glass houses. Deception, if they were disposed to deceive, would be for them almost wholly impossible. They pay the tax fully and rigidly; and they see or they surmise that many persons above them in the world are not and can not be always brought to account with equal strictness. \* \* \* In principle there is no injustice in requiring any man to pay income tax who is able to pay it.

William P. Fessenden in 1864 said:

The adoption of a scale increasing the rates of taxation as they rise in amount, though unequal in one sense, can not be considered oppressive or unjust inasmuch as the ability to pay increases in much more than arithmetical proportion as the amount of income exceeds the limit of reasonable necessity.

John Sherman in 1882 declared:

The public mind is not yet prepared to apply the code of a genuine revenue reform, but years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation on consumption and not one cent on property or incomes is intrinsically unjust. While the expenses of the National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. This is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other. \* \* \* As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

But, furthermore, Mr. President, we levied a tax two or three years ago known as the corporation tax, and that tax is often considered as a tax upon wealth, a tax upon the property of the country. The fact is that the larger portion of that tax upon corporate income is paid by the consumers of the country precisely as the other tax upon consumption. When you levied a tax upon the income of corporations in 1898, upon refining companies, tobacco companies, and oil companies, it was ascertained, after the tax had been on there two and a half years, that we had collected from the incomes of these corporations \$211,000,000, and it was said that those great corporations had responded in a patriotic way to the call of the Government at a time when it was at war and had paid out of their treasuries \$211,000,000 for the purpose of assisting the Government. Yet when an investigation followed it was afterwards ascertained upon what seems to be entirely accurate information that those corporations paid no part of the \$211,000,000, but that by the raising of the price of the articles and the decrease of the size of the packages they had transferred the entire \$211,000,000 to the consumers in this country, and they paid the tax in advanced prices instead of its being paid out of the earnings of the corporations.

In my judgment that will prove to be true with reference to the present corporation tax so far as that tax is levied upon the incomes of those corporations which are operating in a field where competition has been destroyed. The vast corporations who control in a monopolistic way certain industries and have the power to fix prices will transfer this tax to the consumer by the raising of the prices, precisely as they did in 1898, while the corporations operating in the field of competition where they can not fix prices and control the price of the articles will pay the tax. Those corporations are composed of people, however, of small means in this country, who are already paying more than their proportion of the taxes of the country. But the monopolistic power represented by the corporations operating in a field where competition has been destroyed, those whom we ought to reach, whom it is our duty to reach, will transfer this tax in its entirety to those who are already bowed under the weight of taxation.

An income tax, Mr. President, is only justifiable, in my judgment, in time of peace for the purpose of equalizing the burdens of taxation, and if it does not serve the purpose of equalizing the burden there is no reason for its imposition. The only way that you can equalize between consumption and property is to keep the exemption up so that the exemption will measure that income which has already been taxed by reason of tax which the owner pays out for indirect taxes and then by graduation.

This bill, in my judgment, ought to retain the exemption which was placed there by the House with the additions which have been placed here for those who are dependent upon the income payer.

Mr. GALLINGER. Mr. President—

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

Mr. BORAH. I do.

Mr. GALLINGER. I am very much interested in the Senator's discussion of this part of the tariff bill. I had an impression that we might well reduce the exemption which is carried in the House bill, and yet my mind is open on that subject. The Senator quotes approvingly Mr. Gladstone's declaration in reference to an income tax. Yet the exemption in Great Britain is only £160 a year, \$800. So Mr. Gladstone or the British Parliament did not seem to think it desirable to put a high exemption in their legislation.

Mr. BORAH. Mr. President, Great Britain raises far more tax by direct taxation than we do, and it is supposed to raise less by indirect taxation. The proportionate amount I have not with me, although I have seen the statement of late made by Mr. Lloyd George in his last budget speech. If my memory serves me correctly, the amounts raised by customs revenue and other internal taxation and by direct taxation were about equal; that is to say, the amount raised by customs was about equal to that raised by direct taxation, and the amount raised by internal revenue the same as that raised by indirect taxation.

Mr. GALLINGER. But, if the Senator will permit me further, while Great Britain has very little exemption, so far as the income tax is concerned, Great Britain taxes the poor people of her country to an extent that we do not, by imposing a duty on tea, on spices, and on various other substances that every poor person in the Kingdom must consume.

Mr. CUMMINS. Mr. President—

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

Mr. BORAH. I do.



Mr. CUMMINS. I ask the Senator from Idaho if it be not true that by far the larger part of the revenue raised by England through import duties is raised by taxes upon commodities the consumption of which may very well be diminished? It is true that England does levy import duties upon things that she does not produce, but I think the overwhelming proportion of the revenue of England that is raised by import duties is upon such things as spirits, tobacco, and other articles of that character. There is comparatively little of her revenue, as I remember it, raised by a tax on the consumption of things that people really need to use.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. I do not remember just the amount at all of the two, but that is my recollection of the division in England.

Mr. GALLINGER. It is a fact that England has a tax upon tea and coffee and spices, which I apprehend are necessary, and the poor men in this country—I do not know how it may be abroad—insist that tobacco is just as much a necessary as bread, and England taxes tobacco.

Mr. BORAH. Mr. President, during the last year there were 425,000 adult people died in England. Out of those 425,000 there were 355,000 who died without any property worth mentioning. They were practically paupers at the grave. Two hundred and ninety-two persons out of the 425,000 owned \$92,000,000 worth of property.

Mr. President, that condition of affairs may exist for some time in Great Britain, but that condition of affairs could not exist for any considerable length of time in this country and this form of government be maintained. The minority with its wealth and the majority with its political power would ultimately clash. Four hundred and twenty-five thousand people died and 355,000 of them were paupers, and 292 people owned most of the property which stood for all. Now, we can not equalize fortunes by taxation, but we can equalize burdens in accordance with ability to meet them, and in that way lift the weight to some extent from the poor in the struggle of life. And when I see our great wealth bearing only seventy million of this tremendous tax, I can but believe that a mistake was made in lowering the exemption. I would rather raise the percentage above, and I would feel that I was acting fairly between fellow countrymen in doing so.

Mr. BRISTOW. Mr. President—

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

Mr. BORAH. I yield.

Mr. BRISTOW. I was interested in the suggestion of the Senator that he thought the exemption should not have been decreased as it was by the Senate committee. I want to inquire if he does not think that the amount collected could have been increased better by increasing the percentage as the income advanced. I think that where the income is more than \$100,000 the per cent of tax ought to be very much greater than the bill proposes. It seems to me the defect is more in the smallness of the levy on excessive incomes than in the amount of the levy on smaller incomes.

Mr. BORAH. I think there might be an increase in percentage on the higher incomes, but I am opposed to taxing an income which has once been heavily taxed out of all proportion. When a person has an income in this country of \$3,000 a year he has paid all the tax in proportion to the amount of property which he owns, in my judgment, which he should pay to the National Government until those who are above him have responded corresponding to the proportion of property which they own. If a man has an income in this country of \$3,000 a year, it is perfectly safe to say that he has paid much more proportionately out of his income to the National Government than a man who has an income of \$100,000 upon which he has paid only 4 per cent.

Mr. BRISTOW. If the Senator will yield, I agree absolutely to that statement; but it seems to me that there are thousands and hundreds of thousands who have an income of a thousand dollars a year who pay just as much tax under the present system as the man with an income of \$3,000 a year. The consumption tax levied on the man with a thousand dollars income is practically the same as the consumption tax levied on the man with an income of \$3,000. It seems to me that instead of putting the exemption higher we should increase the per cent more rapidly. I think a 10 per cent tax on \$100,000 is a far less excessive tax according to ability to pay than one-half of 1 per cent on an income of \$3,000. It seems to me the great weakness is in the small amount that is levied as the income becomes far beyond the necessities of the individual.

Mr. BORAH. Mr. President, there is another feature of that proposition which is presented. The small property

holder with a small income has all his property in sight. He practically lives in a glass house, so far as the tax collector is concerned. He pays the entire per cent upon all the property that he has, seventy-five or eighty times out of a hundred, while the man with a vast income and a great estate will not pay upon anything like all the property he has. For instance, a short time ago there were some seven estates probated in this country and they amounted in probating them to \$215,000,000. They had paid taxes upon \$3,000,000 before the death of the parties. I have a statement here from a report made by the tax commission in a State of the East. A part of that report reads as follows:

First. That the assessed value of all personal property is (in New York State) approximately \$800,000,000.

Second. That the value of all personal property owned by citizens of this State is not less than \$25,000,000,000.

Third. That the richer a person grows the less he pays in relation to his property or income.

Fourth. Experience has shown that under the present system personal property practically escapes taxation for either local or State purposes.

That report is in harmony with what we know to be the general practice, that the larger the estate the less fully do they give in their property to the tax collector and the more difficult it is to discover it, because it consists of that kind of property which can not be ascertained or located by the assessor as can the property which is ordinarily owned by the man of small means.

When you take into consideration, Mr. President, the greater proportion which the man of limited means pays naturally, because it does not make any difference how poor he is he must eat and he must clothe himself; when you take into consideration the ease with which this tax is transferred by raising prices and raising rent; when you take into consideration how difficult it is to locate the entire extent of the large estate; when you take into consideration that upon consumption there is levied \$589,000,000 and upon all the wealth together only \$70,000,000, it does seem to me that we can afford to start our exemption to our income system in this country at not less than \$4,000.

Mr. SUTHERLAND. Mr. President—

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

Mr. BORAH. I do.

Mr. SUTHERLAND. I do not want, in submitting a question to the Senator, to indicate any dissent from what he is saying. I quite agree with him as to the justice of an income tax, but the Senator has said several times that we were imposing a tax of \$589,000,000 per annum upon consumption and \$70,000,000 upon property or wealth, and in answer to a question put by the Senator from New Hampshire [Mr. GALLINGER] the Senator from Idaho contrasted unfavorably to this country the taxes which were being paid in England, showing that the proportion of tax imposed upon wealth or property, as compared with the tax upon consumption, was greater in England than in this country.

I ask the Senator whether or not he has considered in that connection the dual form of government which we have in this country and which does not exist in England? It is true that the Federal Government imposes a tax which the Senator has indicated, \$589,000,000 upon consumption, and proposes to impose this \$70,000,000, if that is what it will amount to, upon wealth. But while the Federal Government is doing that, and while this disproportion between the two kinds of tax so far as the Federal Government is concerned is very striking and very great, we must remember that the States are also imposing taxes, and in the various States is it not true that what the Senator is saying is practically the reverse—that the States impose very little upon consumption, but their taxes are imposed in the main upon property or upon wealth? Taking the two governments together, does not the proportion more nearly reach that which is assessed by the single government in England?

Mr. BORAH. Mr. President, there is no doubt our dual form of government has something to do with the question of what will be a proper distribution of taxes as between consumption and property when the National Government comes to levy a tax, but the Senator must take into consideration that the tax which is levied by the State is a tax which is very easily transferred to the consumer upon the part of the property holders in many instances, the same as in the National Government.

When you take into consideration, in the second place, that we have nevertheless a National Government to support, and that if the property of the country belongs to a very limited few, as the speaker said here whom I was quoting from awhile ago, about 3 per cent of those over \$4,000, then if we adopt the rule laid down by Adam Smith, which all profess to follow and none obey—that is, to tax according to the ability to pay—they

should respond to the National Government the same as the State government. You can not get away from the proposition, in my judgment, that you have to come to the time when you are to levy the extravagant and the great expenditures more and more upon the property of this country. These vast fortunes have got to take care of a large portion of this expenditure, and there is no reason under any fair rule of taxation why they should not do so. Consumption is bearing more than its share and more than it will long consent to bear. And this is not class legislation; it is seeking to equalize in accordance with the ability to respond.

Mr. SUTHERLAND. Mr. President, I quite agree with the Senator from Idaho that the condition to which he calls attention in England is deplorable. I think that one of the serious menaces to this country to-day consists in the vast accumulation of money in the hands of a few people, and I think it is a condition that ought to be remedied; but while I agree with most of what the Senator from Idaho has said, I am not quite prepared to agree with his contention that the exemption ought to be increased rather than lowered. The thought in my mind, to which I hope the Senator will address himself, is that by imposing an income tax upon large incomes exclusively we shall be taxing a limited number of people, a very small percentage of the people, and a vast majority of the people, so far as that tax is concerned, will be escaping taxation.

The Senator has adverted to the extravagance of our expenditures, and in that he is quite correct, but if the Senator's view is carried out and the income tax is imposed upon only a few of the people of the country, will not that have a tendency to increase extravagance, because a vast majority of the people escaping that tax would have no personal interest, so far as that tax was concerned, in keeping down expenditures? In other words, to the extent of that tax the funds would be supplied by very few of the people, and their expenditure in a popular Government like ours would be directed by the vast number of the people who would not contribute to the tax. It seems to me—and I submit that for the consideration of the Senator from Idaho—that the suggestion which the Senator from Kansas [Mr. Bristow] has made is probably the better way to deal with it—not to permit incomes above, say, a thousand dollars or twelve hundred dollars or fifteen hundred dollars to escape all taxation, but to put a relatively small tax upon incomes of that size, and then to graduate it, making it 2 per cent, 3 per cent, 4 per cent, or whatever amount may be thought necessary. In that way you would enlist the interest of all or of a very large number of the people in the expenditures of your revenues instead of, as under the system which the Senator from Idaho proposes, a very few.

Mr. BORAH. Mr. President, if we were to levy all our taxes by direct taxation the argument of the Senator from Utah would be very conclusive to my mind, but we are not doing that, and we are never going to do it. There will never be a time in this country when we shall not have a vast tax upon consumption. So long as we have it, taking into consideration the means by which all taxes naturally seek the low man, I do not think that we are justified in lowering the exemption. I have already referred to the first suggestion of the Senator as to feeding extravagance by the exempting the many and do not feel that I should travel over that ground again. I recognize the strength of that argument, but believe that it is fully met in a previous part of the remarks.

Under no system yet devised can you sufficiently control the incidence of the tax to protect the low man. Do the very best we can, we can not impose upon property the tax which we seek to impose. By transfer, by shifting, by withholding, the tax finally reaches with unproportionate weight the man who has no one else to whom it can be transferred.

Mr. SUTHERLAND. Mr. President, that is all true, but the difficulty is that with an indirect tax, a tax upon consumption, the various individuals who pay it pay it, so to speak, without realization, whereas the direct tax comes immediately out of the pocket, as, for instance, a tax upon the homestead or upon the tangible property or upon the income. Then every individual knows, and knows immediately, that he is paying the tax. The result is that there is not the same objection to expenditures from individuals who are paying a tax in an intangible way, in an indirect way, who do not realize it, that there would be if the tax were paid in the direct way.

Mr. BORAH. It has been said by some writer upon taxation that so long as you can conceal the hand of the taxgatherer you can tax people to impoverishment, if not to starvation; and, in my judgment, that is one of the arguments in favor of an income tax; but we will never have the influence of the vast wealth of this country in favor of economy in the great appro-

priations of the country if we continue to collect seven-eighths of the taxes of the country from those who are practically without income. Let the wealth of this country start a campaign against extravagance and I fear not that men of small means will be sufficiently spurred on by the tax which they already pay.

If you go to a man and say to him, "I want \$5,000 out of your income for this year," he will want to know what you are going to do with it, and it immediately arouses interest upon his part; but if you quietly charge the amount up with his meals or his clothing, and so forth, you may continue to tax without practically any resistance upon the part of the taxpayer at all. I believe that is one of the great arguments in favor of an income tax.

Now, while it would seem that the laborer or the man of small means needs this spur of an uncovered tax in order to interest him in economy, yet he feels and knows the pressure of the indirect tax much more keenly than the man of means. The man of means does not stop to figure the slight raises on goods which he buys, but the man who must sit down and figure how it is possible to cover each month's expenses with his income realizes very quickly the slightest raise and immediately makes inquiry. And while too often he is helpless, let him understand that the powerful influence of wealth wants his company in a crusade against extravagance and it will not be necessary to put on an income tax to get him in action.

Mr. CRAWFORD. Mr. President—

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

Mr. BORAH. I do.

Mr. CRAWFORD. In all of his thorough study of this question has the Senator from Idaho been able to devise any practical method by which it is possible to prevent the shifting of a very large portion of the tax that we call an income tax?

Mr. BORAH. No, Mr. President; of course not. I have not been able to do that; but the most difficult tax to transfer is the income and inheritance tax. But I would not connive at its transfer, as, in my opinion, the Congress of the United States has been doing for the last five or six years. The Senator from South Dakota will remember, a few years ago, when we had before the Senate the proposition of passing the income-tax law, that there was immediately brought into the Senate here the corporation tax, and the Senator is perfectly aware of the fact that some of the largest corporations in the country immediately petitioned us to pass a corporation tax instead of an income tax. Why was that? It was for the simple reason that they could transfer the corporation tax, while the most difficult tax to transfer is the tax upon incomes.

Mr. CRAWFORD. I remember that discussion very well. I voted for the corporation tax largely, as the Senator from Idaho will remember, because of the grave doubt about the general income tax standing the test of the courts, although I was in favor of the general income tax and am now heartily in favor of the general income tax; but does not the Senator from Idaho think that in the provision here, among the possible defects in it, is the failure to distinguish between the class of incomes that can not be shifted and the class which may be shifted? For instance, a man earning a large salary in a profession through his effort and his ability may not have any property at all, but will he not be required to pay a tax based upon his income under the same rate that is paid by the idler, the drone, who is doing absolutely nothing to serve society, but who has inherited a large fortune and is spending his time in riotous living? In the Senator's judgment ought there not to be some distinction between incomes along that line? I know the Senator has studied this question profoundly—I do not claim to have done so—but does he not concur in saying that that is a weakness in the provisions of the bill?

Mr. BORAH. Mr. President, that brings up another subject entirely; that is, the subject of differentiation with reference to incomes. Mr. Gladstone declared for 50 years that it never could be carried into effect, and Mr. Pitt also declared that it was impossible to differentiate as to income. One reason why Mr. Gladstone was opposed to an income tax as a permanent part of the taxing system was because it would be impossible to differentiate or discriminate between the man who went out daily and earned by actual physical labor \$5,000 a year and the man who had had left him a sum which brought him \$5,000 a year and for which he did nothing at all. He said that, by reason of that fact, he was not in favor of an income tax as a permanent proposition; that it was only an emergency tax. But notwithstanding Mr. Gladstone's views, in my judgment Mr. Asquith and Mr. George have demonstrated that differentiation is possible, and they have carried it to a marked degree of success in England. However, Mr. President, that must necessarily



come, in my judgment, after a good deal of experience and a good deal of study.

While I am thoroughly in favor of the proposition, I should not expect to see it in the first income-tax law that passed the Congress, because it requires a vast amount of study, adaptation of the law to the conditions which you find in the country, and a classification of incomes which I have no idea in the world the committee was prepared to make. It did not have the classifications; it did not have the means, the statistics, or the data which they have been gathering for years in England by which to make the differentiation, although, as I have said, I am thoroughly in favor of the proposition. I think that a man who goes out and earns \$5,000 a year by actual effort, by devoting himself daily to his work, should not be taxed the same as a man who has an income of the same amount for which he does not turn a hand. It is flying in the face of justice and common sense to impose such a tax, but we must approach that after some years of experience. I could not find any fair justification for criticizing the committee for omitting that from this bill, although it must come in time; nevertheless this question which I am arguing indirectly reaches in that direction. I hope, however, later in the debate to say something on the subject of differentiation, not with the hope of putting it in this bill, but as a notice that it must be inserted in any income law that is to represent the matured effort of legislation.

Mr. CRAWFORD. Mr. President, if the Senator will permit me, is not that a kind of income that can not be shifted so that the consumer somewhere will have to pay it? An income that is the result of personal effort, skill, and ability, and in which there is no property involved, can not be shifted.

Mr. BORAH. The time will undoubtedly come in this country, if we maintain an income tax, when we will have to differentiate as to incomes. If we are going to maintain an income tax, we have not only got to have a progressive rate of taxation, but we have got to differentiate as to incomes. As I said a moment ago, however, that will have to be after considerable experience and after the gathering of a great deal more data than we now have. It took England something like 60 years to secure the experience and the data by which she could adopt it. It need not take us that long, but I did not hardly expect it at this time. In fact, I am exceedingly glad to mark progress. If I could see this exemption adjusted as I feel it ought to be, I would feel more encouraged to take up the subject of differentiation.

Mr. CUMMINS. Mr. President—

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

Mr. BORAH. I yield.

Mr. CUMMINS. In view of the contention of the Senator from Utah [Mr. SUTHERLAND], namely, that it would tend to secure an economical government to tax under an income-tax law the great proportion of the people, it would be interesting to know, if the Senator from Idaho has the information, what proportion of the people of the United States now enjoy an income of \$3,000 or more.

Mr. BORAH. I have not accurate information on that point. The gentleman from whom I quoted, in making his speech in New York, stated that the proposed income tax would be paid by but 3 per cent of the people of the United States.

Mr. CUMMINS. I simply wanted to emphasize that idea.

Mr. BORAH. And my answer to that suggestion of the gentleman from New York is that if 3 per cent of the people of the United States own property above \$4,000 they should pay the taxes.

Mr. CUMMINS. I agree with the Senator from Idaho, and rose only to call out the fact in order to draw the conclusion that, even if we were to tax incomes of \$3,000, we would tax but a very small proportion of the people and, therefore, the good which the Senator from Utah thought would come from a general distribution of the tax would not be attained. If we were to attempt to bring under the income tax so large a proportion of the people as to give them all concern respecting its expenditure, we would have to reduce the limit to about \$500.

Mr. SUTHERLAND. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield.

Mr. SUTHERLAND. The suggestion, Mr. President, which I made about the matter was purely tentative. I have not entirely made up my own mind about it; I am thinking about it; and I have been trying to make up my mind; but if it be correct that under this bill 3 per cent of the people would pay the income tax, I take it that reference was to the House bill, where the exemption was \$4,000. I imagine there is a very much larger number who are earning between three and four thousand dollars than who are earning over \$4,000 per annum, so that very likely the reduction of the exemption to \$3,000

would raise the percentage of the taxpayers considerably. However, the suggestion which I had in my mind was not a limit of \$3,000, but to put it still lower. England fixes the limit at \$800 and France, I think, at still less; but, however that may be, suppose we were to fix the exemption at a thousand dollars a year, so that a man having an income of \$2,000 would pay a tax upon a thousand dollars. At 1 per cent that would be only \$10 per annum; yet the payment of that \$10 would give that individual a much more lively interest in the expenditure of the entire amount collected, made up of his and similar contributions, than if he were not paying anything at all.

Mr. BORAH. Well, Mr. President, the Senator does not seem—

Mr. SUTHERLAND. If the Senator will pardon me just a moment further, I imagine if the limitation were put at \$1,500, instead of having 3 per cent of the people, you would probably have 10 or 12 or 15 per cent. I have no idea just how large the percentage would be, but a considerable proportion of the adult people of the country would be paying the taxes, and it would be a class of people who ordinarily take greater interest in governmental affairs than those who receive less salaries.

All that I have said upon the subject, I repeat, is merely tentative, by way of suggestion, and by way of a desire to hear what the Senator from Idaho has to say upon the matter.

Mr. BORAH. I hope the Senator will further consider the matter. It is well worthy of his industry and great ability.

Mr. President, I think I have served the convenience of the Senate by occupying its time while it had nothing else to do, and I will therefore yield the floor. Before doing so I want, in conclusion, to say I am quite aware that in advocating a higher exemption I lay myself open to serious criticism, especially by those who do not, it seems to me, give proper weight to the fact that those of limited means pay very much more than their proportion of indirect taxes. The fact is that the incidence of taxation under our system or under any system which has yet been devised is one of the real tragedies in the struggle of life.

Mr. President, I am not in favor of leveling fortunes by taxation. I am not yet ready to accept the doctrine now earnestly advocated in England, that all indirect taxes should be abolished and that all incomes above a certain amount should be considered social property. I go no further than to desire to ingraft as nearly as possible upon our system of taxation the golden rule for collecting revenue that in these days of great expenditures and tremendous burdens the obligations of government should be met according to the ability to meet them. I want the luxury of high living on the part of the Government to be met in their due proportion by those who make the least sacrifice in doing so.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 23, 1913, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 22, 1913.*

##### COMMISSIONER OF LABOR STATISTICS.

Royal Meeker, of New Jersey, to be Commissioner of Labor Statistics, Department of Labor.

##### ASSISTANT ATTORNEY GENERAL.

Preston C. West, of Oklahoma, to be Assistant Attorney General (to be assigned to the Department of the Interior), vice Charles W. Cobb, resigned.

##### APPOINTMENT IN THE ARMY.

##### FIELD ARTILLERY ARM.

Charles Gardiner Helmick, of Kansas, late ensign, United States Navy, to be second lieutenant of Field Artillery, with rank from July 18, 1913.

##### PROMOTIONS IN THE NAVY.

Commander Josiah S. McKean to be a captain in the Navy from the 1st day of July, 1913.

Commander Benton C. Decker to be a captain in the Navy from the 1st day of July, 1913.

Commander Newton A. McCully to be a captain in the Navy from the 1st day of July, 1913.

Lieut. Commander Andre M. Procter, an additional number in grade, to be a commander in the Navy from the 15th day of June, 1913.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1913:

John T. Tompkins,  
Ernest L. Bennett, and  
Roscoe C. Moody.

Lieut. Ernest J. King to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. Byron A. Long to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Edwin A. Wolleson to be a lieutenant in the Navy from the 1st day of July, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

William W. Turner,  
Joseph J. Broshek,  
Clyde G. West,  
David C. Patterson, jr.,  
Howard H. Crosby,  
James McC. Irish,  
John C. Cunningham,  
Ernest W. McKee,  
Dallas C. Laizure,  
Rufus King,  
Timothy J. Keleher,  
Eddie J. Estess,  
William H. Stiles, jr.,  
John L. Schaffer,  
Edward G. Blakeslee,  
Leland Jordan, jr., and  
Worrall R. Carter.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 28th day of March, 1913:

William L. Irvine,  
Earle W. Phillips,  
Gardner E. Robertson, and  
George R. W. French.

Asst. Paymaster Irwin D. Coyle to be a passed assistant paymaster in the Navy from the 19th day of January, 1913.

Asst. Paymaster Paul A. Clarke to be a passed assistant paymaster in the Navy from the 19th day of January, 1913.

Carpenter Ernest P. Schilling to be a chief carpenter in the Navy from the 19th day of April, 1913.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 22, 1913.*

##### UNITED STATES MARSHALS.

Joseph S. Davis to be United States marshal for the southern district of Georgia.

Howard Thompson to be United States marshal for the northern district of Georgia.

Charles W. Lapp to be United States marshal for the northern district of Ohio.

##### FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert T. Frazier to be First Assistant Commissioner of Patents.

##### POSTMASTERS.

###### KANSAS.

Charles H. Harvey, Haddam.

###### RHODE ISLAND.

William R. Congdon, Wickford.

Edward Reynolds, Harrisville.

S. Martin Rose, Block Island.

James S. Scully, Crompton.

### HOUSE OF REPRESENTATIVES.

*Tuesday, July 22, 1913.*

The House met at 12 o'clock noon.

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

Almighty Father, source of all our longings, hopes, and aspirations, draw us by Thy holy influence to Thee that we may learn at Thy feet wisdom, truth, justice, mercy, love, righteousness, the crowning virtues of the soul life which fit it for the sublime duties of the now, and will be its passport into the realms where the choicest spirits dwell, when it shall have passed over the great divide. Help us to strive diligently for those eternals until we all come unto the measure of the stature of the fullness of Christ. Amen.

##### APPROVAL OF THE JOURNAL.

The Journal of the proceedings of Friday, July 18, 1913, was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, reserving the right to object, as I heard the reading of the Journal by the Clerk, I understood the Journal to state that Mr. BYRNS of Tennessee moved to lay the "motion" on the table.

The SPEAKER. If the Journal recites that the gentleman from Tennessee moved to lay the "motion" on the table that is wrong. It ought to be that he moved to lay the "resolution" on the table. Without objection, the word "motion" as read in the Journal will be changed to the word "resolution."

Mr. MANN. Mr. Speaker, I also understood the Clerk in reading the Journal to state that Mr. McCoy called up a certain bill. Of course, the gentleman from New Jersey did not have the power to call up a bill. What Mr. McCoy did was to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a certain bill. He could not call up a bill. All he could do was to make the motion to go into the Committee of the Whole.

The SPEAKER. The Chair is inclined to think the gentleman from Illinois is correct. Without objection, the Journal will be corrected in both these respects.

Mr. BYRNS of Tennessee. Mr. Speaker, I have no objection to that, but inasmuch as the matter has been called to the attention of the House, I desire to correct the Record.

The SPEAKER. Is there objection?

Mr. MANN. Objection to what?

The SPEAKER. Objection to correcting the Journal in the manner indicated by the Chair. Without objection, these corrections in the Journal will be made. [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD rose.

Mr. MANN. Mr. Speaker, I understand that the Journal has not yet been approved.

The SPEAKER. Is there objection to the approval of the Journal as corrected?

Mr. MANN. Mr. Speaker, I object.

Mr. UNDERWOOD. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the Journal be approved.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 113, nays 0.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 0, answered "present" 8, not voting 200, as follows:

##### YEAS—212.

Abercrombie	Eagle	Kennedy, Iowa.	Reed
Alexander	Edmonds	Kettner	Reilly, Conn.
Anderson	Elder	Key, Ohio	Roddenberry
Ashbrook	Estepinal	Kinkaid, Nebr.	Rucker
Aswell	Evans	Kirkpatrick	Rupley
Austin	Falconer	Knowland, J. R.	Russell
Baltz	Fergusson	Konop	Sabath
Barkley	FitzHenry	Korbly	Saunders
Barton	Flood, Va.	La Follette	Scott
Beakes	Floyd, Ark.	Lazaro	Seldomridge
Bell, Ga.	Foster	Lee, Ga.	Sherley
Boeber	Fowler	Lever	Shreve
Borchers	French	Lewis, Pa.	Sims
Borland	Gallagher	Lieb	Sinnott
Bowdle	Gard	Lindbergh	Sisson
Brockson	Gardner	Linthicum	Sloan
Broussard	Garner	Lloyd	Smith, Idaho.
Brumbaugh	Garrett, Tenn.	Lobeck	Smith, Minn.
Bryan	Garrett, Tex.	Logue	Smith, Tex.
Buchanan, Tex.	George	McAndrews	Stafford
Bulkeley	Gillmore	McCoy	Stedman
Burgess	Goodwin, Ark.	McDermott	Stephens, Nebr.
Burke, S. Dak.	Gordon	McGillicuddy	Stephens, Tex.
Burke, Wis.	Gorman	McGuire, Okla.	Stone
Byrnes, S. C.	Graham, Ill.	McKellar	Stout
Byrnes, Tenn.	Gray	McKenzie	Stringer
Callaway	Gregg	Maguire, Nebr.	Summers
Campbell	Hamlin	Mann	Switzer
Candler, Miss.	Hardwick	Mapes	Taggart
Caraway	Hardy	Martin	Talcott, N. Y.
Carter	Harrison, Miss.	Miller	Tavener
Casey	Hay	Mondell	Taylor, Ark.
Church	Hayden	Moon	Temple
Clark, Fla.	Heilin	Morgan, La.	Ten Eyck
Claypool	Helgesen	Morgan, Okla.	Thacher
Clayton	Helvering	Morrison	Thomas
Cline	Henry	Moss, W. Va.	Thomson, Ill.
Collier	Hill	Murray, Okla.	Underwood
Connelly, Kans.	Holland	Neeley	Walker
Cooper	Houston	Norton	Walsh
Covington	Howard	Oglesby	Walters
Cox	Howell	O'Hair	Watkins
Curry	Hughes, Ga.	Oldfield	Watson
Davis, Minn.	Humphrey, Wash.	Payne	Weaver
Davis, W. Va.	Igoe	Pepper	Webb
Decker	Johnson, Ky.	Peterson	Whaley
Deitrick	Johnson, S. C.	Phelan	White
Dies	Johnson, Utah	Platt	Willis
Dillon	Johnson, Wash.	Post	Wilson, Fla.
Doolittle	Keating	Prouty	Wingo
Doremus	Keister	Quin	Woods
Doughton	Kelly, Pa.	Ragsdale	Young, N. Dak.
Dyer	Kennedy, Conn.	Raker	Young, Tex.



## NAYS—0.

## ANSWERED "PRESENT"—8.

Adamson	Crisp	Kahn	Smith, J. M. C.
Bartlett	Glass	Rubey	Talbott, Md.
NOT VOTING—209.			
Adair	Doolling	Jones	Rauch
Aiken	Driscoll	Kelley, Mich.	Rayburn
Ainey	Dunn	Kennedy, R. I.	Reilly, Wis.
Allen	Dupré	Kent	Richardson
Ansberry	Eagan	Kiess, Pa.	Riordan
Anthony	Edwards	Kindel	Roberts, Mass.
Avis	Esch	Kinkaid, N. J.	Roberts, Nev.
Bailey	Fairchild	Kitchin	Rogers
Baker	Faison	Kreider	Rothermel
Barchfeld	Farr	Lafferty	Rouse
Barnhardt	Ferris	Langham	Scully
Bartholdt	Fess	Langley	Sells
Bathrick	Fields	Lee, Pa.	Shackelford
Beall, Tex.	Finley	L'Engle	Sharp
Bell, Cal.	Fitzgerald	Lenroot	Sherwood
Blackmon	Fordney	Leshner	Slayden
Bremner	Francis	Levy	Slemp
Britten	Frear	Lewis, Md.	Small
Brodbeck	Gerry	Lindquist	Smith, Md.
Brown, N. Y.	Gillett	Loneragan	Smith, N. Y.
Brown, W. Va.	Gittins	McClellan	Smith, Saml. W.
Browne, Wis.	Godwin, N. C.	McLaughlin	Sparkman
Browning	Goeke	Madden	Stanley
Bruckner	Goldfogle	Mahan	Steenerson
Buchanan, Ill.	Good	Maher	Stephens, Cal.
Burke, Pa.	Goulden	Manahan	Stephens, Miss.
Burnett	Graham, Pa.	Merritt	Stevens, Minn.
Butler	Green, Iowa	Metz	Stevens, N. H.
Calder	Greene, Mass.	Mitchell	Sutherland
Cantrill	Greene, Vt.	Montague	Taylor, Ala.
Carew	Griest	Moore	Taylor, Colo.
Carlin	Griffin	Morin	Taylor, N. Y.
Carr	Gudger	Moss, Ind.	Thompson, Okla.
Cary	Guernsey	Mott	Townner
Chandler, N. Y.	Hamill	Murdock	Townsend
Clancy	Hamilton, Mich.	Murray, Mass.	Treadway
Connolly, Iowa	Hamilton, N. Y.	Nelson	Tribble
Conry	Hammond	Nolan, J. I.	Tuttle
Copley	Harrison, N. Y.	O'Brien	Underhill
Cramton	Haugen	O'Leary	Vare
Crosser	Hawley	O'Shaunessy	Vaughan
Cullop	Hayes	Padgett	Volstead
Curley	Helm	Page	Wallin
Dale	Hensley	Palmer	Whitacre
Danforth	Hinds	Parker	Wilder
Davenport	Hinebaugh	Patten, N. Y.	Williams
Dent	Hobson	Patton, Pa.	Wilson, N. Y.
Dershem	Hoxworth	Peters	Winslow
Dickinson	Hughes, W. Va.	Plumley	Witherspoon
Diffenderfer	Hulings	Porter	Woodruff
Dixon	Hull	Pou	
Donohoe	Humphreys, Miss.	Powers	
Donovan	Jacoway	Rainey	

So the Journal was approved.

The Clerk announced the following pairs:  
For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Mr. SLAYDEN with Mr. BARTHOLDT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. DALE with Mr. AVIS.

Mr. PALMER with Mr. MOORE.

Mr. GOEKE with Mr. FESS.

Mr. GODWIN of North Carolina with Mr. MURDOCK.

Mr. RICHARDSON with Mr. ESCH.

Mr. MITCHELL with Mr. WINSLOW.

Mr. O'SHAUNESSY with Mr. KENNEDY of Rhode Island.

Mr. RUBEY with Mr. HAWLEY.

Mr. DIXON with Mr. GRIEST.

Mr. FINLEY with Mr. HUGHES of West Virginia.

Mr. DENT with Mr. KAHN.

Mr. TALBOTT of Maryland with Mr. BARCHFELD.

Mr. MURRAY of Massachusetts with Mr. GREENE of Massachusetts.

Mr. JACOWAY with Mr. FARR.

Mr. RAINEY with Mr. PATTON of Pennsylvania.

Mr. ADAIR with Mr. AINEY.

Mr. AIKEN with Mr. BELL of California.

Mr. BARNHART with Mr. ANTHONY.

Mr. BATHRICK with Mr. BRITTEN.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. BLACKMON with Mr. BROWNE of Wisconsin.

Mr. BROWN of West Virginia with Mr. CARY.

Mr. BUCHANAN of Illinois with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. COPELY.

Mr. CANTRILL with Mr. DANFORTH.

Mr. CARLIN with Mr. CRAMTON.

Mr. CONRY with Mr. DUNN.

Mr. CULLOP with Mr. FREAR.

Mr. CURLEY with Mr. GILLET.

Mr. DICKINSON with Mr. GOOD.

Mr. DIFFENDERFER with Mr. GREEN of Iowa.

Mr. DONOHUE with Mr. GREENE of Vermont.

Mr. DRISCOLL with Mr. GUERNSEY.

Mr. DUPRÉ with Mr. HAMILTON of Michigan.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. FAISON with Mr. GRAHAM of Pennsylvania.

Mr. FERRIS with Mr. HAUGEN.

Mr. FITZGERALD with Mr. CALDER.

Mr. FRANCIS with Mr. HAYES.

Mr. GUDGER with Mr. HULINGS.

Mr. KITCHIN with Mr. FORDNEY.

Mr. HARRISON of New York with Mr. LANGHAM.

Mr. HELM with Mr. KELLEY of Michigan.

Mr. HENSLEY with Mr. HINERBAUGH.

Mr. JONES with Mr. KREIDER.

Mr. KINKAD of New Jersey with Mr. LINDQUIST.

Mr. LEE of Pennsylvania with Mr. MADDEN.

Mr. L'ENGLE with Mr. MANAHAN.

Mr. MONTAGUE with Mr. MERRITT.

Mr. PAGE with Mr. MORIN.

Mr. PETERS with Mr. NELSON.

Mr. PATTEN of New York with Mr. MOTT.

Mr. POU with Mr. J. I. NOLAN.

Mr. RAUCH with Mr. PARKER.

Mr. ROUSE with Mr. PLUMLEY.

Mr. RIORDAN with Mr. POWERS.

Mr. ROTHERMEL with Mr. PORTER.

Mr. SHACKLEFORD with Mr. ROBERTS of Nebraska.

Mr. SHARP with Mr. ROGERS.

Mr. SHERWOOD with Mr. SELLS.

Mr. SMALL with Mr. SAMUEL W. SMITH.

Mr. SMITH of New York with Mr. SLEMP.

Mr. SPARKMAN with Mr. STEENERSON.

Mr. STANLEY with Mr. STEPHENS of California.

Mr. STEPHENS of Mississippi with Mr. SUTHERLAND.

Mr. STEVENS of New Hampshire with Mr. TOWNER.

Mr. TAYLOR of Alabama with Mr. TREADWAY.

Mr. TUTTLE with Mr. VARE.

Mr. UNDERHILL with Mr. VOLSTEAD.

Mr. VAUGHAN with Mr. WILDER.

Mr. WHITACRE with Mr. WOODRUFF.

Mr. WILSON of New York with Mr. McLAUGHLIN.

Mr. CRISP with Mr. HINDS.

Ending July 26:

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

On all political questions, except on banking and currency, ending August 6:

Mr. ALLEN with Mr. J. M. C. SMITH.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

## WITHDRAWAL OF PAPERS—DAVID CROWTHER.

Mr. HAY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of David Crowther, Sixty-second Congress, no adverse report having been made thereon.

## LEAVE OF ABSENCE.

Mr. MANAHAN, by unanimous consent, was granted leave of absence for three weeks, on account of important business.

## FEDERAL BUILDING, NEWARK, N. J.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 6383, with an amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6383) to amend section 19 of an act entitled "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," approved March 4, 1913.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Would it be in order to report the proposed amendment to the bill at this time?

The SPEAKER. The Clerk will report the bill, reading the amendment into it.

The Clerk read as follows:

A bill (H. R. 6383) to amend section 19 of an act entitled "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," approved March 4, 1913.

Be it enacted, etc., That section 19 of an act entitled "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," approved March 4, 1913, be, and hereby is, amended so as to read as follows:

"Sec. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell the site and buildings thereon now occupied by the United States as a post office and courthouse, and for other purposes, in the city of Newark, in the State of New Jersey, after proper advertisement, and at such time and upon such terms as he may deem to be for the best interest of the United States, but for not less than the price of \$1,800,000, and to enter into a contract for such sale on behalf of the United States with a responsible bidder, which contract shall provide for the use by the Government of the said site and buildings thereon free of rent until the completion and occupation by the Government of a building upon the site hereinafter mentioned, and the Secretary of the Treasury is hereby authorized to execute and deliver to the purchaser upon such completion and occupation a quitclaim deed of the property herein authorized and directed to be sold.

"That the Secretary of the Treasury be, and he hereby is, authorized and directed, after entering into such contract of sale, but not before, to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches for the use and accommodation of the United States post office and other Government offices in the said city of Newark, the cost of said new site not to exceed the sum of \$800,000, and to erect on the said new site a new building, complete, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post office and other governmental offices, and to use and expend the money realized from the sale of said present site and buildings for the purchase of such new site and the balance thereof for the erection thereon of such new building, complete, including, fireproof vaults, heating and ventilating apparatus, elevators, and approaches, and also for the payment for such consulting and other architectural, engineering, and technical services as the Secretary of the Treasury may deem necessary and specially order in writing, to serve either within or without the District of Columbia, exclusively to assist the Supervising Architect in the preparation of the designs, drawings, specifications, and estimates for said new building and for the equipment thereof, customarily paid for from the construction appropriation for public buildings under the control of the Treasury Department, and also for special supervision, not including superintendence, of the construction of said building. The fee for such consulting and other architectural, engineering, and technical services shall not exceed 5 per cent of the cost of said building, and the proceeds of the sale of the said present site and buildings thereon are hereby appropriated for the purpose herein set forth.

"That the consulting and other architectural, engineering, and technical services hereinbefore authorized and directed to be employed and paid for from the proceeds of the sale of the present Federal building and the site thereof shall be employed without regard to civil-service laws, rules, or regulations, any statute to the contrary notwithstanding; and such services shall be in addition to and independent of the authorizations for personal services for the Office of the Supervising Architect otherwise made.

"That the total expenditure herein authorized and directed to be made shall not exceed the amount of the net proceeds of the sale of the present site and buildings hereinbefore provided for.

"That the Secretary of the Treasury, in his discretion, may disregard the provision requiring 40 feet open space for fire protection."

The SPEAKER. The gentleman from Florida [Mr. CLARK] has 20 minutes, and the gentleman from Illinois [Mr. MANN] has 20.

Mr. CLARK of Florida. Mr. Speaker, did the Clerk read the amendment?

The SPEAKER. It was read into the bill. It has to be.

Mr. CLARK of Florida. Mr. Speaker, this is a bill—

Mr. MANN. Mr. Speaker, before the gentleman proceeds, may we have the amendment that was read into the bill reported by itself?

The SPEAKER. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amend, page 3, line 24, by adding at the end of line 24 the following: "And the proceeds of the sale of the said present site and buildings thereon are hereby appropriated for the purpose herein set forth."

Mr. MANN. It should be "purposes"—in the plural.

Mr. CLARK of Florida. Is it "for the purposes" or "for the purpose"?

The SPEAKER. It is "purpose."

Mr. CLARK of Florida. It should be "purposes."

The SPEAKER. Without objection, the word "purpose" will be changed to "purposes."

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, the bill in question is simply a bill to meet the opinion of the legal officials of the Treasury Department.

In the last omnibus public building bill there was a provision for the sale of the present Government property in the city of Newark, N. J. It was stipulated in that bill that this property should be sold for not less than \$1,800,000. The committee undertook to provide that a portion of the proceeds of the sale,

not to exceed \$800,000, should be used by the Secretary of the Treasury in the purchase of a new site in the city of Newark for a public building. We undertook to provide that the remainder of the proceeds should be used by the Secretary in the construction of a new Government building for the city of Newark sufficient to meet the demands of the Government service in its various activities at that place.

The law officers of the Treasury Department, in construing this paragraph, held that while the language was sufficient to authorize the Secretary to sell the property, and that while the language was sufficient to authorize him to use not to exceed \$800,000 in the purchase of a new site, yet the language was not sufficient to authorize him to use the remainder of the proceeds in the construction of a new building.

This bill was introduced by the gentleman from New Jersey [Mr. McCoy] to meet this opinion of the law officers of the Treasury. It does not take one dollar from the Treasury of the United States.

There are two purposes to be subserved by this present bill. One is to meet the view of the legal officers of the Treasury and to give the Secretary the power or the authority to have this new building constructed. The other is to permit the Secretary to employ outside architects to expedite the construction of the building, and thereby secure a better price for the Government property than could be secured if the construction of the building should be delayed for five or six years, as it would be under the ordinary operations of the Office of the Supervising Architect of the Treasury.

That is about all that there is in the bill. As I stated, not one dollar is taken from the Treasury, and only the proceeds arising from the sale are to be used in the payment of outside architects, in the purchase of a new site, and in the construction of a new building.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Florida [Mr. CLARK] reserves 15 minutes. The gentleman from Illinois [Mr. MANN] is recognized for 20 minutes.

Mr. MANN. Mr. Speaker, if one were to offer his own house for sale on the terms that the purchaser should pay cash for it, but should not obtain possession of it until the late owner had built a new house for himself and occupied it, with no provision as to length of time he would have to build the new house, it would be a case identical, I think, with the proposition now before the House.

Here is a proposition to sell the Government's site—the present site and building—the purchaser to pay cash, but not to obtain possession of the property until the Government has purchased a new site and built a new building and taken possession of it for use.

No one knows how long that would take. No purchaser would dare to buy and pay the proper price for it, not knowing how long he would be deprived either of the use of the property or the use of his money. It may be that the Government will deliver the site to the purchaser in 5 years. It may be that it will deliver the site to the purchaser in 10 years, and God knows, if they keep a Democratic Congress, it may be 20 years. [Laughter on the Republican side.]

Mr. PAYNE. They do not take so much risk on that. [Laughter on the Republican side.]

Mr. MANN. That queer provision does not appear in this bill for the first time. It appeared in the last public buildings bill, which, by the way, never became a law, and never passed the House. Never did the House agree to the conference report on the public buildings bill which this assumes to amend. The Journal of the House shows that that bill never became a law. Still we propose to amend it in a very queer feature of it.

In addition to that, the last Congress, in a burst of righteousness, repealed the so-called Tarsney Act, which authorized the Secretary of the Treasury in special cases to employ outside special architects at the usual architects' fees. We thought that would not do, and we repealed it. The first time anybody comes along and wants a special architect, the committee reports a bill authorizing the employment of a special architect at the usual architect's fee. We do one thing to-day and, without knowing, we reverse it to-morrow.

Mr. Speaker, this bill might have passed the House on last Friday had it not been for the objection of the distinguished gentleman from Tennessee [Mr. BYRNS]—one of the distinguished gentlemen from Tennessee, the State of the distinguished Attorney General of the United States. First one distinguished gentleman from Tennessee objected to proceeding with another matter. Then another distinguished gentleman from Tennessee—still the home of the distinguished Attorney General of the United States—made a point of no quorum when



the Committee of the Whole was considering this bill on Friday last.

Mr. BYRNS of Tennessee. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. BYRNS of Tennessee. I just stepped in. I want to make a point of order that the gentleman must confine his remarks to the bill pending before the House.

Mr. MANN. If the gentleman had been in the Chamber, where he belongs, he would know I was confining my remarks to the bill before the House.

Mr. BYRNS of Tennessee. I just came in, but I do not understand what "the gentleman from Tennessee" has to do with the bill before the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has not exceeded the rules so far.

Mr. MANN. I have not yet, but I may. [Laughter.]

Mr. BYRNS of Tennessee. I make the point of order, Mr. Speaker.

Mr. MANN. I was discussing the attitude of the House on Friday last on this bill, and if the gentleman from Tennessee had been where he belonged—in the Chamber—he would have known what I was discussing.

The SPEAKER. The gentleman will proceed.

Mr. MANN. And I will say this for the distinguished gentleman from Tennessee [Mr. BYRNS], for whom I have very high regard: I do not blame him for raising a point of order now, or for making a point of no quorum the other day, or for moving to lay another resolution on the table. If I represented the home of the Attorney General, I would not want the public to have let in the light of day on what he has done.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the bill which is now before the House, and is therefore out of order.

The SPEAKER. The point of order is sustained.

Mr. MANN. Well, Mr. Speaker, we are getting very technical about it. I have been talking about this bill. Has it come to the point that a man in discussing a bill can make no incidental reference to anything? Was I violating the rules when I referred to the gentleman from Tennessee, and paid him a compliment? Is that what he objects to? He might have better reasons for that than for the other. [Laughter.]

Now, Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Speaker, as has been well stated by the gentleman from Illinois [Mr. MANN], this bill should have been passed last Friday, but the gentleman from Tennessee [Mr. BYRNS] insisted upon a quorum when it was proposed to take up the discussion of a resolution that had been reported by the Judiciary Committee. The gentleman from Texas [Mr. STEPHENS] received unanimous consent to extend his remarks in the Record; he inserted a speech about the Diggs-Caminetti cases, and then voted to gag this side of the House, so that we could not speak on that question.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the subject before the House.

The SPEAKER. The point of order is sustained.

Mr. KAHN. The bill that is pending—

Mr. HARDY. The gentleman said I put something into the Record—

Mr. KAHN. Oh, your side did not want to hear the truth about those cases; then you put things in the Record that you do not want to let us reply to.

Mr. HARDY. I just want to say to the gentleman—

Mr. KAHN. I do not yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. HARDY. Mr. Speaker, I rise to a question of privilege. The gentleman has stated that I put something in the Record.

Mr. KAHN. I did not refer to the gentleman from Texas, Mr. HARDY, but I did refer to the gentleman from Texas, Mr. STEPHENS.

Mr. HARDY. I did not know to whom the gentleman referred, but the gentleman looked at me—

Mr. KAHN. Oh, I looked at you when you interjected a remark.

Mr. HARDY. And replied to me.

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I wish to say that I have no objection to the gentleman making any comments he desires about myself. I have acted strictly within my rights.

The SPEAKER. The gentleman from Texas, Mr. STEPHENS, was being referred to, and the gentleman from Texas, Mr.

HARDY, concluded erroneously that he was being referred to. The gentleman from California [Mr. KAHN] will proceed.

Mr. KAHN. Mr. Speaker, I did not refer to the gentleman from Texas, Mr. HARDY. Now, this bill has been unanimously reported by the committee, I understand, and it ought to be enacted into law. I imagine that the gentlemen who are interested in the measure want the bill discussed freely. That is what the House is for—free discussion of all public matters; and when the time shall come that we can not discuss matters freely upon this floor, our vaunted liberty will have become a thing of the past.

Now, gentlemen on the other side seem to be afraid to have matters discussed freely. They do not want to let in the light of day upon the act of the Attorney General of the United States in connection with—

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman is not proceeding in order.

Mr. McKELLAR. I make the point of order that the gentleman is not in order.

The SPEAKER. The point of order is sustained.

Mr. MANN. Mr. Speaker, before the Chair sustains the point or order let me call the attention of the Speaker to the fact that in the report on this case is an opinion of the Attorney General of the United States. Do I understand that we can not refer to an opinion of the Attorney General?

The SPEAKER. Why, of course you can refer to an opinion of the Attorney General, or anybody else, if it refers to this case.

Mr. MANN. But that is all the gentleman from California did. He referred to the opinion of the Attorney General. Thereupon the gentleman made the point of order, and the Speaker sustained it, although the report on this bill contains an opinion of the Attorney General, and a rotten opinion at that.

The SPEAKER. The gentleman from California will proceed in order. He knows what the point of order is.

Mr. KAHN. Mr. Speaker, the Attorney General has done many peculiar things that the country wants to know about. This decision referred to in this report is one of those peculiar things. Another is when he tried to allow political pull to influence him in the setting of certain white-slave cases for trial.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that the gentleman from California is not in order. With all due deference to the gentleman, he insists upon proceeding out of order, in spite of the rulings of the Chair to the effect that he has no right to discuss anything except the measure before the House. I ask that he be required to proceed in order.

The SPEAKER. The gentleman from California will proceed in order.

Mr. KAHN. Mr. Speaker, I have not been out of order at all, I am surprised—

The SPEAKER. The time of the gentleman from California has expired.

Mr. MANN. Mr. Speaker, I yield the gentleman two minutes more.

The SPEAKER. The gentleman from California is recognized for two minutes more.

Mr. KAHN. Mr. Speaker, I am somewhat surprised at the attitude of the gentleman from Tennessee [Mr. BYRNS]. He himself on Tuesday last undertook to criticize the former United States attorney for the northern district of California, and said that he was—

Mr. McKELLAR. Mr. Speaker, I make the point of order that the gentleman from California is not in order.

Mr. KAHN. Said that he was actuated by ambitious political motives—

The SPEAKER. The gentleman from California will proceed in order, if he proceeds at all.

Mr. HARDWICK. Mr. Speaker, I desire to call the attention of the Chair to what the rule is in a case of this kind, if the point of order is made and sustained.

The SPEAKER. The point of order is sustained.

Mr. HARDWICK. Then the gentleman from California must take his seat, and he can not proceed unless the House permits him to proceed.

The SPEAKER. The gentleman from Georgia has stated the rule correctly.

Mr. MANN. Mr. Speaker, I move that the gentleman from California be permitted to proceed in order.

The SPEAKER. If the gentleman will suspend a moment, the Chair will state what the rule is. When any gentleman rises to a point of order that another gentleman is not proceeding in order and the Chair sustains the point of order, then it is the duty of the gentleman who is out of order to take his seat and to keep his seat until some one moves that he be allowed to proceed in order.

Mr. MANN. Mr. Speaker, I have made that motion.

Mr. HARDWICK. Mr. Speaker, I make the point of order that the gentleman from California had not resumed his seat when the motion was made.

The SPEAKER. The gentleman from California has resumed his seat now.

Mr. MANN. I make the point of order that the gentleman from Georgia is not in his seat.

Mr. HARDWICK. Oh, I did not make the point of order that the gentleman from Illinois was not in his seat.

Mr. THOMAS rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] and the gentleman from California [Mr. KAHN] have one hour in which to debate this Caminetti-Diggs affair, and that the next time this House meets I have an hour in which to reply to them.

Mr. McKELLAR. Mr. Speaker, I object.

Mr. GARDNER. Mr. Speaker, reserving the right to object, I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Illinois [Mr. MANN] that the gentleman from California proceed in order.

Mr. THOMAS. Mr. Speaker, I can state that I know personally that the Attorney General—

Mr. BARTLETT. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Kentucky can not discuss the Attorney General in the California cases any more than can the gentleman from California. Both gentlemen are out of order. The question is on the motion of the gentleman from Illinois that the gentleman from California [Mr. KAHN] be permitted to proceed in order.

The question was taken, and the motion was agreed to.

Mr. KAHN. Mr. Speaker, the public buildings of this country, of course, receive a great deal of attention from Congress. We hear much criticism of the "pork barrel" in the way public buildings are distributed by Congress. Honest criticism can do no harm. The country would like to hear the truth in some white-slave cases that have been pending. I now desire to say, Mr. Speaker, that I hope at some time to let in a little light upon that controversy in the way of honest criticism.

The SPEAKER. The time of the gentleman from California has again expired. The gentleman from Illinois [Mr. MANN] has 7 minutes remaining, and the gentleman from Florida has 15 minutes.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Florida to consume some of his time.

Mr. CLARK of Florida. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I believe I have stated, when this measure was before the House last week, that in my judgment it deserves the vote of every Member of Congress. As a member of the Committee on Public Buildings and Grounds, with an opportunity during the past four years to hear many statements, written and verbal, presented by Members of this House and also by the various heads of the departments in Washington, I undertake to say that the present building in Newark is the most congested Government building in the United States. I make this statement not only upon the information brought to the attention of the committee by the local Federal officials occupying the building in Newark but as a result of a personal visit made to that city with seven or eight other members of the Committee on Public Buildings and Grounds.

The Newark building is a duplicate of the Government building first constructed at Wilmington, Del., when the population of Newark was 221,000. Since that time the population has more than doubled. The number of employees in the postal service has increased from 180 to 440. There are 2,000 manufacturing plants in the city of Newark, representing 242 different lines of manufacture. There sit on the Democratic side of this House three Members who represent in part the city of Newark—Messrs. McCoy, Townsend, and Kinkadee—who can verify what I state in connection with the absolute necessity for immediate action on this bill.

The minority leader, the gentleman from Illinois [Mr. MANN], calls attention to the fact that perhaps this building will not be occupied for 5 or 6 or 10 years.

The very object of the pending bill is to make the question of the change in the public building in that city at practically a definite time, and with that end in view this bill, introduced by Mr. McCoy, was presented to the Supervising Architect of the Treasury Department, carefully examined by him and approved, and he has stated if this relief is granted it will enable him to

have plans prepared, a building advertised for and completed within a fixed time. There were excellent reasons which prompted both the majority and minority of the Committee on Public Buildings and Grounds in making this proposition separate and distinct from any other carried in the last public-buildings bill, among them the congested, overcrowded condition of the present building.

I have said, and I repeat it, that it will be cruel, harsh, and inhuman for Congress to compel the Government officials to occupy the present building. If this bill is not passed, then the Newark proposition must take the same course of every other new building, namely, it must wait its turn to be reached upon the list, and the Supervising Architect's office is now from five and one-half to six years behind with its work. It was the purpose and the intention of the Committee on Public Buildings and Grounds to make this a special case and to expedite it as much as possible. But, unfortunately, in the phraseology of that item, under a ruling of the Attorney General, we did not carry the language of the original act far enough so as to comply with a technical construction of the law. The cost of the preparation of the plans, specifications, and supervision of the new building will not exceed the average cost of the buildings turned out and constructed under the direct supervision of the Supervising Architect of the Treasury.

Now, the people of Newark are a unit in favor of this proposition—the business men, the professional men, the Democrats, and the Republicans. It has received the approval of every member of the Committee on Public Buildings and Grounds of the Sixty-second Congress, and the bill now under consideration has received the approval of every member of that committee in this Congress who were present when it was considered. I hope there will be no opposition and that there will be no consideration of any other outside affair in this House that will delay or prevent the favorable consideration of this bill and its final passage.

The SPEAKER. The time of the gentleman from Tennessee [Mr. AUSTIN] has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RUPLEY].

LATE REPRESENTATIVE MARLIN E. OLMSTED.

Mr. RUPLEY. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the career and death of the late Marlin E. Olmsted, late a Member of Congress from the State of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] asks unanimous consent to extend his remarks in the RECORD on the life and character of the late Representative Marlin E. Olmsted, a Member of Congress from Pennsylvania. Is there objection? [After a pause.] The Chair hears none.

Mr. RUPLEY. Mr. Speaker, Hon. Marlin E. Olmsted, former Congressman from the Harrisburg district in Pennsylvania, where I reside, died in a New York hospital early Saturday morning, July 19.

In response to a desire to pay tribute to his ability and prominence I have asked leave to place this memorial in the CONGRESSIONAL RECORD of this date. Through these same columns he had spoken for 16 years. After the test of statesmanship had been applied by his colleagues in this House and upon the completion of his seventh term, he was hailed as the next Speaker of the Sixty-second Congress. His party, however, being in the minority, he was not elected, but the recognition of his peculiar fitness for the position was attested on all sides by his fellow Members.

I have publicly protested and opposed his political beliefs, and in doing so was in a position to know the temper of the steel of his wonderful ability. In this tribute I have no desire to compromise my principles. As fearlessly and sincerely as I supported them I proclaim the virtues of this national figure, the able Congressman, the noted lawyer, the kind father and husband.

A home newspaper, the Carlisle Herald, in an editorial, has ably summed up his greatness in these words:

A NATIONAL LOSS.

In the death of Marlin Edgar Olmsted, of Harrisburg, the Nation loses one of its most brilliant and useful men. Here in the congressional district which he represented faithfully and ably for so many years his loss will be felt keenly. Residents of every political faith mourn his death; his place can never be refilled in the hearts of his thousands of friends.

Marlin Edgar Olmsted was a self-made man in every sense of the word; every honor that was bestowed upon him was deserved. He climbed high, but never forgot those whom he left behind as he ascended the ladder of life to a high position among the great men of the Nation.

As a public servant he was faithful to his constituents. Through his efforts the eighteenth congressional district obtained beautiful public buildings; the rights of the people were continually guarded; and if the voters had been given their option Marlin Olmsted, who was held



so high in the esteem of the people, might have had a life tenure of office as their Representative if he had desired it. But he resigned after eight successive terms. Few men have had such a record.

Mr. Olmsted was considered a leader in the Halls of Congress. He was the sponsor for numerous acts of legislation of national import, and as a lawyer he was recognized as among the ablest in America.

His loss is by no means confined to a few miles of territory; it is national. But it will be felt most at home. Sympathy is being extended to his family from every section of Cumberland County.

The Harrisburg Patriot, a fair and courageous opponent in his lifetime, has this to say of him when dead:

THE DEATH OF MR. OLMSTED.

The announcement of the death of Hon. Marlin E. Olmsted, a resident of Harrisburg since his early manhood and for 16 years the Representative in Congress of the Dauphin-Lebanon-Cumberland district, came upon the people of this city on Saturday morning almost with startling suddenness. Only a few days ago he walked the streets of the city apparently in his usual good health, and it is hardly a week since the public heard that he had undergone an operation in New York, and then it was not known nor supposed, except by his closest friends, that his condition was at all serious.

Those who most earnestly dissented from Mr. Olmsted's political tenets were free to acknowledge his intellectual ability. In Congress he was one of the strong men of his party. During the eight years that Joseph G. Cannon occupied the Speaker's chair, Mr. Olmsted had a larger influence in the national House of Representatives than any other man in the Pennsylvania delegation, not even excepting the veteran, John Dalzell.

As a neighbor and a factor in the social life of Harrisburg, Mr. Olmsted was genial and obliging; a tactful and hospitable host, who never allowed political difference to affect his personal relations.

And the editor of the Harrisburg Telegraph, a life-long friend, has testified to his worth in these well-chosen words:

AN HONOR TO HIS STATE.

The late Marlin E. Olmsted's worth as a man and statesman is emphasized outside of his home city by the strong testimonials of those associated with him at Washington and by the unusual tributes of the metropolitan press. His friends, of course, always appreciated the qualities of his mind and heart, but many of them did not realize the large place which he had made for himself through great ability and conscientious and earnest devotion to the public interests. No man in public life ever gave more unstintingly of all that was best within him to the public service.

His record of achievement in Congress and in the professional life which he adorned is one of unusual brilliancy. Mr. Olmsted was not a showy man in the sense of spectacular endeavor, but he was a persistent, earnest, and indefatigable worker, with a keen and analytical mind, which brushed aside all the surpluses of any question under consideration.

For the reason that his manifold interests demanded so much of his time and thought, he was sometimes misunderstood as an austere and cold man. Nothing could have been further from the truth.

Once having placed his hands to the plow, he never turned back. He was thoroughness personified; no detail escaped him, and on his day he has left the impress of a well-ordered and successful life.

His friendships were as enduring as the mountains of his native State, and those who were privileged to touch more intimately the springs of his nature know how true and constant was his affection. This was shown in many quiet ways. Enshrined in the memory of his companions are countless little things indicating his loyalty to those whom he called friends.

High and low, rich and poor, all will cherish the memory of a true son of Pennsylvania, who honored himself in honoring his State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 6.

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 30,000 copies of the report (S. Rept. 80) of the Finance Committee of the Senate accompanying the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes; 20,000 copies for the use of the House of Representatives and 10,000 for the use of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2727. An act to create an additional land district in the State of Nevada.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2727. An act to create an additional land district in the State of Nevada; to the Committee on the Public Lands; and

S. Con. Res. 6. Concurrent resolution authorizing the printing of 30,000 copies of the report of the Finance Committee of the Senate accompanying the tariff bill, H. R. 3321; to the Committee on Printing.

FEDERAL BUILDING, NEWARK, N. J.

The SPEAKER. The gentleman from Florida [Mr. CLARK] has 10 minutes remaining and the gentleman from Illinois [Mr. MANN] has 6.

Mr. CLARK of Florida. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. McCoy].

The SPEAKER. The gentleman from New Jersey [Mr. McCoy] is recognized for five minutes.

Mr. MCCOY. Mr. Speaker, I think that this bill has had a distinguished career in the House of Representatives. So far as I can ascertain, there is not any opposition to its passage; but it has been before the House so many times that I have lost count of the number, and each time in some way or another it has been caught in the machinery of parliamentary procedure and been squeezed out of the wrong end of the machine. I am rather reluctant to tell my story about the bill again, inasmuch as I have told it so many times. The situation reminds me of the little verse of Oliver Wendell Holmes in his poem on the katydid. The verse goes—I think that I can quote it:

I love to hear thine earnest voice,  
Wherever thou art hid;  
Thou testy little dogmatist,  
Thou pretty katydid!  
Thou 'mindest me of gentlefolks—  
Old gentlefolks are they—  
Thou say'st an undisputed thing  
In such a solemn way.

So on three solemn occasions, and without dispute, I have undertaken to explain why I think that this bill should pass, and I will restate the principal reason. Without amending that section of the public-buildings bill which applies to Newark, passed in the third session of the Sixty-second Congress, the bill might better never have been passed, as we should know where we are to-day so as to take a fresh start. But the situation is, as the chairman of the committee has explained, that the Public Buildings Committee of the Sixty-second Congress intended to allow the sale of this building and the investment of the proceeds in the purchase of a new site and in the erection of a new building. I believe myself that the language of the bill was sufficient for that purpose, but the Attorney General thought differently, and of course the Secretary of the Treasury is controlled in his expenditures of money by the opinion of the Attorney General. So I believe that this bill now, especially with the amendment which was so kindly suggested to me by the leader of the other side of the House, is certainly sufficient, if it becomes a law, to make it clear that we can go ahead with this project. Of course there is an unusual feature in the bill, although there were provisions, I believe, in the public-buildings bill in the Sixty-second Congress similar to that which permit, notwithstanding the repeal of the Tarsney Act, the employment of the services of a special architect. As I have explained two or three times when the bill was up previously, we are to pay for those special services out of the proceeds of the sale of this building, so that we do not get in the way of any other project upon which the architect's services are paid for out of appropriations; in fact, we really push some of the projects forward. Unless we can proceed under this bill as it is proposed, or under the previous bill as it is now proposed to amend it, I believe that we can not proceed at all, because of the situation which the gentleman from Illinois [Mr. MANN] has pointed out, namely, that we have got to propose to a purchaser that he pay down his good money and not get possession of the property until we finish a new building.

But a contract can be worked out that will carry that along successfully, as I am told by the Supervising Architect—in fact, was told this morning—provided that we can begin immediately upon the project and push it through to a speedy conclusion in two years or two and one-half years, which the Supervising Architect said would be about the limit of time required. And the reason for that is this, as I stated the other day: That under the peculiar and special wording of this bill we shall have to pay for everything out of the proceeds of the sale of the present building. As we can not pay any rent for the present building after we have sold it we have got to remain in possession of it until the new building is erected, and consequently the would-be purchaser, knowing that he has got to make his payments from time to time as we proceed with the erection of the new building, will be obliged to estimate a reduction from the price which he otherwise would be able and willing to pay for the building in order to compensate him for the time during which he would be out of the money which he had to pay.

I believe that the bill is meritorious. As the gentleman from Tennessee [Mr. AUSTIN] has said, the committee was unanimous in the Sixty-second Congress. It is unanimous now, and I hope that no opposition will be placed in the way of the passage of the bill.

The SPEAKER. The time of the gentleman from New Jersey [Mr. McCoy] has expired. The gentleman from Illinois [Mr. MANN] is recognized for six minutes.

Mr. MANN. Mr. Speaker, a moment ago, referring to the decision of the Attorney General in the report, I stated that it was "a rotten opinion." I want now to take that back. I do not wish to do injustice to any official of the Government. I think

the opinion of the Attorney General, quoted in the report, is the only opinion which he could render in accordance with the law.

Mr. Speaker, this bill provides for the sale of the present post-office and courthouse building at Newark and for the construction of a new building to accommodate the post office and other Government offices. The post office, growing very rapidly with its work, probably needs a new building. Then there is an additional reason why the bill should pass, from one point of view, and that is it proposes to sell the present courthouse. Of what use is a courthouse over at Newark at present under this administration? [Laughter on the Republican side.]

One of the principal purposes for the building of a courthouse at present is the trial of lawsuits, the prosecution of cases. I am informed that up to the time of the incoming of the present administration the principal number of cases tried over there were violations of the revenue laws and of customs laws and of the white-slave law. You propose to revise the law as to customs and to add something to the revenue laws, and by Executive order practically to abolish the white-slave law. Of what use, I ask, is the courthouse, as long as political influence can obtain the abandonment or the nonprosecution of a white-slave case? Of what use is the courthouse?

Mr. McKELLAR. Mr. Speaker, I rise to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. McKELLAR. The gentleman is not proceeding in order. He is not discussing the case here, but he is discussing the non-prosecution of another case.

The SPEAKER. It seems to the Chair that the gentleman from Illinois has not gotten over the limit.

Mr. MANN. The gentleman from Tennessee [Mr. McKELLAR] is looking through crooked glasses and colored glasses, both. He can not see straight, and he does not hear correctly.

Mr. McKELLAR. I think I do.

Mr. MANN. The gentleman is so excited over a particular case that he imagines that "every road leads to Rome," and that all talk leads to the particular case he is engaged in defending without proper warrant.

Here is a proposition to sell a Government courthouse. Why? Because there is no longer any need of it. [Laughter on the Republican side.] Why is there no longer any need of it? Because the Attorney General of the United States has given to the world notice that he does not propose to prosecute white-slave cases where political influence is used with him.

Mr. McKELLAR. Mr. Speaker, I make the point of order that the gentleman is not proceeding in order.

The SPEAKER. The point of order is sustained.

Mr. GARDNER. Mr. Speaker, I move that the gentleman from Illinois be allowed to proceed in order.

The SPEAKER. The rule is that the gentleman must take his seat.

Mr. MANN. I will sit down now, but I shall be up again many times. [Laughter on the Republican side.]

Mr. GARDNER. Mr. Speaker, I move that the gentleman from Illinois be allowed to proceed in order.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] moves that the gentleman from Illinois [Mr. MANN] be permitted to proceed in order. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois will proceed in order.

Mr. MANN. Mr. Speaker, I did not take an appeal from the decision of the Chair. I do not know that an appeal would lie. But I contend that I am proceeding in order. I contend that the point has not come in the House of Representatives where, in discussing the sale of a post office, we can not discuss the work of the Post Office Department, or where, in discussing the sale of a Federal courthouse, we can not refer to the work in the Department of Justice. The Speaker has just ruled that in discussing the sale of a courthouse we can not refer to the work of the Department of Justice. I do not think that is a correct ruling, and I am sure the distinguished Speaker, on reflection, will not consider it a correct ruling.

We have a right in discussing these questions to discuss all incidental questions. I know that some of you gentlemen on that side think you can prevent the discussion of matters by putting the gag on us, but you will find that that will not work. It may take a little while for it to soak into your hides, but no legislative body on earth has ever succeeded in putting the gag on discussion, because when that is done the legislative body ceases to exist. You may prevent for a time the discussion of questions in the House by not sitting, but you can not prevent us from talking in the House to you and to the

country. We will have our say, and you will learn that it is a very expensive proposition to try to prevent it. It will only center the attention of the country upon the desire on your part to prevent the light of day from being let into nefarious transactions. [Applause on the Republican side.]

The SPEAKER. The gentleman from Florida [Mr. CLARK] has five minutes.

Mr. CLARK of Florida. Has the gentleman from Illinois [Mr. MANN] consumed all his time?

The SPEAKER. He has.

Mr. CLARK of Florida. I simply desire to say that I want the House to understand that I am presenting this bill, not discussing any other bill or anything connected with any other bill.

The Government can not be injured by the passage of this bill, because it is stipulated that the property shall not be sold for less than \$1,800,000.

I want to be perfectly frank with the House and to say that the consensus of opinion among people who know is that if we could sell this property to-morrow and deliver immediate possession we could probably get \$2,000,000 for it. I believe that is considered a fair price for this property. But when it is understood that the purchaser of the property must pay his money and be without the use of the property for at least two years, a price somewhat less than that will probably be obtained. It is hoped that by the employment of these special architects the purchaser may be let into possession within about two years.

Mr. McCOY. The Government will pay no rent in the meantime.

Mr. CLARK of Florida. The Government pays no rent in the meantime, but occupies this property until the new building has been completed and is ready for occupancy. Five per cent on \$2,000,000 in two years amounts to \$200,000. I do not know what this property would rent for, but it would certainly amount to a considerable sum.

Mr. McCOY. And the taxes will be added, too.

Mr. CLARK of Florida. When it passes into private ownership the taxes will be added, and the purchaser has got to take all that into consideration.

So it was thought by your committee, and it was thought by the best business men in the city of Newark, that under the circumstances \$1,800,000 would be a fair price for this property.

Mr. COOPER. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. COOPER. Is it understood that this contract is to contain a specific provision giving possession of this property on a certain date?

Mr. CLARK of Florida. No particular date; no.

Mr. McCOY. The contract is not drawn yet.

Mr. COOPER. But is not the purchaser to have some provision in the contract as to the date when he can obtain possession?

Mr. CLARK of Florida. Certainly. When the contract is drawn it will undoubtedly be stipulated that within a certain time the purchaser is to have possession. There is no question about that.

Mr. COOPER. Will the contract contain a provision for liquidated damages in case the Government does not give possession at that time?

Mr. McCOY. We can not tell about that. We do not know what the contract will contain.

Mr. CLARK of Florida. I do not know. I do not think so. There will be a contract with the purchaser, and I understand that plenty of men in Newark are perfectly able and willing to purchase the property under the conditions contained in this paragraph of the bill.

Mr. COOPER. The gentleman said he thought they could finish it in two years?

Mr. CLARK of Florida. Yes.

Mr. McCOY. Two years and a half.

Mr. COOPER. I have not seen a copy of the bill. Suppose the contract contains a provision that on January 1, 1916, the purchaser shall have possession of the property, and suppose it runs on for six months afterwards, as is not improbable in the construction of a public building, is there any provision for liquidated damages?

Mr. CLARK of Florida. Not in the law.

Mr. COOPER. But will there be in the contract? Would the purchaser buy the property without such a provision?

Mr. CLARK of Florida. I think the Secretary of the Treasury can be relied upon to control that feature of it, in his judgment.

Mr. MANN. Does not the bill expressly provide that the Government shall have the occupation of this building free of rent



until the completion and readiness for occupancy of a building upon a site to be hereafter purchased?

Mr. CLARK of Florida. Undoubtedly.

Mr. MANN. The Secretary of the Treasury can not change that, can he?

Mr. McCOY. No.

Mr. CLARK of Florida. I think not.

Mr. MANN. He can not tell when the new building will be ready for occupancy?

Mr. CLARK of Florida. Why should we worry about the purchaser?

Mr. MANN. We should worry about the purchaser because that provision will be an element in fixing the price.

Mr. CLARK of Florida. Very well. The property can not be sold for less than \$1,800,000. That is stipulated in the law.

Mr. MANN. But it might bring more.

Mr. CLARK of Florida. If the purchaser is willing to pay \$1,800,000, which we consider a fair value under all the circumstances, I do not think we ought to be too solicitous as to liquidated damages and as to when the purchaser may get possession. That is a matter for him to take into consideration when he pays his money and takes the risk.

The SPEAKER. The time of the gentleman from Florida has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. CLARK of Florida. Does that carry the amendments with it?

The SPEAKER. Yes.

#### ANONYMOUS BILLS.

The SPEAKER. There are a number of bills which have been put into the basket upon which the gentlemen introducing them have neglected to put their names. The Clerk will read the titles of those bills.

The Clerk read as follows:

A bill granting an increase of pension to Hannah A. Brigham;  
A bill granting a pension to Mary J. Brophy;  
A bill for the relief of J. Will Morton and the estate of Clarissa H. Morton, deceased;  
A bill granting a pension to Elizabeth Elliott;  
A bill granting a pension to Augusta A. Bentgen;  
A bill granting an increase of pension to Frederick C. Hammetter;  
A bill granting an increase of pension to Benjamin F. Morgan; and  
A bill granting an increase of pension to Henrietta Lee Coulling.

#### ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

Mr. MANN. Mr. Speaker, I object.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 205 (H. Rept. 36).

*Resolved*, That the Committee on the Merchant Marine and Fisheries be, and is hereby, authorized to continue during the Sixty-third Congress the investigations begun during the Sixty-second Congress under the provisions of House resolution 425, adopted March 5, 1912; House resolution 470, adopted April 11, 1912; and House resolution 587, adopted July 16, 1912, for the purposes and under the conditions therein stated; and that the expenses thereof, not exceeding the unexpended balance of the whole amount authorized by said House resolution 470, be paid out of the contingent fund in the manner provided by said House resolution 470 of the Sixty-second Congress and House resolution 82, adopted May 8, 1913.

Mr. LLOYD. Mr. Speaker, this resolution authorizes the Committee on Merchant Marine and Fisheries to make further investigation and draw the money out of the contingent fund to the extent of the unexpended balance. A resolution was offered some time ago which provided that the members of the committee of the Sixty-second Congress who are Members of the Sixty-third Congress be permitted to sit, and that they be permitted to draw warrants as if the committee were all present. It did not provide for any expenditure after the new committee had been named. This is to provide for the new committee to have the same power that that committee had after the 4th of March and before the naming of the committee.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. COX. What is the unexpended balance remaining?

Mr. LLOYD. I can not give the exact figures. There has not been very much expended. I yield to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the amount expended has been about \$13,000. The amount authorized was \$25,000.

Mr. COX. So that there is about \$12,000 remaining unexpended?

Mr. ALEXANDER. Yes; more than that. We simply want to wind up our investigation. We are preparing the report now.

Mr. MANN. Mr. Speaker, I understood from some source that the only purpose of this was to permit the committee to pay the expert it has had for doing this tabulating work or making a report.

Mr. ALEXANDER. Mr. Speaker, we are preparing a report now and have it nearly completed.

Mr. LLOYD. It also includes a stenographer that the committee has employed.

Mr. ALEXANDER. They are the same employees that we had prior to the 4th of March, except the attorney, who was dismissed as soon as the public hearings were discontinued.

Mr. MANN. How much would that amount to?

Mr. ALEXANDER. We pay our expert \$20 per day, and the stenographer \$100 per month, and the young man who is working with Dr. Huebner receives \$5 per day. He was his helper while a professor in the University of Pennsylvania.

Mr. MANN. Why is it necessary to employ a special stenographer for a committee when the House has four committee stenographers who have very little to do at this session of Congress? Why could not one of the committee stenographers do this work?

Mr. ALEXANDER. I did not know that there was any that was not engaged. I will say this: That when we had our public hearings we did employ stenographers who were furnished to us by the official force of the House, and the entire cost of the public hearings was less than \$300.

Mr. MANN. This stenographer now, as I understand, is employed in the main working in connection with the expert?

Mr. ALEXANDER. Yes; she is used by Dr. Huebner in his work. She must be there regularly every day. She is entirely familiar with the work.

Mr. LLOYD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the resolution of the gentleman from Missouri.

The question was taken.

Mr. MANN. Mr. Speaker, I ask for a division, and pending that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-five Members are present, not a quorum.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House do now adjourn. The Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 51, answered "present" 6, not voting 238, as follows:

#### YEAS—134.

Abercrombie	Elder	Kirkpatrick	Sabath
Alken	Estopinal	Konop	Saunders
Aswell	Evans	Korby	Seldomridge
Baltz	Falconer	Lazaro	Sherley
Barkley	Fergusson	Lee, Ga.	Slms
Bartlett	FitzHenry	Lever	Slsson
Beakes	Flood, Va.	Lieb	Smith, Md.
Bell, Ga.	Floyd, Ark.	Lloyd	Smith, Tex.
Bocher	Foster	Lobeck	Stedman
Borchers	Fowler	Logue	Stephens, Nebr.
Brockson	Gallagher	McAndrews	Stephens, Tex.
Broussard	Gard	McDermott	Stone
Brumbaugh	Garner	McGillicuddy	Stringer
Buchanan, Tex.	Garrett, Tenn.	McKellar	Summers
Bulkeley	Garrett, Tex.	Maguire, Nebr.	Taggart
Burke, Wis.	Glass	Moon	Tavener
Byrnes, S. C.	Goodwin, Ark.	Morgan, La.	Taylor, Ark.
Byrns, Tenn.	Gordon	Morrison	Taylor, Colo.
Candler, Miss.	Gorman	Murray, Okla.	Ten Eyck
Caraway	Graham, Ill.	Neeley	Thacher
Casey	Hamlin	Oglesby	Underwood
Church	Hardy	O'Hair	Vaughan
Clayton	Harrison, Miss.	Oldfield	Walker
Cline	Hay	Pepper	Walsh
Collier	Heflin	Peterson	Watkins
Connelly, Kans.	Helvering	Phelan	Watson
Cox	Henry	Post	Weaver
Davenport	Hill	Quin	Webb
Decker	Holland	Ragsdale	Whaley
Deitrick	Houston	Raker	White
Doolittle	Hull	Reed	Wilson, Fla.
Doremus	Igoe	Roddenbery	Wingo
Doughton	Keating	Rothermel	
Eagle	Kettner	Russell	

## NAYS—51.

Alexander	Edmonds	La Follette	Shreve
Anderson	French	Lindbergh	Sloan
Austin	Gardner	McKenzie	Smith, Idaho
Barton	Green, Iowa	Mann	Smith, Minn.
Bowdler	Helgesen	Mapes	Stafford
Bryant	Humphrey, Wash.	Mondell	Switzer
Burke, S. Dak.	Johnson, Utah	Morgan, Okla.	Temple
Campbell	Johnson, Wash.	Moss, W. Va.	Thomas
Cooper	Keister	Norton	Thomson, Ill.
Curry	Kelly, Pa.	Prouty	Treadway
Davis, Minn.	Kennedy, Iowa	Rucker	Willis
Dillon	Kent	Rupley	Young, N. Dak.
Dyer	Knowland, J. R.	Scott	

## ANSWERED "PRESENT"—6.

Adamson	Gray	Rubey	Smith, J. M. C.
Crisp	Kahn		

## NOT VOTING—238.

Adair	Donovan	Johnson, Ky.	Plumley
Ainey	Dooling	Johnson, S. C.	Porter
Allen	Driscoll	Jones	Pou
Ansberry	Dunn	Kelley, Mich.	Powers
Anthony	Dupré	Kennedy, Conn.	Rainey
Ashbrook	Eagan	Kennedy, R. I.	Rauch
Avis	Edwards	Key, Ohio	Rayburn
Bailey	Esch	Kieess, Pa.	Reilly, Conn.
Baker	Fairchild	Kindel	Reilly, Wis.
Barchfeld	Falson	Kinkaid, Nebr.	Richardson
Barnhart	Farr	Kinkaid, N. J.	Riordan
Bartholdt	Ferris	Kitchin	Roberts, Mass.
Bathrick	Fess	Kreider	Roberts, Nev.
Beall, Tex.	Fields	Lafferty	Rogers
Bell, Cal.	Finley	Langham	Rouse
Blackmon	Fitzgerald	Langley	Scully
Borland	Fordney	Lee, Pa.	Sells
Bremner	Francis	L'Engle	Shackelford
Britten	Frear	Lenroot	Sharp
Brodbeck	George	Leshner	Sherwood
Brown, N. Y.	Gerry	Levy	Sinnott
Brown, W. Va.	Gillett	Lewis, Md.	Slayden
Browne, Wis.	Gilmore	Lewis, Pa.	Slomp
Browning	Gittins	Lindquist	Small
Bruckner	Godwin, N. C.	Linthicum	Smith, N. Y.
Buchanan, Ill.	Goeke	Loneragan	Smith, Saml. W.
Burgess	Goldfogle	McClellan	Sparkman
Burke, Pa.	Good	McCoy	Stanley
Burnett	Goulden	McGuire, Okla.	Steenerson
Butler	Graham, Pa.	McLaughlin	Stephens, Cal.
Calder	Greene, Mass.	Madden	Stephens, Miss.
Callaway	Greene, Vt.	Mahan	Stevens, Minn.
Cantrill	Gregg	Maher	Stevens, N. H.
Carew	Griest	Manahan	Stout
Carlin	Griffin	Martin	Sutherland
Carr	Gudger	Merritt	Talbot, Md.
Carter	Guernsey	Metz	Talcott, N. Y.
Cary	Hamill	Miller	Taylor, Ala.
Chandler, N. Y.	Hamilton, Mich.	Mitchell	Taylor, N. Y.
Clancy	Hamilton, N. Y.	Montague	Thompson, Okla.
Clark, Fla.	Hammond	Moore	Towner
Claypool	Hardwick	Morin	Townsend
Connolly, Iowa	Harrison, N. Y.	Moss, Ind.	Tribble
Conry	Haugen	Mott	Tuttle
Copley	Hawley	Murdock	Underhill
Covington	Hayden	Murray, Mass.	Vare
Cramton	Hayes	Nelson	Volstead
Crosser	Helm	Nolan, J. I.	Wallin
Cullop	Hensley	O'Brien	Walters
Curley	Hinds	O'Leary	Whitacre
Dale	Hinebaugh	O'Shaunessy	Wilder
Danforth	Hobson	Padgett	Williams
Davis, W. Va.	Howard	Page	Wilson, N. Y.
Dent	Howell	Palmer	Winslow
Dershem	Hoxworth	Parker	Witherspoon
Dickinson	Hughes, Ga.	Patten, N. Y.	Woodruff
Dies	Hughes, W. Va.	Patton, Pa.	Woods
Defenderfer	Hulings	Payne	Young, Tex.
Dixon	Humphreys, Miss.	Peters	
Donohoe	Jacoway	Platt	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KEY of Ohio with Mr. SINNOTT.

Mr. ASHBROOK with Mr. BELL of California.

Mr. BOBLAND with Mr. WILDER.

Mr. BURGESS with Mr. LEWIS of Pennsylvania.

Mr. CALLAWAY with Mr. MCGUIRE of Oklahoma.

Mr. CLARK of Florida with Mr. PAYNE.

Mr. CARTER with Mr. FREAR.

Mr. COVINGTON with Mr. DUNN.

Mr. DAVIS of West Virginia with Mr. GREENE of Vermont.

Mr. DIES with Mr. WALTERS.

Mr. GREGG with Mr. GUERNSEY.

Mr. HARDWICK with Mr. HAYES.

Mr. HAYDEN with Mr. SELLS.

Mr. HUMPHREYS of Mississippi with Mr. MERRITT.

Mr. JOHNSON of Kentucky with Mr. STEPHENS of California.

Mr. JOHNSON of South Carolina with Mr. VARE.

Mr. REILLY of Connecticut with Mr. WOODRUFF.

Mr. TALCOTT of New York with Mr. McLAUGHLIN.

Mr. McCOY. Mr. Speaker, is it too late to vote on this motion?

The SPEAKER. It is, unless the gentleman was in the Hall and listening when his name was called.

Mr. McCOY. I was out of the Hall when my name was called.

The SPEAKER. The gentleman does not come within the rule.

The result of the vote was announced as above recorded.

Accordingly (at 2 o'clock and 2 minutes p. m.) the House adjourned until Wednesday, July 23, 1913, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Navy submitting an estimate of appropriation of \$968 for reimbursing claimant's damages found to be caused by vessels of the United States Navy (H. Doc. No. 151); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia, submitting an estimate of deficiency appropriation for the militia of the District of Columbia (H. Doc. No. 152); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster General calling attention to his letter of June 11, 1913, in regard to an appropriation for the payment of limited indemnity for lost insured mail (H. Doc. No. 153); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Assistant Secretary of Commerce, submitting a claim for damages which has been considered, adjusted, and determined to be due by the Commissioner of Lighthouses (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney General, submitting a list of judgments from the Court of Claims in Indian depredation cases (H. Doc. No. 155); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments of the Court of Claims (H. Doc. No. 156); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed by the several accounting officers under appropriations the balances of which have been exhausted or carried to the surplus fund (H. Doc. No. 157); to the Committee on Appropriations and ordered to be printed.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 7015) to regulate the running of street cars in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PETERSON: A bill (H. R. 7016) to authorize the donation of certain unused and obsolete guns now at Chickamauga Park, Ga., to the board of commissioners, Lake County, Ind.; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 7017) providing for the erection of a public building in the city of Staunton, Va.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER: A bill (H. R. 7018) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BROWN of New York: A bill (H. R. 7019) to establish a fish-cultural station on Long Island in the State of New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Wisconsin: A bill (H. R. 7020) to amend an act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, as amended in sections 16, 17, and 19 by the act of Congress approved March 4, 1909, and in sections 4 and 13 by the act of Congress approved June 25, 1910; to the Committee on Immigration and Naturalization.



Also, a bill (H. R. 7021) to amend section 2166 of the Revised Statutes of the United States for the year 1878, and to amend the Twenty-eighth Statutes at Large, page 124, act of July 26, 1894; to the Committee on Immigration and Naturalization.

By Mr. O'LEARY: A bill (H. R. 7022) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 7023) for the improvement of the Harlem River, N. Y., with a view of straightening the channel at the curve near the Johnson Iron Works, authorized by the river and harbor act of March 3, 1909; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7024) to provide for the cession to the State of New York of all lands heretofore acquired by the United States in that part of the bed of the Harlem Ship Canal to be eliminated up to the new bulkhead to be hereafter established by the Secretary of War; to the Committee on the Public Lands.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 7025) to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chillico Indian Reservation, State of Oklahoma; to the Committee on Indian Affairs.

By Mr. RUPLEY: A bill (H. R. 7026) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on Labor.

By Mr. DOOLITTLE: A bill (H. R. 7027) authorizing the Secretary of War to deliver to Custard Post, No. 39, Grand Army of the Republic, Department of Kansas, of Onaga, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. RUPLEY: A bill (H. R. 7028) to amend the judicial system of the United States by increasing membership of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. WEAVER: A bill (H. R. 7029) extending the jurisdiction of the Court of Claims of the United States; to the Committee on the Judiciary.

By Mr. WINGO: A bill (H. R. 7030) to aid in the protection of the bank on the south side of the Arkansas River in the county of Le Flore, State of Oklahoma; to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 7031) providing for the disposition of unclaimed effects of deceased patients of the Public Health Service, of deceased officers and enlisted men of the Army, and of civilian employees of the War Department; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELEY: A bill (H. R. 7032) to further increase the efficiency of the Organized Militia of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 7033) authorizing the removal of cannon and shells from Shiloh Park, Tenn., to Chickamauga and Chattanooga National Military Park and other places; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 7034) to amend the act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees; to the Committee on the Judiciary.

By Mr. HOWARD: Resolution (H. Res. 206) authorizing the appointment of W. H. Bell as assistant foreman of the folding room; to the Committee on Accounts.

By Mr. HARDWICK: Resolution (H. Res. 207) amending Rule X of the House by adding a new paragraph; to the Committee on Rules.

Also, resolution (H. Res. 208) amending clause 9 of Rule XVI of the standing rules of the House; to the Committee on Rules.

Also, resolution (H. Res. 209) amending paragraph 56 of Rule XI of the rules of the House; to the Committee on Rules.

By Mr. MANN: Resolution (H. Res. 210) directing the Secretary of the Navy to furnish certain information; to the Committee on Naval Affairs.

By Mr. BRYAN: Resolution (H. Res. 211) directing the Secretary of the Navy to furnish the House of Representatives with certain information; to the Committee on Naval Affairs.

By Mr. PROUTY: Joint resolution (H. J. Res. 107) directing the Treasurer of the United States to transfer \$1,003,257.24 upon his books from the District of Columbia to the credit of the United States; to the Committee on the District of Columbia.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 108) authorizing the President to accept invitations extended by foreign governments to be represented by official delegates at future sessions of the International Statistical Institute; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 109) authorizing the President to extend invitations to foreign governments to participate

in the International Congress of Americanists; to the Committee on Foreign Affairs.

By Mr. MURRAY of Oklahoma: Concurrent resolution (H. Con. Res. 12) for the protection of American citizens in Mexico and authorizing the President to intervene therefor; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Concurrent resolution (H. Con. Res. 13) calling the attention of the President and of the Postmaster General to the advisability of arranging for the reduction of the common export rate of the various parcel-post conventions of the United States with foreign countries to 8 cents a pound; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Memorial of the Legislature of the State of Wisconsin, praying for a law providing for the investment of not to exceed 30 per cent of the deposits in postal savings banks in bonds of the several States for the purpose of securing funds for making long-time loans to farmers; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURRY: A bill (H. R. 7035) granting a pension to Josiah George Swinney; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 7036) granting a pension to Joseph Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7037) granting a pension to Mary Van Dyck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7038) granting a pension to Jennie E. Griggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7039) granting an increase of pension to Martin H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 7040) granting an increase of pension to Leonard A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7041) granting an increase of pension to Michael O'Brien; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 7042) granting an increase of pension to Daniel Libbey; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 7043) for the relief of Nabor and Victoria Leon; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 7044) granting a pension to Lewis Doll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7045) granting a pension to Katharine Bruun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7046) granting an increase of pension to Elizabeth Dorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7047) granting an increase of pension to Rodney W. Anderson; to the Committee on Pensions.

By Mr. JOHNSON of Utah: A bill (H. R. 7048) making appropriation for the relief of C. Jensen for injuries sustained from forest team; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish*; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 7050) granting an increase of pension to Charles Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7051) granting a pension to Margaret Foley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7052) granting an increase of pension to Claude D. Truskett; to the Committee on Pensions.

Also, a bill (H. R. 7053) granting a pension to John D. Ashley; to the Committee on Pensions.

Also, a bill (H. R. 7054) for the relief of Byard Hickman; to the Committee on Military Affairs.

Also, a bill (H. R. 7055) for the relief of Henry Wagner; to the Committee on Military Affairs.

Also, a bill (H. R. 7056) for the relief of the city of Pueblo; to the Committee on Claims.

Also, a bill (H. R. 7057) granting to the town of Nevada, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on the Public Lands.

Also, a bill (H. R. 7058) granting a pension to Charles A. Van Atta; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 7059) granting a pension to Mary E. Fulmer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 7060) granting an increase of pension to Mary McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7061) granting an increase of pension to Bridget M. Bannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7062) granting an increase of pension to Caroline S. Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7063) granting an increase of pension to Ellen M. Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7064) granting a pension to Patrick Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7065) granting an increase of pension to Charlotte M. Harmon; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7066) for the relief of Theodore (or Thomas) F. Cook; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 7067) granting a pension to Oscar Sholtus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7068) granting a pension to Emma L. Parker; to the Committee on Pensions.

By Mr. MOON: A bill (H. R. 7069) granting an increase of pension to Alfred J. Thomas; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 7070) for the relief of Silas Quackenbush; to the Committee on War Claims.

By Mr. NEELEY: A bill (H. R. 7071) granting an increase of pension to Mary A. Hillyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7072) granting an increase of pension to William Van Vleet; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 7073) granting an increase of pension to Preston P. Sullivan; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 7074) granting an increase of pension to William J. White; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 7075) granting a pension to Charles R. Carter; to the Committee on Pensions.

Also, a bill (H. R. 7076) granting an increase of pension to Levi L. Ferrin; to the Committee on Pensions.

Also, a bill (H. R. 7077) granting an increase of pension to Ellen J. Merritt; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 7078) for the relief of Mary Macon Howard; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 7079) granting a pension to Cora J. Church; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7080) granting a pension to Minerva Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7081) granting a pension to Rufus A. Theis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7082) to reinstate Frank W. Ball as first lieutenant in the United States Army and to place him on the retired list of Army officers; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Holy Name Societies of the Diocese of Newark, N. J., protesting against using the United States mail to injure the Catholic Church; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Gen. Alex. Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, Pittsburgh, Pa., tendering their thanks to the State of Pennsylvania and to the commission in charge of the camp and to the United States Government for their participation in the event of the great camp of Gettysburg, Pa.; to the Committee on Military Affairs.

By Mr. CURRY: Petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring legislation compelling the equipment of locomotives used on the road with electric headlights and safety appliances for boilers; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring the passage of the bill (S. 4) to better the living conditions, etc., of seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California State Branch of the United National Association of Post Office Clerks, Sacramento, Cal., protesting against any change in the Reilly eight-hour law; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Illinois: Petition of the Banana Buyers' Protective Association of New York City, protesting against a tariff on bananas; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring improvement in the living conditions of our seamen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring the equipment of all locomotives used in road service with electric headlights; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of Peoria, Ill., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Life Insurance Co., Chicago, Ill., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Peoria, Ill., favoring the passage of legislation extending the authority of the Locomotive Boiler Inspection Division of the Interstate Commerce Commission to cover all parts of locomotives and tenders; to the Committee on Interstate and Foreign Commerce.

By Mr. HELGESEN: Petitions of sundry business men of the State of North Dakota, favoring an amendment to the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the United National Association of Post Office Clerks, protesting against any attempt to repeal or nullify the civil service; to the Committee on the Judiciary.

By Mr. MAPES: Petition of sundry post-office clerks, favoring provision for service promotions for clerks and employees of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany bill for the relief of Alfred J. Thomas; to the Committee on Invalid Pensions.

By Mr. PROUTY: Petitions of sundry citizens of the State of Iowa, favoring certain changes in the interstate-commerce law; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petitions of the H. Raphael Co., of Los Angeles, and the Chamber of Commerce of Watsonville, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the California State Branch, No. 16, United National Association of Post Office Clerks, Sacramento, Cal., protesting against the repeal or change in the Reilly eight-hour law; to the Committee on Labor.

#### SENATE.

WEDNESDAY, July 23, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 6383) to amend section 19 of an act entitled "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," approved March 4, 1913, in which it requested the concurrence of the Senate.

#### PETITION AND MEMORIAL.

Mr. OLIVER presented a petition of the Chamber of Commerce of Homestead, Pa., praying for the enactment of legislation providing for the establishment of Federal reserve banks, for furnishing an elastic currency, and for a more effective supervision of banking in the United States, which was referred to the Committee on Banking and Currency.

Mr. O'GORMAN presented a memorial of sundry manufacturers of the United States, remonstrating against the adoption of the proposed cotton schedule in the pending tariff bill, which was referred to the Committee on Finance.

#### 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. SHEPPARD:

A bill (S. 2812) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of Chief Yeoman Meyer Cox, United States Navy; and

A bill (S. 2813) waiving the age limit for the appointment as assistant paymaster in the United States Navy in the case of John Edward Bibb, now in the accounting department of the Navy at Philadelphia; to the Committee on Naval Affairs.