

VIRGINIA.

C. Moncure Campbell to be postmaster at Amherst, Va., in place of James F. Williams. Incumbent's commission expired June 12, 1913.

H. G. Shackelford to be postmaster at Orange, Va., in place of Thomas W. Carter, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 25, 1913.

POSTMASTERS.

NEW YORK.

Artemas D. Barton, Pine Plains.
John E. Hoffnagle, Westport.
William A. Hosley, Belmont.
Frank E. Ingalls, Brownville.
Henry D. Nichols, Mexico.
Mabel B. Williams, West Hampton Beach.

SENATE.

Tuesday, August 26, 1913.

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

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

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum. I notice that there are very few Senators here.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gore	Nelson	Simmons
Bacon	Hitchcock	Norris	Smith, Ariz.
Bankhead	Hollis	O'Gorman	Smith, Ga.
Bradley	Hughes	Oliver	Smith, S. C.
Brady	James	Overman	Smoot
Bristow	Johnson	Page	Sterling
Bryan	Jones	Penrose	Sutherland
Catron	Kenyon	Perkins	Swanson
Chamberlain	Kern	Pomerene	Thomas
Chilton	La Follette	Ransdell	Thompson
Clapp	Lane	Robinson	Tillman
Clark, Wyo.	Lea	Root	Townsend
Crawford	Lodge	Saulsbury	Vardaman
Cummins	McCumber	Shafroth	Walsh
Fall	McLean	Sheppard	Williams
Fletcher	Martin, Va.	Sherman	
Gallinger	Martine, N. J.	Shively	

Mr. McCUMBER. I wish to announce that my colleague [Mr. GRONNA] is necessarily absent.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

THE JOURNAL.

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

ANNUAL REPORT OF THE PATENT OFFICE.

The VICE PRESIDENT laid before the Senate the annual report of the operations of the Patent Office for the fiscal year ended December 31, 1912, which was referred to the Committee on Patents and ordered to be printed. (H. Doc. No. 946, 62d Cong., 3d sess.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 27th day of August, 1913, at 12 o'clock and 45 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make them, in which it requested the concurrence of the Senate. (H. Con. Res. 16.)

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1353) to authorize the board of county commissioners of Okanogan County, Wash., to construct, maintain, and operate a bridge across the Okanogan River at or near the town of Malott, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a resolution adopted by the Minnesota Bankers' Association, in convention at Duluth, Minn., favoring

the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented a resolution adopted by the Platte Valley Transcontinental Good Roads Association, at Fremont, Nebr., favoring an appropriation for the construction of good roads throughout the country and particularly for the construction of a central transcontinental highway, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES presented petitions of sundry citizens of Mount Vernon, Wash., praying for the adoption of an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions signed by sundry citizens of Mount Vernon, Wash., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 2560. A bill authorizing the Secretary of War to donate to the Grand Army of the Republic, Post No. 45, of Smith Center, Kans., two cannon or fieldpieces (Rept. No. 105); and

S. 2561. A bill authorizing the Secretary of War to donate to the city of Hays, Kans., one cannon or fieldpiece (Rept. No. 106).

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 2816) authorizing the Secretary of War to donate to the city of Abilene, Kans., two cannon, reported it with an amendment and submitted a report (No. 107) thereon.

HEARINGS BEFORE THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 170, submitted by Mr. KERN on the 25th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized during the Sixty-third Congress to administer oaths, send for books and papers, to employ a stenographer at a price not to exceed \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, to cause the proceedings before said committee to be printed, if by said committee deemed expedient; that the committee or subcommittee may sit during the sessions or recess of the Senate, and that the expense thereof shall be paid out of the contingent fund of the Senate.

WORKS OF ART IN CAPITOL BUILDING (S. DOC. NO. 169).

Mr. GALLINGER. I am directed by the Committee on Printing to report back favorably without amendment Senate resolution 74, providing for the printing of a document entitled "Works of Art in the United States Capitol Building, Including Biographies of the Artists," and I ask for its present consideration.

Mr. SIMMONS. Mr. President—

Mr. GALLINGER. It will take but a moment.

Mr. SIMMONS. There will be no debate, I understand.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the document herewith submitted, entitled "Works of Art in the United States Capitol Building, Including Biographies of the Artists," compiled, under the direction of the Superintendent of the United States Capitol Building and Grounds, by Charles E. Fairman, be printed as a Senate document.

AFFAIRS IN INSULAR POSSESSIONS (S. DOC. NO. 173).

Mr. FLETCHER. I am directed by the Committee on Printing to report favorably a resolution to print as a Senate document a compilation of the acts of the Sixty-second Congress, and so forth, and I ask for its present consideration.

The resolution (S. Res. 172, S. Rept. 109) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a compilation of the acts of the Sixty-second Congress, treaties, proclamations, decisions of the United States Supreme Court, from June 1, 1911, to June 1, 1913; opinions of the Attorney General from March 4, 1911, to March 3, 1913; and list of officials, relating to noncontiguous territory, Cuba, and Santo Domingo, and to military affairs, prepared by the Bureau of Insular Affairs, War Department, be printed as a Senate document.

THE MISSION OF WOMAN (S. DOC. NO. 174).

Mr. FLETCHER. I report from the Committee on Printing a resolution to print the article entitled "The Mission of Woman," by Dr. Albert Taylor Bledsoe, in pursuance to its reference to the committee, and I ask for its adoption.

Mr. GALLINGER. The Senator, I think, ought to state that the paper has been changed somewhat from its original form; that is, certain eliminations have been made.

Mr. FLETCHER. Yes; as contemplated by the Senator from South Carolina [Mr. TILLMAN] and approved by the committee. The resolution (S. Res. 171, S. Rept. 110) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the article entitled "The Mission of Woman," by Albert Taylor Bledsoe, LL. D., which was printed in the Southern Review of October, 1871, be printed in the CONGRESSIONAL RECORD and also as a Senate document as reported by the Committee on Printing.

Mr. FLETCHER. I assume that the adoption of the resolution carries with it an order to print the article as now prepared in the RECORD and also as a public document.

Mr. GALLINGER. I will ask the Senator from Florida if he has had inserted in the document the date of its authorship?

Mr. FLETCHER. Yes; that has been done. That appears in the document as presented by the committee.

There being no objection, the article was ordered to be printed as a document and also to be printed in the RECORD, as follows:

THE MISSION OF WOMAN.

(By Albert Taylor Bledsoe, LL. D.)

[This discussion by this distinguished scholar, philosopher, and writer first appeared October, 1871, in the Southern Review, of which he was the brilliant editor. It is even more pertinent at the present time than when Dr. Bledsoe first gave it to the public.]

One of the subjects which now, for the first time in the history of the world, is beginning to attract the attention which its importance demands is the mission, the education, and the influence of woman. In his History of Morals, Mr. Lecky devotes the last and best chapter of the work, consisting of more than a hundred pages, to a learned, comprehensive, and eloquent survey of "the position of woman." And among the discourses of the celebrated Adolph Monod there are several on "the mission" and on "the life" of woman. We mention these productions only because of all the innumerable discussions of the same subject they are the only ones to which we shall have occasion to refer.

NOTHING TOO ABSURD TO SUCCEED.

We have been accustomed to regard the woman's rights movement as too insignificant and too absurd to deserve serious attention. But in some portions of the border States, as well as in the universal North, this movement is assuming proportions and manifesting a spirit which inspire some of our most thoughtful minds with no little alarm. They are beginning to fear that, after all, this most absurd movement may gain the ascendancy in this country.

One thing is certain, namely, that nothing is too absurd to fail of success in this "the most enlightened Nation on the face of the globe." We appeal to facts. We now see recently emancipated slaves—utterly ignorant and wholly unfit for such duties—in our legislative halls, in the highest judicial offices of some of the Southern States, and on boards of trustees as the conservators and guardians of the interests of the higher education. Could anything be more absurd? Or would anything, only a few years ago, have been pronounced more utterly impossible, if anyone had been bold enough to predict such a result? In view of such facts, indeed, we are almost inclined to believe that the more absurd anything is the greater are its chances of success under the radical rule of the present day. * * * Women may never have the right to vote in this country; but whether they have or not, their prospects for the enjoyment of that "right" are now apparently better than were those of the blacks previous to the late war. Who knows, then, what may happen, or, in the course of time, go down with the sovereign people composed of all colors, all ages, and both sexes?

A SIMILAR MOVEMENT IN THE ROMAN EMPIRE.

If, however, the movement in question should succeed, it would be nothing new under the sun. History would only repeat itself; and, in the light of past facts, we may easily predict the result. The women of Rome at one period succeeded in securing all "their rights," as they are called, and the effects of their emancipation from the laws of God and nature are recorded in the annals of the Empire.

"A complete revolution," says Mr. Lecky, "had thus passed over the constitution of the family. Instead of being constituted on the principle of autocracy it was constituted on the principle of coequal partnership—the very thing now aimed at in this country. The legal position of the life had become one of complete independence, while her social position was one of great dignity." How glorious! But, adds the historian, "The more conservative spirits were naturally alarmed at the change." And the effects of the revolution, as they now stand recorded on the page of history, justify their alarm.

THE FRIGHTFUL RESULTS THAT FOLLOWED.

"Another and still more important consequence," said Mr. Lecky, "resulted from the changed form of marriage." Being looked upon simply as a civil contract, entered into for the happiness of the contracting parties, its continuance depended on mutual consent. Either party might dissolve it at will, and the dissolution gave both the right to remarry. There can be no question that under this system the obligations of marriage were treated with extreme levity. We find Cleero repudiating his wife, Terentia, because he desired a new dowry; Cato ceding his wife, with the consent of her father, to his friend Hortensius, and resuming her after his death; Maecenas continually changing his wife; Sempromius Sophus repudiating his wife because she had once been to the public games without his knowledge; Paulus Aemilius taking the same step without assigning any reason and defending himself by saying, "My shoes are new and well made, but no one knows where they pinch me." Nor did women show less alacrity in repudiating their husbands. Seneca denounced this evil with especial vehemence, declaring that divorce in Rome no longer brought with it any shame, and that there were women who reckoned their years rather by their husbands than by the consuls. Christians and Pagans echoed the same complaint. According to Tertullian, "divorce is the fruit of marriage." Martial speaks of a woman who had already arrived at her tenth husband; Juvenal of a woman who had eight husbands in five years. But the most extraordinary recorded instance of this kind is related by St. Jerome, who assures us that there existed at Rome a wife who was married to her twenty-third husband, she herself being his twenty-first wife.

INCREASING CELIBACY AND A DECREASING BIRTH RATE.

The evil did not stop here. The family being constituted not on the principle of autocracy, but on that of a coequal partnership, it

became instead of a well-organized social unit a two-headed, self-fighting monster. Hence, in the language of Prof. Seeley, "precisely as we think of marriage, the Roman of imperial times thought of celibacy; that is, as the most comfortable but the most expensive condition of life. Marriage with us is a relation for which a man must pay; with the Romans it was an excellent pecuniary investment, but an intolerably disagreeable one." The marriage relation, in one word, having degenerated into a civil contract for convenience merely, it became so "intolerably disagreeable" that men shunned it as they would have shunned the plague. And to this cause it is that Prof. Seeley ascribes the decline, the fall, and the ruin of imperial Rome. "Whatever the remote and ultimate cause may have been," says he, "the immediate cause to which the fall of the Empire can be traced is a physical, not a moral decay."

In valor, discipline, and science the Roman armies remained what they had always been, and the peasant Emperors of Illyricum were worthy successors of Cincinnatus and Cato Marius. But the problem was how to replenish the armies. Men were wanted; the Empire perished for want of men. "A stationary population," he continues, "suffers from war or any other destructive plague far more and more permanently than a progressive one." Accordingly we are told "that Julius Caesar, when he attained the supreme power, found an alarming thinness of population. Both he and his successors struggled earnestly against this evil. The grand maxim of Metellus Macedonicus, that marriage is a duty which, however painful, every citizen ought manfully to discharge, acquired great importance in the eyes of Augustus. He caused the speech in which it was contained to be read in the senate. Had he lived in our days, he would have reprinted it with a preface. To admonition he added legislation. The Lex Julia is irrefragable proof of the existence at the beginning of the imperial time of that very disease which four centuries after destroyed the Empire. How alarming the symptoms already were may be measured by the determined resolution with which Augustus forced his enactment upon the people in spite of the most strenuous resistance. The enactment consisted of a number of privileges and precedences given to marriage. It was, in fact, a handsome bribe offered by the State to induce the citizens to marry. How strange, according to our notions, the condition of society must have been; how directly opposite from the present one the view taken by statesmen of the question of population, and how unlike the present one the view taken by the people in general of marriage were may be judged by this law." That is, the women of Rome, having acquired the independence and the dignity for which so many in this country are now struggling, the marriage relation became so "intolerably disagreeable" that neither the laws of the Empire nor the interests of mankind could save the Empire from ruin.

Mr. Lecky arrives at the same conclusion. "Augustus attempted in vain," says he, "to arrest by laws against celibacy and by conferring many privileges on the father of three children a great and general indisposition toward marriage." "If Romans," said Metellus, in a singularly curious speech, "could live without wives, we should keep free from that source of trouble; but since nature has ordained that men can neither live sufficiently agreeable with wives nor at all without them, let us consult the perpetual endurance of our own race rather than our own brief enjoyment."

WHY THE ROMAN EMPIRE FELL.

"In the midst of this torrent of corruption a great change was passing over the legal position of Roman women. They had not at first been in a condition of absolute subjection or subordination to their relations. They arrived during the Empire at a point of freedom and dignity which they subsequently lost and have never altogether regained." So true is it that the right constitution of the family, or the marriage relation, lies at the very root of national greatness, power, and glory. The women of Rome, indeed, acquired the rights of men; but the consequence was that woman, with all her short-lived independence, dignity, and glory, soon sank beneath the ruins of the Empire. She tasted the forbidden fruit, and it proved fatal to the glory for which God had intended her.

"Men were wanting, and the Empire perished for the want of men. The proof of this," says Prof. Seeley, "is in the fact that the contest with barbarism was carried on by the help of barbarous soldiers." The Emperor Probus began this system, and under his successors it came more and more into use. As the danger of it could not be mistaken, we must suppose that the necessity of it was still more unmistakable. It must have been because the Empire could not furnish soldiers for its own defense that it was doomed to the strange expedient of turning its enemies and plunderers into its defenders. Yet on these scarcely disguised enemies it came to depend so exclusively that in the end the Western Empire was destroyed, not by the hostile army but by its own. How different had been the result if, instead of aspiring to the independence and dignity and the rights of men, the women of Rome had been, as in the days of the glory of the Republic, content to furnish, educate, and train men for the defense of the Empire. Shall we repeat the same stupendous folly? Shall we, in spite of the Word of God and the lessons of experience, run the same race of madness and ruin? Shall we, too, in spite of all our boasted wisdom and high Christian civilization, fall miserable victims to the reforms instigated by the strong-minded women and supported by the weak-minded men of this age and Nation? We hope not. We do trust that God, in his good providence, has no such awful, no such unutterable calamity in store for us.

THE ROOT OF THE MISCHIEF.

The root of all this mischief is the idea that woman is the equal of man, is cast in the same mold with man, and is appointed to do the same work as man. No greater mistake could be made. "It would take many Newtons," said Coleridge, "to make a Milton." True; but, then, it would take as many Miltons to make a Newton. The truth is that the one could not be made out of the other at all without a very great waste of material. We propose, then, to leave them just as God has made them; the one for science and for song the other. If Milton had been required to write the Principia or Newton the Paradise Lost, he would have been ruined, utterly lost to the world. In like manner, if woman were required to do the work of man or man the work of woman, human affairs would be turned out of their natural channels and thrown into hopeless confusion. Let man and woman, then, like twin stars or like the sun and moon, move in their own appointed spheres or orbits, unless the object be not to preserve the harmony of the world but to "uprear the universal peace."

Does anyone ask whether woman is equal to man? If so, we reply that she is neither equal nor superior nor inferior to man. She was made for a different sphere, and in her own sphere she is without a peer or rival. "One star is different from another star in glory." If anyone ask, then, whether Venus is equal or superior or inferior to

Jupiter, we answer she is neither. Jupiter is superior to Venus in size and in effulgence; but, then, Venus, the evening and the morning star, exerts a far more powerful influence over our heart and feelings and imagination than Jupiter. Everything which God has made is beautiful in its own place and season, and hence it is no part of our aim or philosophy to revise or to reconstruct the work of His hands. We would not for the world have Venus put in the place of Jupiter or Jupiter in the place of Venus. Much less would we have woman thrust into man's sphere or man into woman's sphere. And woe, woe to the people or nation or society by whom they shall be made to exchange places or to occupy the same sphere. We are, for our part, satisfied with the world as God made it without feeling the least desire to revise or correct the moral code of the universe.

MADE FOR A DIFFERENT WORK.

First a strong-minded woman and then a weak-minded man wrote a great book consisting of some 600 pages or more to prove that Lord Bacon wrote Shakespeare's plays. Now the man or the woman who can not see the difference between Shakespeare and Bacon ought to be excused for denying the difference between man and woman and for joining the woman's rights movement. They have, in our humble opinion, an inherent and inalienable right to make such fools of themselves; that is to say, if nature has not done the business for them. Bacon could no more have written the least of Shakespeare's plays than Shakespeare could have written the "Novum Organum" or the "Advancement of Learning." The attempt of the author in question to show that Bacon was a great poet is simply ridiculous. He had the reason, but he lacked the rhythm of the poet. He had the imagination, but he wanted the plastic power and soul of a Shakespeare. In one word, to use the language of Shakespeare, "he had no music in his soul," and was therefore better fitted for "stratagems and spoils" than for the building of "the lofty rhyme." His villainous translation of some portions of the Psalms stands in the way of our author's theory, but he apologizes for this on the ground that the "thoughts were not his own." True, the thoughts were not his own; they were too grand and beautiful for any uninspired mind; but, then, "the rhythm" was all his own. Let us look at this, then, and see the likeness between Shakespeare and Bacon. A single specimen will suffice, and here it is:

Ye monsters of the mighty deep,
Your Maker's praises spout;
Up from the sound ye codlings peep;
And wag your tails about.

How like the sublime strains of Othello or Macbeth or Lear or Hamlet! Who, after reading such glorious lines, can doubt that Bacon composed Shakespeare's dramas?

UNITY IN DIVERSITY.

The universe everywhere presents itself to our contemplation under the great law of unity in diversity, or diversity in unity. To select only one out of innumerable examples which might be adduced, if we look at the extremities of the limbs of different animals, we see this wonderful unity in diversity, or diversity in unity. For, as Prof. Owen, the greatest of living comparative anatomists, assures us, the hand of man, the hoof of the horse, the paddle of the mole, the fin of the fish, and the wing of the bat are all constructed on the same archetypal idea or internal plan. Here in all these diversified forms we have a unity of design or plan. The human hand, with its manifold flexible fingers and delicate tactual sense—how admirably is it adapted to the uses and purposes of man! We find the same bones or parts in the forefoot of the horse, but there they are sheathed in a solid hoof with which he strikes the hard earth with impunity. In like manner the same parts and the same internal plan exists in the paddle of the mole, but yet in its external form it is so modified and adjusted to the little animal's mode of life that it may almost be said to swim through the earth. Again, how admirably is the fin of the fish, with the same internal structure or relation of parts, adapted to its peculiar wants or mode of life. How admirably, in other words, it answers the purpose of an oar, cleaving the waters and directing the course of the fish as it darts through the element in which it lives. Finally, the wing of the bat, without departing from the same structure of parts, is so formed that the animal beats the air therewith and flies above the earth. One model, and yet how many different modifications, to answer different purposes or spheres or modes of life. Innumerable illustrations of the same great law and the same wonderful adaptation exist in all departments of nature. In the language of the great comparative anatomist already referred to we everywhere behold "the same organ in different animals under every variety of form and function." Moreover, we may add, we everywhere behold "the same organ" exactly and wonderfully adapted to the particular function it is required to perform.

THIS LAW APPLIES TO MAN.

But man, who in this lower world is the brightest of all God's creatures, is also the brightest manifestation of this great law of the universe. He is one, and yet two. "God said, 'Let us make man in our own image, after our own likeness.'" "So God created man in his own image; in the image of God created He him;" and yet "male and female created He them." Now, it was the mind of man and not the body which God created in his own image; and it was this image, this mind, which He created "male and female." Hence, when Coleridge says "there is a sex in our souls," he but echoes the voice of God. In the work of Mrs. Elizabeth Strutt, entitled "The Feminine Soul: Its Nature and Attributes," this "sex in our souls" is well, admirably, illustrated. In the two celebrated discourses, also, on "The mission of woman," by Adolph Monod, the difference between the male and female soul is unanswerably established by an appeal to both reason and revelation.

The sphere or mission of woman given, as presented in the Word of God, it is easy to see that the nature and attributes of the feminine soul are exactly adapted to the design of the Creator. Or, on the other hand, the nature and attributes of the "feminine soul" being good, as they are set forth both in the work and the Word of God, it is easy to determine the sphere and mode of life for which she was created. Let not the sphere of woman, then, be confounded with that of man, and let not her soul be unsexed to do the work of man; unless, indeed, it be our object to subvert the order of nature, to "uproar the universal peace and pour the sweet milk of concord into hell." This thing was done in Rome; let it not be done in America.

THE QUEENS OF WIT AND BEAUTY.

"After the revival of letters," says Miss More, "the controversy about the equality of the sexes was agitated with greater warmth than wisdom. The process was instituted and carried on (precisely as it is at the present day) with that sort of acrimony which always raises a suspicion of the justice of any cause." No wonder this war of words was carried on with such acrimony and bitterness, for, as Miss More

says, it was urged then, as it is in our day, by "women vain of their wit." The beauties took no part in the contest. "There is," says Miss More, "a singular difference between a woman vain of her wit and a woman proud of her beauty. The beauty, though anxiously alive to her own fame, is indifferent about the beauty of other women. Provided she is sure of your admiration, she does not insist on your thinking that there is another handsome woman in the world. The wit, more liberal at least in her vanity, is jealous for her whole sex and contends for the equality of their pretensions, in which she feels her own involved. The beauty vindicates her own rights; the wit, the rights of women. The beauty fights for herself; the wit for a party. The beauty would be a single queen for life; the wit would abrogate the Salique law of intellect and enthrone a whole sex of queens."

Now, for our own part, we infinitely prefer the silent queen of beauty to the wrangling queen of wit. The queen of beauty, seeing man at her feet, is content to reign over his heart, his house, and his home. But the queen of wit, seeing nobody subject to her dominion, denounces all men—the ungallant wretches—as tyrants and seems determined to put them under her feet, even as Jezebel did Ahab.

WHAT THE SCRIPTURES TEACH.

"A woman," said Miss Olive Logan, "has a right to vote and to hold a seat in Congress, because she is as good as a negro." We think, for our part, that a woman, especially if she is not a strong-minded one, is far better than a negro, and that, therefore, she had far better eschew the dust and dirt, the fray and fury of a contest with negroes for a seat in Congress or in the places of political power and profit. We think she is better than a negro, or a white man, either, and had, therefore, better keep within the high and holy sphere for which both nature and the God of nature intended her.

It may be deemed a want of gallantry in us, but still we must insist on "the Salique law of the intellect." For, in fact, the sun shines not more clearly in the heavens than this law does in the Word of God, as well as in His works. "The man," says St. Paul, "is the head of the woman." The family, as organized by Christ, is constituted on the principle of autocracy and not on the principle of an equality in power and dominion between man and wife. The family, as organized by Christ, is a social unit, a harmonious whole, with one head and not a two-headed, discordant, self-fighting monster. "Husbands, love your wives," is the word of divine wisdom, in which is so tenderly summed up all the obligations of the husband. "Husbands, love your wives, even as Christ loved the church"; "therefore, as the church is subject unto Christ, so let the wives be subject to their own husbands in everything." Again writes St. Paul to the Ephesians, "Wives, submit yourselves unto your husbands as unto the Lord"; "for the husband is the head of the wife, even as Christ is the head of the church." As in writing to the Corinthians he said, "the head of the woman is the man," so here he specially applies this doctrine to the marriage relation, saying, "the husband is the head of the wife." St. Peter expresses the same thing: "Likewise, ye wives, be in subjection to your own husbands that, if any obey not the word, they also may, without the word, be won by the conversation of the wives, while they behold your chaste conversation coupled with fear." "Whose adorning let it not be that outward adorning of plaiting the hair, and of wearing of gold, or of putting on of apparel. But let it be the hidden man of the heart, in that which is not corruptible, even the ornament of a meek and quiet spirit, which is in the sight of God of great price. For after this manner in the old time, the holy women also, who trusted in God, adorned themselves, being in subjection to their own husbands."

THE DIVINE STANDARD OF SERVICE AND GREATNESS.

Ah! ye strong-minded women, how ye must hate these words—"being in subjection unto their husbands"! Have you no husbands because you hate these words? Or do you hate these words because you have no husbands? Have you no husbands because the old-fashioned forms require you to "love, honor, and obey," or because nobody has asked you? Be this as it may, it is certain that many nowadays are willing enough to promise to love and honor, but not to obey, in order to tie the matrimonial knot. They take their stand against the word "obey" as if it were a degradation of their sex. They know neither the word nor the spirit of the great Teacher, who says: "Ye know that the princes of the Gentiles exercise dominion over them, and they that be great exercise authority upon them. But it shall not be so among you; but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant; even as the Son of Man came not to be ministered unto, but to minister, and to give His life a ransom for many." If any woman is, then, offended by the leading idea of the present paper, this is because she is animated by the spirit of the world and not by the spirit of Christ. It is because the love of power and the lust of dominion rather than the sublime meekness and humility of the Lamb of God rules in her wretched, restless heart. It is, in other words, because that which is most hateful in man—the domineering pride of a wicked heart—reigns over and obscures in her that which is most lovely in woman—"a meek and quiet spirit."

The first caused Lucifer "to fall like fire from heaven"; the last alone can raise "a mortal to the skies." We seek, then, not to degrade, but to elevate woman when we say it is her mission "not to be ministered unto but to minister." This was the mission of Christ Himself. Though it reduced Him physically to the form of a servant, it raised Him spiritually to the highest and holiest sphere in the universe. Hence when He brought His "first begotten into the world" He said, "Let all the angels of God worship Him." For even when exalted above "all principalities and powers and dominions" He was not so fair in the eyes of the everlasting Father or so much an object of worship to all His angels as when He took upon Himself the form of a servant and rendered forever illustrious and beautiful the path which He has prescribed for woman. Do we, then, seek to degrade woman merely because we wish to see her tread in His footsteps and become more and more assimilated to His character, who was "the fairest among ten thousand and altogether lovely"? On the contrary, it is just because we wish to see her become more and more an object of worship to all true men that we so earnestly contend that the Christian religion has rightly defined her mission and marked out the sphere of her real glory. As everyone knows, indeed, it is one of the distinctive peculiarities of this religion that from a beast of burden it raises woman to her rightful position in human society and crowns her as the queen of the world.

INFERIOR ANIMALS BUT SUPERIOR BEINGS.

Woman is sometimes contemptuously called "the inferior animal." "What," several ladies once asked us, "do you think of that sentiment?" "We think it perfectly just," was the reply. "What!"

they exclaimed, "do you, with all your pretended gallantry and admiration of the sex, call woman the inferior animal?" "Yes," we fearlessly replied, "that is precisely our opinion of the sex—inferior animals but superior beings." In brute force, in all that constitutes the mere animal frame and nature, women are inferior to men; but in purity of mind, in refinement of sentiment, in all that most nearly assimilates our race to the good angels above, they are superior to men.

Mr. Darwin in his "Descent of Man" has proved at least one thing, namely, that man is actually an animal. No one after reading his very learned work can doubt that man is really an animal or deny that the proud biped eats and drinks and sleeps like his four-footed brethren that perish. But, after all, we are inclined to think that we are, in nature and in kind, a little better than baboons. Many of our strong-minded women do, we are aware, differ from us respecting Mr. Darwin's great discovery of the essential identity of nature between men and monkeys. Hence, rather than quarrel with them or with women of any description we are willing to admit that they are superior animals and also to allow them to choose the species of beast with which it is proper to classify them. * * *

FIRST SYMPTOMS AND CURE OF THE DISORDER.

There are, we are sorry to say, some of the sweetest and most intelligent and most lovely young ladies in our land who seem favorably inclined toward the woman's rights movement. We would do anything to save them, except marry a strong-minded woman; and if we were a widower we fear we might be induced to do even that, in order to rescue the beautiful creatures from their perilous condition, for, indeed, widowers do so many strange and unaccountable things that no man can say what he would not do if he were deprived of his "better half." But if we know ourselves we would never marry a strong-minded woman. In this respect we feel as if we were like the old Romans who, after the women had acquired "all their rights," absolutely refused to marry them; consequently, as Prof. Seeley says, "the Empire perished for the want of men." It is, however, a hardly supposable case that any really beautiful and lovely woman will in her right mind actually join the ranks of the woman's rights movement, for whatever her nascent inclination or premonitory symptoms, matrimony will be apt to arrest her in her career and cure her of the incipient disease.

The first symptom of the disorder is perhaps the determination never, in case of matrimony, to use the word "obey." This symptom is a dangerous one and requires heroic treatment, such as that which Bishop Hobart is said to have administered to a young lady in New York. This young lady, so the story goes, vowed that if she were to get married a hundred times she would never once promise to obey her husband. Accordingly, when the bishop, who had been called in to marry her, came to the words "love and honor and obey" she held down her head meekly and remained silent, hoping he would attribute her silence to her modesty and so pass on. The good bishop, always stern and inflexible in the discharge of his official duties, repeated the words, but still no response. A third time he pronounced the words and with a still firmer voice, but the bride, still adhering to her vow, refused to repeat the promise. She only blushed the more beautifully and arrayed herself more radiantly in the charms of maiden modesty. But it was all lost on the bishop. He deliberately closed his prayer book and, turning away from her, said, "Madame, when you are ready to get married I will marry you." At these words the blooming bride started up and, wild with terror, exclaimed, "Love, honor, and obey; love, honor, and obey; love, honor, and obey." The treatment is what the doctors call "heroic," but the cure was perfect.

BOTH WEAKER AND STRONGER THAN MAN.

We can not deny, however, that, although woman is the "superior being," she is the "weaker vessel," for such is the express declaration of the Word of God. She is evidently the "weaker vessel." The frailer form, the more delicate organs, the more sensitive and timid nature, all proclaim her "the weaker vessel." Above all, the ease with which the balance of her judgment is disturbed by the impulses of kindness or of cruelty show that she is "the weaker vessel." While man, during the Civil War, displayed his strength by the greatness and the heroism of his deeds, woman betrayed her weakness by the violence of her sentiments. She would have raised the black flag and caused it to wave in all the darkness of desolation over the heads of her enemies even while she was the ministering angel of mercy to her friends. It is the weakness of human nature, and especially in the female sex, that it is always prone to rush into extremes of both hate and love.

But, on the other hand, it must be conceded that woman is weaker than man only in regard to the mission or the work of man. For her own sphere or mission she is endowed with far greater strength than man. In strength of passive will, in the courage and fortitude to endure, to bear the ills that flesh is heir to, she is far, very far, superior to man. In force of aggressive will, in the sublime capacity to do and to dare, she is comparatively weak; but in the meek, Christlike capacity to suffer and to bear she is superior to man. She is more like the Lamb of God—a willing sacrifice for the good of man; and this is her glory. In this respect as well as in many others she is most admirably adapted to the sphere of private life, and, above all, to the home circle. This, it is true, is a narrow sphere, but it is nevertheless a high and holy one—the very highest and holiest upon earth. Of all the institutions of society that which is the most important to its order and happiness is the constitution of the family and its government. Over this government woman is, in a special manner, called to preside. From the center of the home circle, nay, from innumerable centers of such circles, woman sends forth an influence, either for good or for evil, in comparison with which the influence of heroes and legislators and statesmen sink into insignificance. She does not occupy the throne, it is true; but yet behind the throne she wields a power greater than the throne itself, and without which the throne itself must crumble into dust and ashes. The glory of this Nation and the glory of all nations depends upon the ministry of woman, on the influence of wives, and daughters, and sisters, and mothers.

ONLY THE MOTHER ADEQUATE TO THE TASK.

"As a general rule," says a celebrated historian, "superior men are the children of their mother." Infancy is the decisive moment in education. In the earliest years is formed the strong bias which gives shape to the entire life. But these years belong to the mother. Paganism took them from her and gave them to the State, but Christ took them from the State and gave them back to the mother. They are too delicate and too important for the State or for strangers to meddle with, and they are too exacting for the father. For the training of the young aptness, time, opportunity, patience, long suffering, and self-sacrifice are wanting to all persons, except to the mother. She alone is fit for the work which God in his providence has appointed her to do.

Consider, for example, the man whose strong heart and unconquerable courage now braves alike the wrath of a prince and the fury of the people, and who seems determined to justify the proud maxim, "Man can do what he will." You ascribe, perhaps, the glory of the man to the energy of his nature. But know that in his childhood he appeared so irresolute and so vacillating in his character that everyone said, "He will never make a man." He will, on the contrary, always be a "reed shaken of the wind." But a woman has made him a man, and that woman is the same who brought him into the world. She alone has never despaired of him. Sustained by love and guided by instinct, she alone has discovered beneath all his weakness the hidden germs of greatness, which by her tender, her humble, her patient, and persevering labors she has developed into his present glorious manhood. The child was not and never could have been the father of the man but for the constancy and the care of the woman. She is, indeed, the mother of the man as well as of the child. She has divined everything, conceived everything, planned everything, and watched over the operation and development of everything. By trials and conflicts, wisely graduated to his growing strength, she has developed the hidden germs of virtue in his soul, until by degrees the weakness of the child has passed away, and "nature herself can stand up and say to the world this is a man." Such is the work, the mission, the glory of woman.

SOME REFLECTIONS.

The divorce evil, by its rapid and widespread growth in the United States, has become a danger so deadly that it threatens not only the moral health but the very life of the Nation. Within the last 50 years divorce has increased on an average more than three and one-third times as fast as the population. In the year 1912 it may safely be said that 100,000 divorces were granted and it is conservative to say that 100,000 children, mostly under 10 years of age, were made divorce orphans, being deprived of one or both parents. (Illinois Commission on Uniform Marriage and Divorce Laws.)

The late census shows a steadily increasing decline in the rate of growth for the native white race of the United States. From 1880 to 1890 the rate of increase was 24.5 as against 23.1 from 1890 to 1900 and 20.8 during the decade 1900-1910. * * * Your suffragette may say that her right to vote has nothing to do with the birth rate, and that such right can not militate against the highest ideals of motherhood. But mothering requires the very flower of a woman's days. If she is to bear and mature children under wholesome conditions, she must have the blessed quiet of a home free from the nerve strain of publicity. (Mrs. F. L. Townsend, in the Methodist Review.)

As for America, I appeal to the twentieth century. Either some Cæsar or Napoleon will seize the reins of Government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth century, with this difference, that the Huns and Vandals who ravaged Rome came from without her borders, while your Huns and Vandals will be engendered within your own country and by your own institutions. (Thomas Babington Macaulay.)

REPORT ON COTTON MARKETING (S. DOC. NO. 175).

Mr. FLETCHER. From the Committee on Printing I report favorably, with a request that it be printed as a Senate document supplemental to Senate Document No. 113, a report by J. S. Williams, chairman, and Clarence Ousley, subcommittee to study the production and marketing of Egyptian cotton, and I ask for its present consideration.

Mr. SIMMONS. I make no objection if it will lead to no debate.

Mr. FLETCHER. It will lead to no debate.

The VICE PRESIDENT. Is there any objection to printing the report? The Chair hears none, and that action will be taken.

NINTH INTERNATIONAL COTTON CONGRESS (S. DOC. NO. 176).

Mr. FLETCHER. From the Committee on Printing I submit a request in favor of printing as a Senate document the report of the Ninth International Cotton Congress of the International Federation of Master Cotton Spinners and Manufacturers' Associations held at Scheveningen, Holland, June 9, 10, and 11, 1913.

The VICE PRESIDENT. Is there objection to printing the report? The Chair hears none, and the report will be printed.

THE CONGRESSIONAL DIRECTORY (S. REPT. 108).

Mr. FLETCHER. From the Committee on Printing I report back the joint resolution (S. J. Res. 66) providing for a second edition of the Congressional Directory for the second session of the Sixty-third Congress, and I submit an adverse report (No. 108) thereon. The report can either be read or printed in the RECORD. I will ask that it be printed in the RECORD.

Mr. SMOOT. And that the joint resolution go to the calendar.

Mr. FLETCHER. Very well.

The VICE PRESIDENT. That action will be taken.

The report this day submitted by Mr. FLETCHER from the Committee on Printing is as follows:

SECOND EDITION OF THE CONGRESSIONAL DIRECTORY FOR SIXTY-THIRD CONGRESS, FIRST SESSION.

Mr. FLETCHER, from the Committee on Printing, submitted the following adverse report, to accompany S. J. Res. 66:

The Committee on Printing, to which was referred the resolution (S. J. Res. 66) providing for a second edition of the Congressional Directory for the first session of the Sixty-third Congress, having had the same under consideration, report said resolution adversely for the following reasons:

First. An edition of the Congressional Directory consists of 22,164 copies, to print and bind which would cost approximately \$8,000.

Second. From a month to six weeks would be required to compile, print, and bind another edition of the Directory. Consequently a new edition would not be available before October 1, even if completed at the earliest date possible.

Third. The next regular edition of the Directory will be issued on Monday, December 1, the law (28 Stat. L., 617) requiring that the first edition of the Congressional Directory for a regular session of Congress shall be distributed on the first day of the session.

Fourth. The first edition of the Directory for this session of Congress was corrected up to April 16, 1913, since which date some of the departments and establishments of the Government have issued directories or lists of their officers that are available to Members of Congress. The vest-pocket edition of the Congressional Directory, issued by the Clerk of the House of Representatives, was corrected to June 17, 1913. The pamphlet directory of the Senate compiled under the direction of the Secretary of the Senate is corrected up to August 20, 1913. In addition to these directories, both the Secretary of the Senate and the Clerk of the House issue lists of the committees of the Senate and the House, respectively, which are kept corrected up to date, a new list being printed whenever a change in committee assignments occurs.

Your committee is of the opinion, therefore, that the expenditure of \$8,000 for another edition of the Congressional Directory for this session of Congress is not justified in view of the fact that it would be used for only two months at the utmost and would contain but little information in addition to what is available already in the various directories issued by the Government.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW. I submit the resolution which I send to the desk, and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 173) was read, as follows:

Resolved, That Senator JOSEPH L. BRISTOW be, and he is hereby, authorized to employ a stenographer, at a salary of \$1,200 per annum, to be paid from the contingent fund of the Senate, for a period of 30 days.

Mr. WILLIAMS. If it be in order, I ask unanimous consent for the immediate consideration of the resolution, and will give briefly the reasons for so doing. The stenographer who was in the employ of the Senator from Kansas [Mr. BRISTOW] was shot the other night, as we all know, and is now in a hospital. It would be a very cruel thing for him to be deprived of his pay while he is there, and the Senator can not do his work without having some one to take the place of this young man. I would suggest to the Senator from Kansas that he make the resolution cover a period of 30 days, and if his stenographer is not well by that time it could be continued. If there should be a fatal result, of course the new employee would take the place of the old one. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Under the law the Chair will have to rule that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WILLIAMS. The Chair is right. Under the law it goes to the committee. It can not be considered until after it has been reported by the committee. I ask that it be referred to the committee, and then the Senator can poll the committee this afternoon, after which I will ask unanimous consent for its consideration.

Mr. WILLIAMS, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably, and it was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

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

By Mr. TOWNSEND:

A bill (S. 3044) to provide for the erection of a public building in the city of Hancock, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:

A bill (S. 3045) granting a pension to Sarah E. Geiser; and A bill (S. 3046) granting an increase of pension to Truman H. Tryon (with accompanying paper); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3047) to correct the military record of Hiram Lane (with accompanying papers); to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 3048) for the survey and construction of a public highway through the Superior National Forest, Minn.; to the Committee on Agriculture and Forestry.

By Mr. PERKINS:

A bill (S. 3049) for the relief of Edward R. Wilson, passed assistant paymaster, United States Navy; to the Committee on Naval Affairs.

By Mr. LODGE:

A bill (S. 3050) granting a pension to Margaret Gately; and A bill (S. 3051) granting an increase of pension to David N. Landers (with accompanying paper); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

SENATOR FROM ALABAMA (S. DOC. NO. 170).

Mr. BANKHEAD. I present opinions by Hon. Hannis Taylor and R. B. Evins, legal adviser to the governor of the State of Alabama, with reference to the appointment of the Hon. HENRY D. CLAYTON as a Senator from the State of Alabama. I ask that the opinions be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

House concurrent resolution 16.

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 27th day of August, 1913, at 12 o'clock and 45 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. KERN. I move the adoption of the resolution.

The motion was agreed to.

THE TARIFF.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 3321.

There being no objection, 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.

Mr. BRADLEY. Mr. President, it is a little dangerous for a Republican to warn the opposition of the results of the present bill lest he should be immediately accused of joining in a conspiracy to produce a panic.

I will say to our Democratic friends nothing is further from my purpose. In all I say I am attempting to show the folly of the present bill, and if possible thereby to avert a panic. If the future is to be judged by the past, I think I shall amply demonstrate that I have the best reasons for believing that the present bill threatens most serious consequences.

It has been said if any manufacturer closes his factory or reduces the number or compensation of his workmen he is to be mercilessly prosecuted and punished. Although he will be forced by this bill to compete with cheap labor, nevertheless he must continue to pay full prices, and even if he becomes bankrupt he will be punished for assisting in a panic.

This reminds me of the boy who was training a bull pup, who insisted that his father should move over the floor on all fours, when he would sick him on. The old man was persuaded to go through the motion, and when the pup fastened his teeth in his flesh the young teacher shouted, "Bear it, pap, bear it; it will be the makin' of the pup!" [Laughter.] And so you say to the manufacturer when foreign competition based on cheap labor is set upon him, "Bear it, bear it; it will be the makin' of a glorious measure that will reflect great credit upon a Democratic administration!"

I have many devoted friends in the Democratic Party who are bound to me by hooks of steel, men of the most exalted patriotism who are honestly politically chasing a feather, but, while I respect them and their party in many particulars, in view of their tortuous and contradictory tariff history, I do not believe their tariff opinions are entitled to serious weight. The history of Democracy on this question is one of continuous contradiction, as shown by its various declarations in national platforms. And to this history I refer in order to show either that they do not understand the question, or, what is worse, do not understand themselves. In either case they are not qualified to draft a proper bill.

In 1856, when Buchanan was nominated, it was announced in national convention that—

the time has come for the United States to declare in favor of free seas and progressive free trade throughout the world, and by solemn manifestations to place their moral influence at the side of their successful example.

Notwithstanding the disastrous results of Buchanan's administration, the Democratic national convention, in 1860, endorsed the platform of 1856.

In 1864 McClellan and Pendleton were nominated, but in view of the ocular demonstration of the effectiveness of protection under Lincoln, the Democratic Party in its national convention had nothing to say concerning the tariff. It would have

been better for the prosperity and happiness of our people had it remained silent to this good hour.

In 1868 Seymour and Blair were nominated, and the Democratic Party again dragged the tariff into prominence, so much changed, however, as to be scarcely recognizable when compared with the declaration of 1856. In that platform they declared for "a tariff for revenue only and such taxation under the internal-revenue laws as will afford incidental protection." In the same platform they declared for "equal taxation of every species of property according to its real value, including Government bonds and other public securities."

In 1872 they had no platform of their own, but adopted the Liberal Republican platform, which declared in favor of a "system of Federal taxation which will not unnecessarily interfere with the industry of the people and which shall provide the means necessary to pay the expenses of the Government, etc.," and further declared, "and recognizing that there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade" (still recognizing the fact, notwithstanding the declaration in 1868 to the contrary, that the Democratic Party was wedded to the doctrine of free trade) "we submit the discussion of the subject to the people in their congressional districts and to the decision of the Congress thereon, wholly free from Executive interference or dictation." How does the latter part of this declaration correspond with the Democratic position of to-day, when admittedly the present bill is the creature of the President, who refused to allow (?) Congress to adjourn? When he cracks his whip every pony, gaily caparisoned, prances into the ring. When he fiddles the Democratic Congress dance, and when he ceases they all take on a funereal look and anxiously await more music. [Laughter.] He is indeed "monarch of all he surveys; his right there is none to dispute."

In other words, in the struggle of 1872 the Democratic Party had no opinion on the subject which it was willing to announce, the whole object being by combination with disgruntled Republicans to succeed at any cost and under any circumstances. Having failed in that campaign, in 1876 it became more independent in its platform declarations and demanded that "all customhouse taxation shall be only for revenue."

In 1880 it again declared in favor of "a tariff for revenue only."

In 1884 the Democratic national convention again changed front.

After declaring in favor of reducing taxation it pledges the party "to revise the tariff in a spirit of fairness to all interests. But in making reductions in taxes it is not proposed to injure any domestic industries, but rather to promote their healthy growth." Continuing, it declares—

From the foundation of this Government, taxes collected at the customhouse have been the chief source of Federal revenue. Such they must continue to be. Moreover many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step careful of the labor and capital thus involved.

Continuing, it is said:

The process of reform must be subject in the execution to this plain dictate of justice; all taxation must be limited to the requirements of economical government. The necessary reduction and taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in the country.

How radically different are these declarations to the Democratic position on the pending bill.

This tariff declaration substantially favors protection, and not only differs with previous Democratic utterances, but is in direct conflict with the bill now being pressed for passage.

In 1888, when Mr. Cleveland was renominated, the Democratic platform followed somewhat the lines of 1884 in saying:

Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continuous operations.

Here was a direct declaration that due allowance between the wages of American and foreign labor should be made. In the construction of the proposed law we have been told time and again that the cost of production here and abroad was not even considered in committee or caucus in the construction of the pending bill.

In 1892, however, when Mr. Cleveland was again renominated, the Democratic Party sang a different song. In that platform it declared "We denounce Republican protection as a fraud—a robbery of the great majority of the American people for the benefit of the few. We declare it to be a funda-

mental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only" * * * "and we promise its repeal as one of the beneficial results" of Democratic success.

How does this compare with the declarations of 1884 and 1888, that the wages of American labor should be protected against that of foreign labor and that no industry should be endangered?

After four years of incalculable disaster under Cleveland, it became necessary for the Democratic Party in 1896 to haul in its tariff sails, and the free-silver idea was advanced as the great panacea for all national ills. The only reference to the tariff was that "the tariff should be levied for the purposes of revenue" (the word "only" being studiously omitted), and the further observation that "until the money question is settled we are opposed to any agitation for further changes in the tariff laws except such as are necessary to meet the deficit in revenue caused by the adverse decision of the Supreme Court on the income tax." In other words, the tariff question was relegated to the rear.

In 1900, after the overwhelming defeat of Mr. Bryan, it became necessary to find a new issue, and the doctrine of imperialism was brought to the front, while free silver was again declared for and the tariff given but little notice. The Democratic Party, as usual, was hunting for a new stalking horse and ready to change front in order to succeed. The only reference to the tariff was to declare in favor of putting the products of the trust on the free list and condemning the Dingley tariff law, notwithstanding the terrible result of Democratic legislation under Cleveland and the great prosperity under the Dingley law. This remarkable platform concluded with a pitiful wail: "Believing that our most cherished institutions are in great peril, that the very existence of our constitutional Republic is at stake, and that the decision now to be rendered will determine whether our children are to enjoy the blessed privilege of free government which have made the United States great, prosperous, and honored, we earnestly ask for the foregoing declaration of principles the hearty support of the liberty-loving people, regardless of previous party alliance." What a manifestation of falsehood and hypocrisy! Who believes that the Democratic Party was honest in that declaration? How were our cherished institutions imperiled? How was their existence at stake? How was the decision of the American people in that contest to determine "whether our children were to enjoy the blessed principles of free government?" That wail of despair was answered by the American people as it deserved, by the overwhelming defeat of the Democratic Party, and yet our cherished institutions are preserved, our constitutional Republic exists, our children enjoy the blessings of free government, and our country in the last 13 years has advanced in prosperity and power more than in any similar period of our history.

In 1904, again imperialism was advanced; the action of the Republican Party in regard to the trusts was reiterated and once more the tariff issue was resuscitated. Again we were told that protection was robbery, although Republican protection had opened the factories closed by the Wilson bill, had taken railroads out of the hands of receivers, and brought prosperity to every class of American citizens. However, it was gravely announced in the platform that the Democratic Party favored a tariff so levied as not to discriminate against any industry, class, or section. Certainly, we may assume that this declaration did not favor the reenactment of the Wilson law, as it had none of the attributes described. In that platform no fear was expressed for the "safety of the Republic, or the freedom of our children" as in the convention of 1900, the Democrats having recovered from their fright.

Again the American people weighed the Democratic Party in the balance and found it wanting.

In 1908, again Mr. Bryan was nominated, a revenue tariff made one of the issues, the position of the Republican Party in its convention of 1908 misrepresented, and various other issues presented. However, they declared that it should be so levied "as not to discriminate against any industry, class, or section."

Now, we come to 1912, when the tariff question was again brought to the front, together with the high cost of living, for which we are solemnly assured the tariff is responsible. However, it was declared, "we recognize that our system of tariff taxation is intimately connected with the business of the country and we favor the ultimate attainment of the principle we advocate by legislation that will not injure or destroy legitimate industry." Has this declaration been carried out? Let the present bill answer the question. The distinguished leader in the House has said that three years are given the cane and

beet sugar manufacturers in which to liquidate. In other words, they must then go out of business and surrender the market to the foreign producer. I might instance wool and other legitimate industries which this bill will destroy, but will not now detain the Senate. May we not well conclude that the last platform was made to get in on, but not to stand on.

This is a brief history of the various positions of the Democratic Party on the tariff. From a declaration favoring progressive free trade to silence, from silence to favoring protection, from favoring protection to an attitude of meek submission to Congress, from that back to protection, and from that to a declaration that a tariff for protection is unconstitutional and favoring a tariff for revenue only. It has twisted and turned, and turned and twisted so rapidly, that it reminds one of the man at the barbecue who danced so fast and whirled so quickly that no one could tell whether the patch on his pants was in front or behind. [Laughter.]

THE PAYNE-ALDRICH TARIFF BILL.

The Republican platform of 1908 and the Payne-Aldrich bill have been grievously misrepresented, and as I supported that bill I am impelled to come to its defense. The statement so often made that the platform pledged a downward revision of the tariff is not true. Its exact language is:

The Republican Party declares unequivocally for a revision of the tariff by a special session of the Congress immediately following the inauguration of the next President and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress which are now investigating the operation and effect of these schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

The Democratic position is the reverse of this. That party does not think that in making a tariff the difference in cost of production to the manufacturer or the farmer at home and abroad, whether superinduced by pauper labor or otherwise, should be considered. Indeed, the distinguished chairman of the Finance Committee has stated on this floor that this element was not even considered by his committee. Neither does it believe that a reasonable profit should be allowed to American industries. In other words, our manufacturers and farmers are supposed to be broad-minded and liberal-minded philanthropists who are not working for profit in this world, but solely for reward in the world to come. [Laughter.]

The Dingley bill proved a great blessing to our people. Before its passage many manufactories were closed, many thousands of laborers out of employment, and the farmers struggling for a precarious existence. As soon as it became the law manufactories were opened and others erected, wages increased, and employment given to every man who sought it. Agriculture took on new life, the products of the farm increased in value, and the song of prosperity and plenty was heard in every home.

Of course there were some inequalities in that law, as there always have been and will be in any tariff law. In the course of 9 or 10 years it became apparent a revision was necessary in order to meet the changed conditions of commerce and provide more revenue. If to accomplish these results it was found necessary to change its provisions, the Republican Party was ready to make the change, and it was equally as ready to increase duties when necessary as to curtail them. A special session was called by President Taft in conformity with the party declaration of 1908, and the committees continued their work of investigation. A thorough investigation was made extending over several months, and after full debate the Payne-Aldrich bill was passed. There were a number of provisions in that bill that I did not approve, but there was so much of good in it and so comparatively little harm and so great a necessity for canceling the deficit of \$58,000,000 then existing and placing the Government on a safe and secure financial basis that I voted for the bill, and for that vote I have no apologies to offer. There is no sane man who will say that it was not an improvement on the Dingley bill, and yet its defeat would have left the latter in full force, and our deficit would have increased instead of being replaced with a large surplus, until an issue of bonds would have been necessitated to meet current expenses and indebtedness.

If a tariff bill had to be so framed as to satisfy every member of the majority of the party undertaking its enactment, then no tariff bill would ever be enacted. I did not feel that my individual views should outweigh those of the large party majority; nor do I believe that any man, or any comparatively small number of men, have more wisdom than an overwhelming majority. I felt that when the opposition was drawn up in battle array I should rally to our bugle call and fight the common enemy rather than lag in the rear. I do not criticize the

integrity of those of my party friends who held a different opinion, but I do question their judgment. I believe in party unity. Without it defeat is inevitable, as we have learned to our sorrow. However many mistakes were embraced in the Aldrich law, the present bill is infinitely worse, and, all Republicans agree, is fraught with most serious consequences.

And right here I will add that I have no sympathy for those who vote for protection of an interest in their own State and against protection of any interest in other States, for if protection is right in one State it is right in all. They simply vote as one of old prayed—

Lord, bless me and my wife,
My son John and his wife;
Us four and no more.

[Laughter.]

It has been charged an almost countless number of times that the Payne-Aldrich law was not a downward revision of the tariff, and it has been charged many times that it was an upward revision. These charges are utterly without foundation and yet many believe them to be true.

That bill contained the most liberal free list ever proposed up to that time, a number of articles in which have been eliminated by the present bill and placed on the dutiable list.

Again, that was the first bill which contained a maximum and minimum provision which fully enabled the President to protect American commerce from unjust and unfair discrimination abroad.

Some of the schedules of the Dingley bill were not altered and others not materially changed, among the latter the wool and sugar schedules, notwithstanding which our critics on the stump charged in many localities that the duties on these two articles had been increased. In the House, reductions were made in 654 numbers, increases in 120, and 1,150 remained unchanged. About the same proportion was maintained in the Senate, and yet we have been told it was not a downward revision.

The price of every article of food was reduced, but prices, nevertheless, have continued to advance, thus showing conclusively that the tariff is not the cause of present high cost of living.

The increases in the Payne bill were largely on liquors, wines, silks, perfumes, fancy ornaments, ostrich feathers, high-priced cotton, and such articles as were in use by the rich and lowered on articles of prime necessity and common use.

But still we are told it was not a downward revision.

Following its passage our imports increased, over those of 1909, \$245,027,206 in 1910; in 1911, \$215,305,881; in 1912, \$341,344,710; and in 1913, \$501,058,010, or more than a half billion, the total increase in the four years over those of 1909 being the enormous sum of \$1,302,735,807. And yet we are told that a bill accomplishing this enormous increase of imports in four years was not a downward revision.

Again, the amount of free importation increased many millions every year until in 1912 the per cent of free imports compared with total imports was 53.73, showing that considerably over one-half of all imports were free of duty. And yet we are told, in the face of this convincing fact to the contrary, that the bill was not a downward revision of the tariff. Under the Dingley law the average ad valorem duty collected on all imports was 25.48 per cent, under the McKinley law 22.12 per cent, under the Wilson-Gorman Democratic law 21.92 per cent, while under the Payne law it was for three years 19.98 per cent (I have not been able to obtain the statistics for last fiscal year), thus showing that it was nearly 2 per cent less under that law than it was even under a Democratic tariff, and yet we are told that the revision was not downward.

The average duty collected on dutiable imports alone under the Dingley law was 45.76 per cent, under the McKinley law was 47.10 per cent, under the Wilson-Gorman law 42.84 per cent, and under the Payne law for three years was only 40.95 per cent, thus showing a decrease of nearly 2 per cent of the rates of a Democratic tariff, and yet this law, which has been fully vindicated by time, has been denounced as not being a downward revision. But while this law was a downward revision and has accomplished such good results as to importations, the rates were so adjusted that exports have largely increased every year over those of 1909, amounting in all to \$1,812,477,052, the last fiscal year showing them to have been \$2,465,834,149, the largest annual exportation this Nation has ever enjoyed. And yet our Democratic critics, unwilling to correct any inequalities that may exist under the present law, are embarking upon threatening seas, with no compass save that of caucus, in a rudderless ship, which must go down when it encounters the breakers, only a little ahead. Like the swan, they will sail majestically on, utterly unconscious of the unfathomable depths beneath. [Laughter.]

LOW TARIFF.

History proves that low tariff legislation has been a failure. One of the most convincing proofs of the truth of the assertion that low tariffs have proven disastrous is the fact that during the existence of low tariffs in this Nation, covering a period of 59 years, imports exceeded exports \$514,054,941. In other words, during that time we purchased abroad that amount more than we were able to sell. The nation which buys more than it sells abroad can not be said to be prosperous. Its home-manufactured goods are not only displaced by foreign-made goods, but its money is sent abroad, thereby diminishing the home circulation to that extent.

There is no year under the Payne bill that we did not sell as much as \$215,000,000 more than we bought and in the last fiscal year we sold nearly \$852,905,915 more than we bought, and of course we gained that much in our circulating medium. In other words, we were enabled from what we received abroad to replace every dollar we had sent abroad and increase our circulating medium at home with foreign money to that extent.

For a few moments I call attention to the Walker tariff, which is claimed to be the masterpiece of Democratic tariff statesmanship. That bill went into effect December 1, 1846, and was followed by another of like character with some changes with lower ad valorem on July 1, 1857.

During its continuance our country was for a time in a degree prosperous. Prices were fairly good and people were going to the West, buying farms, and improving the farming industries of that section. But the Walker tariff was not the cause of the prosperity. For some four years during the existence of that tariff the Crimean War furnished a market for a vast amount of farm produce. During the early period of its existence the Mexican War created an unusual demand for American goods and foodstuffs. In 1849 gold was discovered in California and was largely mined every year thereafter, augmenting greatly our national wealth and enabling us to pay foreign balances. Besides, during this time, there was a famine in Ireland, which increased exportation. These were all fortunate circumstances for the law, in the absence of which it would have brought untold ruin and disaster. In 1847, about seven months after the passage of the law, it is true that exports exceeded imports \$34,317,249, but this was the exception. Every year thereafter up to and including 1857 imports exceeded exports, in all during that period \$346,512,980. Therefore, crediting the surplus of 1847 the next result of the Walker bill was an excess of imports over exports of \$312,195,731.

The amended Democratic tariff law went into effect July 1, 1857, and at the end of the year exports exceeded imports \$8,672,620. But this was only spasmodic, for in 1859, 1860, and 1861 imports again exceeded exports in all \$128,228,061, the net excess of imports for four years being \$119,555,441.

The Walker bill and the amendment thereto combined inflicted a net increase of imports over exports of \$431,761,172. Besides during this period Treasury certificates were issued for \$40,000,000 to maintain the Government. Compare this, if you please, with four years of the Payne tariff. During that time our exports have exceeded imports one thousand nine hundred and fourteen millions of dollars.

On the 8th day of December, 1852, after six years' operation of the Walker bill, President Fillmore, in his third annual message, called attention to the injury it had inflicted. Said he:

In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer, to that extent, is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England.

Later, on December 8, 1857, after 11 years of its operation, surrounded by the ruin it had wrought, a Democratic President, Mr. Buchanan, in his annual message, said:

We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country in its monetary interests is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of

different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want. The revenue of the Government, which is chiefly derived from duties on imports from abroad, has been greatly reduced, whilst the appropriations made by Congress at its last session for the current fiscal year are very large in amount.

By reason of the unfortunate results of the Walker tariff law and its amendment, when the Republican Party came into power in 1861, it found our industries crippled, business stagnated, and faced an indebtedness of \$90,867,826.

And this is the history of the wonderful tariff bill which is the boast of the Democratic Party.

Bad as was the Walker bill, it was not a tithe as destructive as the Wilson-Gorman bill of 1894.

In the Democratic platform of 1892, it was declared that Republican protection was a fraud—a robbery of the majority for the benefit of the few; that the Federal Government had no constitutional authority to impose and collect duties except for revenue only; that the McKinley tariff bill was the culminating atrocity of class legislation, and its repeal pledged.

This was the strongest anti-tariff declaration made up to that time since 1856. It put every manufacturer and producer on notice as to the future. After the election of Mr. Cleveland, knowing that the storm was certain to come, men of large business affairs begun to haul in their sails. Production was materially curtailed, wages were lowered, manufactories reduced to half time, and in many instances closed, and hundreds of thousands of laborers thrown out of employment, who in a starving condition thronged the streets of the large cities where they were fed by public charity. Meanwhile, Mr. Cleveland called a special session for tariff and other legislation. This only increased the terrible condition of affairs. Banks suspended, railroads went into the hands of receivers, large business houses became bankrupt, and the prices of farm products and live stock enormously decreased in value. Of these conditions Samuel Gompers, the great labor leader, said in the labor convention of 1893:

Since August of this year we have been in the greatest industrial depression this country has ever experienced. It is no exaggeration to say that more than 3,000,000 of our fellow toilers throughout the country are without employment and have been so since the time named.

Never in the history of the world has so large a number of people vainly sought for an opportunity to earn a livelihood and contribute to the support of their fellows.

In his message to the called session of Congress August 8, 1893, President Cleveland said:

With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, SUDDENLY financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

In his annual message four months later, December 4, 1893, President Cleveland said:

At this time, when a depleted Public Treasury confronts us, when many of our people are engaged in a hard struggle for the necessities of life, and when enforced economy is pressing upon the great mass of our countrymen, I desire to urge with all the earnestness at my command that congressional legislation be so limited by strict economy as to exhibit an appreciation of the condition of the Treasury and a sympathy with the straitened circumstances of our fellow citizens.

From this time until the conclusion of his administration Mr. Cleveland seems to have remained silent concerning the condition of the country, for he was unable to see any light breaking through the gloom of woe and desolation. Not only did he fail to find any consolation, but Mr. Gompers, in a signed statement published in New York January 1, 1898, said:

That terrible period for the wage earners of this country which began in 1893 and which has left behind it such a record of horror, hunger, and misery practically ended with the dawn of the year 1897. Wages had been steadily forced down from 1893 till toward the end of 1895, and it was variously estimated that between two million and two and a half million wage earners were unemployed. It is agreed by all that the wage earners are the principal consumers of American products, and it necessarily follows that a reduction in wages involves a diminution in the power of consumption, and consequently a proportionate decrease in production, and, naturally, also in the force of labor required for the production. A reduction of wages, therefore, results in an increase in the army of the unemployed, and any circumstances or combination of circumstances that will check reductions in wages, and hence the diminution of consumption by the masses, is a humane act, based on the soundest laws of economics and of progress.

There can be no doubt that hard times commenced immediately following the election of Mr. Cleveland, for the very reason he himself gives: "Suddenly financial distress and fear sprang up on every side."

Now, for a few moments let us look at the other side of the picture. In his last annual message, President John Adams said:

I observe, with much satisfaction, that the product of the revenue during the present year has been more considerable than during any former period. This result affords conclusive evidence of the great resources of the country and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of the public credit.

In December, 1832, concerning the results and benefits of eight years of protection under the tariffs of 1824 and 1828, President Andrew Jackson said:

Our country presents on every side marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world.

Indeed, among all the Presidents from Washington to Buchanan I have found no complaint of disaster or ruin having accrued by reason of protection. I will let Mr. Gompers testify (Gompers's Report, 1899) as to the improved conditions following the Cleveland administration:

The revival of industry which we have witnessed within the past year is one for general congratulation, and it should be our purpose to endeavor to prolong the era of more general employment and industrial activity. In this effort no power is so potent as organized labor, if we but follow a right and practical course. It is beyond question that the wages of the organized workers have been increased and in many instances the hours of labor either reduced or at least maintained.

Instead of imports exceeding exports under protective tariffs, exports have exceeded imports more than eight thousand eight hundred and sixty-five millions. These enormous figures are the most overwhelming testimony of the benefit of protection. And it must not be forgotten that of this large balance of exports more than eight thousand four hundred and eighty-two millions accrued since 1897, under the Dingley and Payne bills, a period of only 16 years.

THE PENDING BILL.

The bill which we now have before us should have the title changed so as to read:

An act to reduce tariff duties, to provide revenue for the Government, to encourage foreign manufacturers and farmers, to reduce the wages of American workmen, and for other benign and laudable purposes apparent in the bill, but not elsewhere.

[Laughter.]

At the special session of 1911 and the last regular session bills were passed regulating the chemical, metal, and wool schedules and providing for a farmers' free list. All of them were vetoed by President Taft. The present bill deals with all these subjects and no more resembles those vetoed than an alligator resembles a woodchuck. [Laughter.] Either those bills were right and this bill wrong or the present bill is right and they were wrong. If the former be true, the present bill should be defeated; if the latter be true, the first-mentioned bills exhibited a woeful amount of ignorance and a reckless disregard of American interests. Our antagonists can choose either horn of the dilemma with but small satisfaction. [Laughter.]

It is admitted that the present bill was framed without considering the difference in cost of production, here and abroad. Such an admission, however, is unnecessary, for the bill speaks for itself.

This bill is substituted for a law that breathed new life into failing industries, that found work for thousands of idle cars and hundreds of motionless engines, that increased wages and gave employment to hundreds of thousands of idle workmen; that took railroads and banks out of the hands of receivers; that gave just remuneration to the farmer for his products that has paid the expense of the Government and caused our export and inland trade to expand as never before. They propose in this bill to remove the motive power that accomplished all these results, the power of protection, and restore the principle contained in the Wilson law that caused so much injury and which was repealed by the Dingley law—and yet they tell us we shall all prosper and be happy. The poison of 1913 is the poison of 1894, and as like causes produce like results we must expect the repetition of all the troubles growing out of the Wilson bill. It is true that up to this time disasters have not afflicted us to such an extent as in 1893-94 and the following years. This is doubtless due to the declaration in the platform of 1912 that, "recognizing that tariff taxation is intimately connected with the business of the country, we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry."

But, notwithstanding this, there has been a material shrinkage in the value of stocks and bonds, amounting to millions of dollars. The distinguished Senator from Utah [Mr. Smoot] in his recent very able and exhaustive speech read articles from leading and reliable sources showing remarkable shrinkage in the value of mill stocks, textile stocks, and in orders for goods, while the senior Senator from Pennsylvania [Mr. PENROSE] re-

ferred to numerous instances of depression and loss in his State. All this is but the beginning of the end.

The substitution of ad valorem for specific duties is a grave mistake. Such rates must be applied on the value of the goods in the foreign country on the day of their shipment notwithstanding values are exceedingly uncertain and constantly fluctuating, sometimes each hour. The matter of values is at all times perplexing to customs officers and serve as a shelter for the dishonest importer. Hence, they are an element of great uncertainty to the manufacture and sale of American products. In flush periods when prices are high the duty will be correspondingly high, while in times when prices are low the duty will be correspondingly low.

Not only have all our Secretaries of State, except Mr. Walker and Mr. Bryan, I believe, objected to this method, but also a large majority of our great statesmen. Among the latter notably stands one of the ablest Democratic Presidents—Mr. Buchanan. His discussion is so forceful and unanswerable that I trust I may be pardoned for inserting it at such length. In his second annual message, December 6, 1858, he said:

In regard to the mode of assessing and collecting duties under a strictly revenue tariff, I have long entertained and often expressed the opinion that sound policy requires this should be done by specific duties in cases to which these can be properly applied. They are well adapted to commodities which are usually sold by weight or by measure and which from their nature are of equal or of nearly equal value. Such, for example, are the articles of iron of different classes, raw sugar, and foreign wines and spirits.

In my deliberate judgment specific duties are the best, if not the only means of securing the revenue against false and fraudulent invoices, and such has been the practice adopted for this purpose by other commercial nations. Besides, specific duties would afford to the American manufacturer the incidental advantages to which he is fairly entitled under a revenue tariff. The present system is a sliding scale to his disadvantage. Under it, when prices are high and business prosperous, the duties rise in amount when he least requires their aid. On the contrary, when prices fall and he is struggling against adversity, the duties are diminished in the same proportion, greatly to his injury.

Neither would there be danger that a higher rate of duty than that intended by Congress could be levied in the form of specific duties. It would be easy to ascertain the average value of any imported article for a series of years, and, instead of subjecting it to an ad valorem duty at a certain rate per centum, to substitute in its place an equivalent specific duty.

By such an arrangement the consumer would not be injured. It is true he might have to pay a little more duty on a given article in one year, but, if so, he would pay a little less in another, and in a series of years these would counterbalance each other and amount to the same thing, so far as his interest is concerned. This inconvenience would be trifling when contrasted with the additional security thus afforded against frauds upon the revenue, in which every consumer is directly interested.

In his fourth annual message, December 3, 1860, he again called attention of Congress to this matter, as follows:

In this aspect I desire to reiterate the recommendation contained in my last two annual messages in favor of imposing specific instead of ad valorem duties on all imported articles to which these can be properly applied. From long observation and experience I am convinced that specific duties are necessary, both to protect the revenue and secure to our manufacturing interests that amount of incidental encouragement which unavoidably results from a revenue tariff. As an abstract proposition it may be admitted that ad valorem duties would in theory be the most just and equal. But if the experience of this and of all other commercial nations has demonstrated that such duties can not be assessed and collected without great frauds upon the revenue, then it is the part of wisdom to resort to specific duties. Indeed, from the very nature of an ad valorem duty this must be the result. Under it the inevitable consequences is that foreign goods will be entered at less than their true value. The Treasury will therefore lose the duty on the difference between their real and fictitious value, and to this extent we are defrauded.

The temptations which ad valorem duties present to a dishonest importer are irresistible. His object is to pass his goods through the customhouse at the very lowest valuation necessary to save them from confiscation. In this he too often succeeds in spite of the vigilance of the revenue officers. Hence the resort to false invoices, one for the purchaser and another for the customhouse, and to other expedients to defraud the Government.

They are thus enabled to undersell the fair trader and drive him from the market. In fact the operation of this system has already driven from the pursuits of honorable commerce many of that class of regular and conscientious merchants whose character throughout the world is the pride of our country.

The remedy for these evils is to be found in specific duties, so far as this may be practicable. They dispense with any inquiry at the customhouse into the actual cost or value of the article, and it pays the precise amount of duty previously fixed by law. They present no temptations to the appraisers of foreign goods, who receive but small salaries, and might by undervaluation in a few cases render themselves independent.

Besides, specific duties best conform to the requisition in the Constitution that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Under our ad valorem system such preferences are to some extent inevitable, and complaints have often been made that the spirit of this provision has been violated by a lower appraisement of the same articles at one port than at another.

Specific duties would secure to the American manufacturer the incidental protection to which he is fairly entitled under a revenue tariff, and to this surely no person would object.

Under the present system it has been often truly remarked that this incidental protection decreases when the manufacturer needs it most and increases when he needs it least, and constitutes a sliding scale which always operates against him. The revenues of the country are

subject to similar fluctuations. Instead of approaching a steady standard, as would be the case under a system of specific duties, they sink and rise with the sinking and rising prices of articles in foreign countries. It would not be difficult for Congress to arrange a system of specific duties which would afford additional stability both to our revenue and our manufactures and without injury or injustice to any interest of the country.

But it is contended not only that protection is a violation of the Constitution, but is morally wrong. The dominant party proposes not only to enforce the Constitution, but to go forth in the great field of morality and become reformers par excellence in this favored land.

Hence, while it is true that duties are now levied to protect the producer and the wageworker in mine, in factory, and on the farm, it is proposed that they shall be largely reduced in many instances, and, if necessary, eliminated, in order that more goods may be purchased abroad at cheaper rates and thereby increased amounts of revenue collected.

Now, notwithstanding all goods imported displace that much home-manufactured goods, in consequence of which home wages are impaired and the market for home products correspondingly decreased in price and volume which must necessarily bring down to the foreign level all prices of labor, they claim they will nevertheless bring about a golden era of prosperity in every branch of national industry. The statement of such a proposition is its most complete refutation. They might just as well tell us that we can eat our cake and still have it, that the farmer whose grain and live stock are forced down to the level of the Canadian market, and for that matter to the market of every other country in the world, will thereby be benefited, and that the workingman will flourish like the green bay tree when his wages have been placed on the level of those paid abroad. We must conclude from this contention that they believe the farmer and the wageworker are making more money than they are entitled to, and that when this condition ceases, for all losses they sustain they will be more than compensated by cheap food, clothing, and other articles. They seem to forget that the farmers produce nearly all they consume, and if the value of their products is materially decreased the great loss caused thereby can not be compensated by the small amount they pay for the few articles they do not produce; and that the small amount saved by the wage earner will not compensate his great loss in wages.

The full effect of this bill is heavy reductions on finished products and increased duty on many raw materials which can not be produced in this country.

That this bill is sectional there can be no doubt. The powerful and unanswerable speech of the senior Senator from Iowa [Mr. CUMMINS] conclusively proves this to be true. I will refer to only a few instances sustaining this charge. Cotton bagging is free, while bags or sacks for the grain of the farmers of the West and elsewhere bear a duty of 10 per cent ad valorem or must be made from fabrics woven in this country that bear a duty of 20 per cent ad valorem. Tobacco, an almost entirely southern product, bears a good rate of duty, to which I do not object, but why should this be provided on the theory of producing revenue, when the immense beet-sugar industry of the West and the great wool industry, mostly confined to that section, are made free, the two producing a revenue five times as great as tobacco. And especially is this course objectionable when foreign countries in some instances give assistance to the sugar industry, the Russian Government paying a bounty on exports.

Even the small duty of three-tenths of 1 cent per pound on cotton ties has been removed, and they have been placed on the free list. As I understand, each bale of 500 pounds requires six ties. These ties weigh 9 pounds and are sold for 2 cents a pound—18 cents. The farmer receives, say, 12½ cents per pound for his bale of cotton, the ties being sold as a part of the purchase price. In other words, he receives \$1.12½ for ties which cost 18 cents, thus making, clear profit, 94½ cents on the transaction. But this is not enough. The object of the present bill is to give him the full profit of \$1.12½.

Not only are the farmers, especially of the West, injured, but the manufacturers of finer fabrics of cotton in the East are punished, while the cotton manufacturer of the South is strictly cared for, the rate of duty on the finer fabrics, which cost enormously more to produce, being entirely inadequate.

PROTECTION.

One of the strongest arguments that protection is right is the frequent change of the Democratic Party on the subject. They do not seem to be certain of anything.

We are told that the levying of a tariff for protection is without constitutional authority, and that at stated periods beginning with Washington and down to the present time the Consti-

tution has been openly and notoriously violated. This declaration is not only untrue, but is a slander on the memories of all the great and good tariff Presidents this country has ever had. Each of them took an oath to support the Constitution. From Washington to Wilson, except Polk, Pierce, Van Buren, Buchanan, and Cleveland, if we are to believe this contention, all our illustrious and patriotic Presidents have soiled their souls with a lie. Not only has Congress the power (sec. 8, art. 3) under the Constitution to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and also for the general welfare of the United States, but it has the further power "to regulate commerce with foreign nations."

This language is so manifestly plain that it seems "a way-faring man though he be a fool can not err therein." Not only has Congress the power to lay and collect duties to provide for the general welfare, but in the regulation of commerce it has the power not only to tax but to absolutely prohibit foreign commerce.

We are frequently told that many of the great statesmen of the past favored protection because our manufactures were in their infancy and now that they have grown older protection should be withdrawn.

When our industries were established, by reason of slow and exorbitant transportation, they had comparatively little competition. Years ago steam displaced sailing vessels, transportation became much cheaper and much more rapid, and freight rates now are not more than one-fifth their cost in the distant past. It has been estimated by experts that of late years every ton of coal carries 35 times more of cargo than before.

In 1790 the value of imports was only \$23,000,000; now their value is \$1,815,970,234, having increased in volume nearly 79 times. We are now in rapid communication with all the countries of the world, and their products may be easily brought to our doors. American wages are about double those in the most favored foreign lands, and in addition to cheap labor there we are facing the pauper labor of India, China, and Japan. Hence, protection is even more necessary now for the safety of our manufactures, farmers, and laborers, than it was in the infancy of the Republic. We must erect the necessary barrier to keep out the products of cheap labor, or our manufacturers, farmers, and laborers, indeed all our people, will be overwhelmed. We must either do this or adopt the common level of labor abroad, and when that is done national destruction awaits us. We hear much of protecting the despised manufacturer. True, he is protected. He can not be expected to maintain factories merely for philanthropic purposes, or for his health; for in such a case he would lose his health and philanthropy would end in bankruptcy. But at last, protection is inspired mainly for the good of those who labor in factories, mines, on the farms, and elsewhere. It is necessary not only for the well-being of the laborers to maintain good wages, but also for the benefit of the farmer, for they are his customers. When their wages are decreased their purchasing power is decreased; when their wages cease they are shorn of all purchasing power.

Again, we must have protection in order to keep our gold at home and thus maintain our circulating medium.

According to the census of 1900, the number of salaried employees and wage earners in the manufactures was 7,405,313; the number of wage earners in the mines was 1,175,188; and the number of farm laborers about ten millions—making in all 18,580,501. These people with their families, which we will average at three, aggregate 55,741,503—more than one-half our entire population, and all of them are consumers. Add to these, laborers with good wages engaged in other gainful pursuits with their families and dependents; the manufacturer, the farmer, and the mine owner, and we will have fully 80 per cent of our population, all of whom are consumers and nearly all of whom are dependent on good wages. All of them, except the farmer, are the customers of the farmers. The farmers need not to be told that when the wages of this great industrial army are reduced that they have no longer the same purchasing power and that a material reduction in their wages will bring disaster to them. The prosperity of manufacturing, mining, and farming require a hearty cooperation of each with the other, and these three great industries constitute the very bone and sinew of prosperity. When the farmers, the mine owners, and the manufacturers are prosperous the whole country is prosperous. When in addition to the injury to mine and factory, inflicted by this bill, wool, sugar, live stock, and grain are admitted free, the condition of the farmer will be indeed appalling.

I have not seen reports as to the number of wage workers in 1913, but it follows as a matter of course that they have largely increased during the last four years.

England is now our chief competitor in cotton, but the day is near at hand when Japan shall take her place. It is not far distant from the cotton fields of India and China, where wages are comparatively nominal. In Japan wages are only a fractional part of those paid here. She has an abundance of labor. Four-fifths of her operatives are women and children, who receive comparatively, with our country, no wages.

The mills in Japan do not stop on Sunday. They have two holidays in each month, the 1st and the 15th. They commence work at 6 o'clock on the morning of the 2d and continue until 6 o'clock on the morning of the 15th. On the morning of the 16th they again commence at 6 o'clock and continue until 6 o'clock on the morning of the 1st, no stop being made for luncheon, the hands taking 30 minutes in rotation and spare hands taking the places of each set. They have bought the most approved machinery here for models and readily reproduced them by their cheap labor at only a tithe of their cost here. We must soon confront these people, and yet the present bill renders us unable even to meet existing conditions.

Our Democratic friends have thrown down the bars and issued a cordial invitation to the cheap labor of the whole world to compete with American labor, and yet they tell us we will prosper under the results that will come from this wonderful measure, which has all the vices and but few of the virtues of its predecessors.

So far as this bill attempts to injure the great iron and steel companies it will fall short of its purpose. They are rich and powerful and can withstand the shock. But it will fall with crushing effect upon the smaller companies, thereby centralizing all the business of this country in the hands of the one powerful organization.

They tell us they desire to remove duties from articles manufactured by our trusts. They seem not to have thought of the trusts abroad which will reap the benefit of this legislation. Does it not seem reasonable that we can better contend with our home trusts, which we can actively prosecute, than with foreign trusts entirely beyond our control?

It is charged in the late Democratic platform that the tariff is the cause of the high cost of living, and a pledge is made to reduce the cost. That the present tariff has nothing to do with the cost of living has been demonstrated time and again. For 12 years preceding the passage of the Payne law it was substantially the same on foodstuffs, and for a number of years the prices did not increase. Four years ago duties were lowered 20 to 30 per cent on nearly every article of food by the Payne law, notwithstanding which prices continued to advance. There is no protective tariff in Great Britain; nevertheless, the British Board of Trade has recently issued a report in which it is stated that present prices in that country are the highest known in 25 years. That retail prices of food have advanced far more than prices of wages since 1890, and that prices of almost all foodstuffs, except tea and sugar, have rapidly increased, the greatest being 32 per cent in bacon and 46 per cent in potatoes. It is an indisputable fact that prices of food have increased steadily throughout the world for the past 10 years or more; even in Japan they have more than doubled in the last 10 years. One reason for this is the large increase in the coinage of gold, which furnishes the highest standard of value, and to this standard all other values are forced to conform. Another reason is that there has been great progress throughout the world, and with progress always comes increased prices. In this country there are many other causes. Among them is the large increase in city and decrease in rural population. Boys are not content to live on the farm. Years ago the farmer who had 10 sons reared nearly all of them for farmers; occasionally one entered some other profession; but the farmer who has 10 sons now is fortunate if he can induce one to continue on the farm. They almost universally desire to be lawyers, doctors, preachers, engineers, teachers, politicians, etc. Hence, quack doctors, jack-leg lawyers, starving preachers, and worthless politicians have increased, while the number engaged in agricultural pursuits has diminished. [Laughter.] Again, our population has increased a much greater per cent than our farm products. Another reason for the high prices is the largely increased cost of distribution and delivery of food. Now it is ordered over the telephone and delivered by wagon or automobile.

Another is the extra demand for foodstuffs to maintain the 8,000,000 immigrants who have come to this country during the last 11 years, not 5 per cent of whom have sought work on the farm, the other 95 per cent having gone into the factories, mines, and public works and become consumers. Another reason is the enforcement of pure-food laws which exclude from consumption large quantities of food heretofore placed on the market. Another is the scale of prices adopted by the middleman and the retailer. Another is that our people of all classes are living more extravagantly than in any period

of our past history. Another is that the value of land and the amount of taxes have largely increased, as have also the wages paid for farm labor. There are many other reasons that might be assigned, but time forbids. In my judgment, the only practical and substantial relief from present conditions will be found in the practice of economy, in the increase in farming, and in the better and more scientific cultivation of land so that the quantity produced will be largely increased.

If I remember correctly, during Mr. Cleveland's administration there was no complaint concerning the price or scarcity of food; the trouble was then to get the money to pay for it. In one instance alone during that period 3,000 men out of employment tramped the streets of the comparatively small city of Seattle and were fed at public expense. I am told at that time a notice was posted at one point in the city which read:

BILL OF FARE.

Soup, one kind of meat, potatoes, one kind of pie, one cup of coffee. Price for the meal, 5 cents.

And yet it has been said that there were then in Seattle 3,000 people who did not have that 5 cents. [Laughter.]

There is only one way in which the tariff can affect the price of food, and that is by so adjusting it as to destroy the prosperity of the country. Our Democratic friends may succeed in this way in keeping their pledge to decrease the cost of living, but it must follow that they will materially lessen or destroy the ability to purchase.

The more wages paid for producing a given commodity, the greater will be the cost of producing it. Therefore, the producer who pays these wages will have the highest cost of production and consequently needs the highest price for his product. Again, if American products cost more on account of wages paid, it follows when they are reduced to the price of foreign products the price of labor will fall.

No country can prosper that has not the necessary amount of circulating medium. The mere possession of money amounts to nothing if it does not circulate. Active and plentiful circulation of good money is as necessary to the commercial life of a nation as is active and plentiful circulation of pure blood to human life. No nation can succeed that robs itself of its gold by sending it abroad. The operation of a protective tariff goes further to accomplish the retention and circulation of money, at home than all other agencies combined. Indeed, without a protective tariff the preservation of our circulation is impossible. When we buy here we have both the goods and the money. When we buy abroad we have the goods, but have parted with the money. Every dollar that goes abroad lessens to that extent the circulating medium here. Every dollar of goods purchased abroad takes the place of that much produced here. When we decrease our money and decrease our market for home products, we not only open the barrel at the spigot, but also at the bung hole.

A wholesale merchant in Louisville, Ky., desires to purchase a stock of goods costing \$100,000. He concludes that he can purchase in London 10 per cent cheaper than in New York; he goes to London, buys the goods, and gives in exchange \$100,000 of American gold. It follows necessarily that our circulation is decreased \$100,000 and that of England increased to the same extent. He brings his goods to America, and upon reaching this country they displace \$100,000 worth of goods made by the American workingman, thereby inflicting an injury on him. Another merchant in Louisville concludes to purchase the same value of goods in New York. He pays in New York \$100,000 for American-made goods, and that money continues to be a part of our home circulation and the American workingman is assisted to that extent. The New York merchant concludes to invest in tobacco and buys \$100,000 worth of tobacco in Kentucky, and the money returns. The tobaccoist concludes to buy \$100,000 worth of rice, and the same money concludes that purchase in South Carolina. The dealer in South Carolina invests the money in sugar in Louisiana, and the sugar planter with the same money pays the expenses of the running of his plantation, such as the laborer in the field, the cooper, the insurance agent, and various other creditors. These persons pay their creditors, and they in turn pay theirs, so that the same \$100,000 has performed the function of \$600,000. It has remained here, circulating from place to place, canceling indebtedness, developing commerce, and stimulating American enterprise and labor, while the \$100,000 sent abroad, instead of performing those functions here has accomplished them abroad.

It required but a short time for Bismarck to discover the truth of his statement that the protective tariff was the main cause of American prosperity and acting upon our example to establish protection in Germany. The vast increase in prosperity following that action has been a source of astonishment to the commercial world.

France, inspired by our example, also adopted protection, and the result has proven most salutary. Both her prosperity and national wealth have enormously increased. The doctrine of protection has been adopted throughout Europe with the most favorable results.

England is the only country on earth of any importance that opposes protection. Her agricultural interests were sacrificed in order that the world's market for manufacturers might be gained. But even in the world's market for manufacturers she has been surpassed by the United States. If Great Britain were blockaded for 90 days her people would be in a state of starvation, but no blockade however prolonged could have that effect on the United States.

England's great colonies refused to follow her example and adopted a protective tariff. A few years ago Canada was making poor progress, but after she enforced protection her prosperity has been most remarkable. And when the pending bill shall have become a law, giving her in many important respects free access to our markets, we shall see her prosperity advance by leaps and bounds and immigration from the United States to her borders will largely increase.

The statement that the tariff is the mother of trusts has not been made for a long while. That the tariff has no effect on trusts is exemplified by the fact that they exist as plentifully in free-trade England as they do in the United States. Probably the opposition have learned that competition alone is the breeder of trusts. A, B, and C are manufacturing the same article and are selling at small profits on account of competition. Hence, they conclude to merge, not only for the purpose of paying the expense of one management instead of three, but to raise the price, and thus we have a trust. Much was done under the administrations of Roosevelt and Taft to curb and dissolve trusts, while comparatively nothing was done under the administration of Mr. Cleveland.

But we are told that the consumer pays the tariff. This may be true in the beginning of an industry, but it has almost, if not universally, been demonstrated that after an industry has become properly established competition ensues and prices go down. I might especially instance steel rails, nails, silk, and tin. The reason for this is quite apparent. A sees that B is prospering in a given line of a new industry, and hence concludes to embark in that business, and others seeing his success do likewise. Thus competition springs up on every hand. Out of competition grows increased manufactures, and following that reduction in prices. As prices are lowered the demand increases, and each manufacturer has increased sales. When they sell they can well afford to lower the price on account of the quantity sold, for a small margin of profit on a large quantity of goods produces more than a much larger margin on a small quantity.

Though comparatively a child, I remember that in 1860 the axes, hoes, table cutlery, razors, dishes, and blankets in use in my home were all made in England; but under the operation of a protective tariff conditions changed, and all of them were produced in immense quantities in the United States, and I have seen them bought for one-half, and in many instances for one-fourth, their cost in that day. In 1860 a gold hunting-case watch cost \$250 to \$300; now it can be bought for \$75. A buggy then cost \$400; it can now be bought for \$100. Then every little town had its hatter shop and cabinet shop, where hats and furniture were made, but these have disappeared, and articles made in them are now made by the factories and sold for less than half their price at that time.

The most forcible illustration in our history of the results of protection and free trade is found by recurring to the Civil War period.

The constitution, adopted by the Confederate Congress March 11, 1861, in section 8, provided that—

No duties or taxes on importations from foreign nations shall be paid to promote or foster any branch of industry.

The Congress of the United States promptly enacted a protective tariff law. Under the operation of that law factories sprang up like magic on every hand. Clothing, blankets, the necessary means for transportation, canteens, knapsacks, and all the munitions of war were quickly furnished for the Union soldiers and good money provided to support the Government and successfully carry on the war. On the other hand, but few factories were erected in the South, and money was made in some instances from portable presses throughout the country, which of course proved worthless. The people who formerly carried their money in their pocketbooks and their marketing in their baskets were forced to adopt the opposite rule and carry their money in their baskets and their marketing in their pocketbooks. [Laughter.] The Confederate soldiers were poorly fed and clothed, and want prevailed throughout the Confederacy.

The farmer need not be told that if the American workingman's wages are cut in half he will have only one-half of his purchasing power and can purchase but one-half as much produce as before unless the price be correspondingly reduced. He need not be told that the same agency that reduces the purchasing power of his customer must necessarily produce a corresponding loss to him in the price of his commodity.

The American workingman now receives from one and a half to twice as much wages as the workingman in the most favored countries abroad and many times as much as is paid the workingman in India, Japan, and China. Our wage earners are not only the best fed and best clothed, but are the most independent and self-reliant in the world.

During this era of protection our railroads have increased their mileage many thousands of miles, and the oceans been connected by bars of steel, resulting in immense reduction in the price of transportation. Telegraph and telephone lines have been constructed to all portions of the country and cables laid beneath the rolling waters of the mighty deep.

The great West and Northwest have developed into fruitful fields and populous cities and are now disputing with other sections for national supremacy. The South has marvelously advanced, and we lead the world in wealth, invention, and all that is required to make a nation great.

Under protection manufactories have multiplied with marvelous rapidity, and the increase of farms and farm values almost defy computation. We have become not only the largest export Nation, but the workshop and granary of the world.

Under protective tariffs we have sold abroad more than we have purchased—eight thousand eight hundred and sixty-five millions of dollars more than we have purchased. As already stated, commencing with the passage of the Dingley bill alone, our exports have exceeded imports eight thousand four hundred and ninety-eight millions, all our balance of imports prior to 1897 aggregating only something over three hundred and eighty-three millions of dollars. And notwithstanding this remarkable prosperity our opponents are not satisfied, but will entirely revolutionize the policy under which it was accomplished.

Immense as has been our foreign trade, it can not be compared to our internal commerce, which is twelve times as great. To obtain access to this the foreigner is bending every energy. This home market is the outgrowth of protective policy. It is the sale and interchange of commodities among the States. It is the interchange between farm and factory among our own people. Day and night it is in progress. We see it in great steamers on lakes and rivers and along the coasts; we see it in the tens of thousands of cars heavily laden coursing over bars of steel; we hear it at all hours of the day and night—it is indeed a constantly moving and shifting panorama of commercial activity. Through its operation our currency is constantly circulating, performing its functions a countless number of times, always, however, remaining in this country.

The nations of the world for many years have been and are now clamoring to enter and enjoy this home market upon terms of equality with us, and nothing has prevented save protection of American industries.

This fair industrial fabric of internal commerce, the monument of our Nation's greatness, is the wonder and the envy of the world. It is preserved for those who pay taxes to sustain the Government and who are ready, willing, and at all times liable to be called to risk their lives for the flag rather than open to those abroad who contribute nothing to sustain our Government and who, in case of war, instead of being willing or called to defend our national honor, may be drawn up in battle against us.

It is truly the foundation of our national prosperity. It has been erected by the farm laborer as he drives his team afield or revels in the harvest of golden grain; by the miner as, shut out from the light of day, he delves into the bowels of the earth and brings up its hidden riches; by the workman in the factory, surrounded by the whirl of countless spindles, the music of revolving wheels, the throbbing pulsations of mighty machinery, and the whistle of countless locomotives—all under the sheltering wings of protection.

We can not, we dare not, we will not sit idly by while preparation for the work of demolition and destruction proceeds. We will not join in the invitation to the world to come here and enjoy its benefits, to tear it down and feast upon its scattered fragments. I know our protest will be vain; that it will fall on ears that hear not and hearts that feel not. Nevertheless, we shall have the consciousness of duty well performed.

You will overwhelm us now, but I advise you to make hay while the sun shines, for soon darkness shall enshroud you! Go on, and gather the flowers that bloom by the wayside, for soon they shall wither and you will gather only thorns. Go on, Senators, go on in your worse than mad career, but remem-

ber as you "walk blindfold on, behind you stalks the headsmen." While you are receiving the plaudits of the Old World, Canada, Australia, Mexico, and South America, while you will extort crocodile tears of gratitude from the people of foreign lands, the tremendous majority registered last year in favor of the protection taught by Washington, Hamilton, Madison, Clay, Lincoln, Harrison, and McKinley, in the presence of national disaster will forget past dissension, and augmented largely by those who were deceived by you last year, will gather in every hamlet and city, on every hilltop and in every valley, and with a power resistless as the fury of the storm, will rush over your prostrate forms, sweeping you from power, so that the places that know you now will know you no more forever.

The Republican Party is coming back. The injury inflicted on the country will furnish a platform upon which all will safely and gladly stand.

And when it returns it shall bear healing upon its wings; it shall rebuild all that has been destroyed; it shall lift up and breathe new life into our failing industries; it shall return to the farmers the prosperity they now enjoy; it shall again rescue the Nation from danger and disaster; and move onward and upward in the great highway of American advancement and prosperity.

Mr. SIMMONS. Mr. President, I ask that we proceed with the reading of the bill.

The reading of the bill was resumed, beginning with paragraph 348, page 107.

The next amendment of the Committee on Finance was, in paragraph 351, page 109, line 3, after the words "ad valorem," to strike out "crude artificial abrasives, 10 per cent ad valorem," so as to make the paragraph read:

351. Emery grains and emery, manufactured, ground, pulverized, or refined, 1 cent per pound; emery wheels, emery files, emery paper, and manufactures of which emery or corundum is the component material of chief value, 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 109, to strike out paragraph 353, in the following words:

353. Fulminates, fulminating powders, and other like articles not specially provided for in this section, 5 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 109, to strike out paragraph 354, in the following words:

354. Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at 20 cents or less per pound, one-half cent per pound; valued above 20 cents per pound, 1 cent per pound.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read paragraph 355, on page 109.

Mr. SMOOT. I ask that that paragraph may be passed over.

The PRESIDING OFFICER (Mr. LEWIS in the chair). There being no objection, the paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 356, page 110, line 2, after the word "caps," to strike out "75 cents" and insert "\$1," so as to make the paragraph read:

356. Percussion caps, cartridges, and cartridge shells empty, 15 per cent ad valorem; blasting caps, \$1 per thousand; mining, blasting, or safety fuses of all kinds, 15 per cent ad valorem.

The amendment was agreed to.

The Secretary proceeded to read paragraph 357, on page 110.

Mr. HUGHES. Mr. President, my recollection is that it was agreed that this paragraph should be passed over. I understand there are several Senators interested in it who are absent, so I think, perhaps, it had better be passed over.

Mr. SMOOT. Mr. President, I was going to say that if the Senator had not requested that the paragraph go over I should have done so, or else have called for a quorum, because I know there are Senators who are especially interested in the paragraph.

Mr. HUGHES. That is my understanding, and I think in fairness to those Senators the paragraph should be passed over.

Mr. SMITH of Georgia. Mr. President, I am perfectly willing to have the paragraph passed over for the present, although I think an incorrect view of just what it undertakes to do has been scattered throughout the country. I have received letters from enthusiastic friends of birds who were under the impression that this paragraph was to be of some great service to our own birds, while in point of fact it has no application to the protection of birds in the United States, the killing of birds in the United States, or the use of the feathers of birds which live in the United States in connection with the ornamentation of hats. It applies exclusively to the birds of foreign countries,

and undertakes in some way to help protect the birds of foreign countries by forbidding the introduction into this country of their feathers.

While I believe every member of the committee is a most earnest friend of our own birds, and some of the members have made records in helping pass legislation for the protection of birds here at home, in acting upon the paragraph the subcommittee doubted whether the exclusion of the feathers of foreign birds would protect birds in the United States, but, on the contrary, it might increase the desire to kill them for use here.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Certainly.

Mr. LODGE. On the question of these being merely foreign birds, I understand exactly the reverse is the case. I understand these feathers are very largely taken from American birds, carried to Europe, and there prepared for the millinery trade. This is the only way we have of protecting our own birds.

Mr. SMITH of Georgia. If the Senator will investigate the question I think he will find that is an inaccurate statement.

Mr. LODGE. I have investigated it with some care, and I am satisfied that it is just what happens.

Mr. SMITH of Georgia. The large majority of the feathers that are imported are those of foreign birds. If they are the feathers of our own birds they will be put in shape here, anyhow.

Mr. LODGE. If the Senator will allow me, what the committee has retained in the paragraph, the egrets, come almost exclusively from Florida. On the basis of the Senator's argument there is no sense in putting egrets in here.

Mr. SMITH of Georgia. I really do not think there is. I really do not think any of it ought to be in a bill of this sort.

Mr. LODGE. The egrets come from Florida, and they are taken over to Europe, and there they are prepared.

Mr. SMITH of Georgia. But they do not come exclusively from Florida. They are found in other places and to a large extent in other places. If they do come in large part from Florida it would justify the provision retained. The Senator was not here at the time I began what I was going to say. I do not wish to discuss the paragraph at this time.

Mr. LODGE. Oh, I did not know that.

Mr. SMITH of Georgia. We intend to pass over it. I only desired to make a very brief statement to let it be known that in striking out the House provision the committee were in no sense hostile to the protection of birds. I believe every member of the committee is a warm advocate of protecting birds; but it did seem a little irrational to exclude the feathers of foreign birds from this country. We could not see why that would prevent the foreign birds from being killed and the feathers used somewhere. We did feel that their exclusion, instead of helping birds in the United States, might increase the effort to kill birds here to procure their feathers, as the feather supply would be confined to domestic birds. Furthermore, there is a revenue approaching \$2,000,000 in connection with the duty upon the importation of these feathers; and it was for these reasons that the subcommittee was disposed to strike out this provision.

Mr. LODGE. The paragraph is going to be passed over, I understand.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. McLEAN. I think the Senator from Georgia realizes the revenue is derived largely from ostrich plumes, and they constitute a very large percentage of the importations.

Mr. SMITH of Georgia. Yes; I believe that is true.

Just one word more. I think some of the persons interested in this matter have been extreme both in their expressions and in their feelings upon the subject. Their conduct and speech has almost amounted to idealizing a bird the farther off the bird might be. For myself I can not understand why a bird in the wilds of a foreign country is any more to be idealized than the beautiful birds around the farm home.

I take my full part of the responsibility for the action of the subcommittee. I feel called upon to say this because I agreed to do so at the meeting of the subcommittee, when adverse action was had.

I think I have received more letters upon the subject, and, perhaps, more unpleasant letters, than upon any branch of the entire legislation, and I wish to accept my part of the responsibility for believing that what was proposed to us is impracticable and unnecessary legislation. With this brief statement I agree that it shall be passed over.

Mr. SIMMONS obtained the floor.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. Probably after I make a statement the Senator will not want the floor.

Mr. BRANDEGEE. I do not wish to debate the question. I desired to ask a question of the Senator from Georgia on this matter.

Mr. SIMMONS. Very well.

Mr. BRANDEGEE. I do not wish to interfere with the Senator from North Carolina, however.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut for the question.

Mr. BRANDEGEE. The Senator from Georgia states that he believes in protecting the domestic birds, but expresses some doubt about the efficacy of the House provision to protect domestic birds in the heart of forests in other countries. What I wanted to ask the Senator is this: Does not the Senator concede that domestic birds in large numbers and in many varieties go into the forests of other countries during the winter and they can be killed there and their plumage sent back to this country—to the destruction of our domestic birds?

Mr. SMITH of Georgia. To some extent that is true; but I believe the way to accomplish that is to proceed rather by international agreement than to undertake arbitrarily a complete exclusion of such feathers from importation.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes. It was not my purpose to provoke a discussion at this time. So much has been said against this measure, I only wished to go far enough to let it be understood that the subcommittee sought to treat this question in a sane manner, with full regard to bird preservation in the United States. So far as the trade in feathers is concerned, I care little for it. I would not be moved by the interest of the men who desire to engage in the trade in feathers; but we did believe that it was unnecessary to pass such a provision.

Mr. McLEAN. Mr. President, I have no desire to go into any discussion—

Mr. SIMMONS. I hope as this matter is to go back to the committee we will not engage in a discussion of it at this time.

Mr. McLEAN. I understand. I merely want to make a statement which it seems to me may be properly made at this time.

I understand the Senator from Georgia to say that he is entirely in harmony with the general proposition of bird conservation, and it is a question of means with him and not any purpose to interfere with a reasonable effort to protect the useful birds wherever they may be found. I think it is important to call his attention, and perhaps the attention of the Senate, to the fact that the House of Commons have recently had under consideration a proviso in substance the same as the proviso which was adopted by the House. It is my information that after a long hearing, in which the plumage trade was represented and fully heard, the committee decided to report a bill prohibiting the importation of plumage, and that bill has been introduced in the House of Commons as a Government measure.

This Government having requested the President to negotiate conventions with foreign nations for the purpose of protecting the useful birds of the world, it seems to me that it becomes very important that the United States at this time should not right about face and by an act of Congress legalize this trade, but should set an example which will carry conviction when it invites foreign nations to act in harmony with the position which we have taken.

That is all I care to say now. I think that the Senator from Georgia realizes that the only way in which we can ultimately secure the end in view is to prohibit the trade. As long as you permit the trade in feathers the profit is so tremendous the birds will be killed. That is the result of experience, and no other result can be expected.

I want to say to the Senator from North Carolina [Mr. SIMMONS] that I understood, when the matter was up the other day, that it was agreed that this proviso should be returned to the committee.

Mr. SMITH of Georgia. It is to be recommitted, and we have so stated. I only rose for the purpose of expressing a few reasons that influenced me in writing this substitute and urging it and to entirely disclaim any purpose in doing so of being antagonistic to the birds' protection, because I have been quite active in protecting them in my own State. I believe in protecting them. I believe in protecting them all over our own coun-

try where we have the power to protect them, not simply as a matter of sentiment, but because they are both a source of great pleasure and service to mankind. I considered the advocates of this measure much like the man with a beam in his own eye who went off and hunted for the mote in somebody else's; that instead of doing the work in our own country and protecting our own birds it was going off to somebody else's country to protect theirs. While I voted with a great deal of pleasure for the resolution seeking international cooperation for bird protection—and I would be glad to see an international agreement to stop the trade and protect birds everywhere—it seemed to me it was rather straining at the subject to put through this provision in the shape it was. The only reason why I rose was to let some expression of the reason that influenced us go into the Record and not to argue the question.

Mr. McLEAN. I sincerely hope that the Senator from Georgia will find it impossible to agree with the unanimous opinion of the Democratic Party in the House of Representatives that this particular trade is an illegitimate trade. I hope he will not single out this trade as the only one which should receive protection in this bill.

The PRESIDING OFFICER. May the Chair ask the Senator from North Carolina what is the motion he makes for the disposition of this particular paragraph?

Mr. SIMMONS. If the Chair will permit me for just a minute—

Mr. SMITH of Georgia. It has been passed over.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. SIMMONS. The only controversy about this paragraph is with reference to the proviso beginning in line 21. There are a number of committee amendments outside of that proviso, and if there is no objection I would like to have those amendments offered by the committee agreed to or disagreed to, as the case may be.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. BRANDEGEE. The Senator is still talking about paragraph 357.

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. My understanding was that the entire paragraph had been recommitted to the committee.

Mr. SIMMONS. I was going to ask that the proviso be recommitted and that before the proviso is recommitted we might act on the amendments, in view of the fact that the only controversy is as to the proviso.

Mr. BRANDEGEE. I do not care what course is taken, except I thought—

Mr. SIMMONS. I withdraw the suggestion if there is to be any discussion.

Mr. BRANDEGEE. I am not objecting. I am stating that my impression is that when we reached it before it was recommitted to the committee, whereupon the Senator from Missouri—

Mr. SIMMONS. I have withdrawn my suggestion.

Mr. BRANDEGEE. I desire to finish the sentence—

The PRESIDING OFFICER. The Senator from Connecticut will proceed.

Mr. BRANDEGEE. Whereupon the Senator from Missouri said it would have to go to caucus if recommitted to the committee, and the Senator from North Carolina assented. If it is before the Senate, I have no objection to agreeing to such parts of it as may not be objected to. If it is withdrawn from the Senate, I do not see how we can agree to it without reconsidering the action we took the other day.

Mr. SIMMONS. There was no action taken the other day, as I understand. It was under discussion, and the statement was made by myself and the Senator from New York [Mr. O'GORMAN] that when it was reached we would ask that it go back to the committee, and that is what we are doing now, so far as that part of the paragraph is concerned about which there is a controversy.

Mr. BRANDEGEE. But the question—

Mr. SIMMONS. I withdrew the suggestion, Mr. President—

Mr. BRANDEGEE. The question is a matter of record. If the clerks' records show that the paragraph was not recommitted, I have no objection.

Mr. SMITH of Georgia. There is not any doubt about the Senator from Connecticut being wrong. The Senator's colleague made a speech before the paragraph was reached, and this is the first time that it has been reached in reading the bill.

Mr. HUGHES. The paragraph was never before the Senate for action until this morning.

Mr. BRANDEGEE. The Record will show the situation. I simply made what is practically a parliamentary inquiry.

Mr. SIMMONS. The motion is withdrawn.

The PRESIDING OFFICER. The Chair will ask the Senator from Georgia what is the question, then, before the Senate regarding the disposition of the paragraph? What is the disposition desired?

Mr. HUGHES. I ask unanimous consent—

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. HUGHES. Certainly.

Mr. LODGE. I wish merely to ask a question, as I was not here when these paragraphs were first taken up, having been out for a moment. We are now on paragraph 357, I understand.

Mr. HUGHES. And I was about to make a motion in reference to that paragraph; at least, I was about to ask unanimous consent that the paragraph be recommitted to the committee.

Mr. LODGE. I, of course, have no objection. I wanted to make an inquiry about paragraph 355.

Mr. SMOOT. I asked that it go over, and it went over.

Mr. LODGE. It is all right, if paragraph 355 has gone over, because there ought to be an amendment made to that paragraph to which I have drawn the attention of the chairman of the committee.

Mr. SIMMONS. I wish to say to the Senator from Massachusetts that I will see that the amendment he has called to my attention is brought to the attention of the committee. I think, Mr. President—I am stating my own opinion about it—there will be no trouble about agreeing to the amendment offered by the Senator from Massachusetts. I think it is a very proper amendment.

The PRESIDING OFFICER. The Senator from New Jersey may now recur to the motion in which he was interrupted.

Mr. HUGHES. I ask unanimous consent that paragraph 357 be recommitted to the committee.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent that paragraph 357 be recommitted to the committee. Without objection, such is the order.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire hold the floor for any further purpose regarding paragraph 357?

Mr. GALLINGER. I propose to hold the floor but a moment. I simply desire to express my approval of the action taken by the Senator from New Jersey in making this request. I will further express the hope that the committee will give this matter, as I am sure the committee will, the most careful and diligent consideration. It is a very important matter, and there will be a great deal of debate upon it unless some arrangement can be reached whereby we will substantially agree upon it.

The next amendment of the committee was, in paragraph 358, page 111, line 3, to strike out "Furs and fur skins of all kinds not dressed in any manner, except undressed skins of hares, rabbits, dogs, and goats, sheep, and not specially provided for in this section, 10 per cent ad valorem; furs," and insert "Furs"; and in line 7, before the words "per cent," to strike out "30" and insert "20," so as to read:

Furs dressed on the skin, not advanced further than dyeing, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in paragraph 358, page 111, line 8, after the words "ad valorem," to insert "plates and mats of dog and goat skins, 10 per cent ad valorem."

The amendment was agreed to.

The next amendment was, in paragraph 358, page 111, line 12, after the word "crosses," to insert "except plates and mats of dog and goat skins," and in line 14, before the words "per cent," to strike out "40" and insert "35," so as to read:

Manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material, joined or sewed together, including plates, linings, and crosses, except plates and mats of dog and goat skins, and articles manufactured from fur not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in paragraph 358, page 111, line 16, after the word "which," to strike out the word "fur" and insert "hides or skins of cattle of the bovine species, or of the dog or goat"; in line 17, to strike out "is" and insert "are"; and in line 18, before the words "per cent," to strike out "50" and insert "15," so as to read:

Articles of wearing apparel of every description partly or wholly manufactured, composed of or of which hides or skins of cattle of the bovine species, or of the dog or goat are the component material of chief value, 15 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in paragraph 358, page 111, line 18, after the words "ad valorem," to insert:

Articles of wearing apparel of every description partly or wholly manufactured, composed of or of which fur is the component material of chief value, not specially provided for in this section, 45 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. I desire to call the attention of the Senator in charge of this schedule to what I consider a defect in this paragraph in that it does not provide a rate for furs which have been dressed and dyed and have also been further advanced, but not so far as to make them dutiable as manufactures of fur. I have reference to fur skins which have been dressed, dyed, and prepared, so called. There is a great deal of litigation which has taken place on account of such a provision being absent from the present law. The customs court hold such furs dutiable and classify them as nonenumerated articles. That was in the case of United States against Burkhardt.

If the Senator having this part of the bill in charge desires time to consider it, I have no objection to having the paragraph passed over, but I believe if he does give it consideration he will certainly provide for that class of skins. If not, I think there is not any question but that they will come in the future as nonenumerated articles, the same as they are doing to-day under the present law, not being specifically mentioned or provided for.

Mr. HUGHES. Does the Senator refer to the words "manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material"?

Mr. SMOOT. Those are manufactures of furs. These are not manufactures; they come in between the dressing and the manufacture. For instance, furs come in here repaired, and that was the particular case I had reference to. The claim was made that they were dressed furs, as they had been repaired. The customs court held that they did not fall under dressed furs nor did they fall under the manufacture of furs, but they held in that case that they fell under the nonenumerated articles.

Mr. HUGHES. What language does the Senator suggest?

Mr. SMOOT. I have not prepared the exact wording, but if the Senator will let the paragraph go over I will frame it in a very few minutes and hand it to him.

Mr. HUGHES. I will be very glad to do so. I ask that this paragraph may go over. I wish to make a further suggestion in connection with the last two lines of the paragraph. Let the entire paragraph go over for the present.

The PRESIDING OFFICER. The Senator from New Jersey requests that the paragraph go over for the present. There being no objection, such course will be taken.

The reading of the bill was continued.

The next amendment was, in paragraph 361, page 112, line 3, after the word "raw," to strike out "uncleaned and not drawn," so as to read:

Human hair, raw, 10 per cent ad valorem.

Mr. SMOOT. I notice that in striking out the words "uncleaned and not drawn" the idea is to have human hair, raw, at 10 per cent.

Mr. HUGHES. I will say to the Senator that we had extensive hearings on this paragraph and at the hearings the examiner at the port of New York was present and explained at great length the technical side of this business.

Mr. SMOOT. What I was going to say to the Senator is that hair not drawn under the bill is made to depend upon a commercial designation.

Mr. HUGHES. Yes. I will explain the situation. The hair is sometimes cut from the head, in which case nothing further is done with it as raw hair, but if the hair is picked up from the floor, from sweepings, it is necessary to treat it in order that it may be conveniently handled, but it is not drawn in the commercial sense. When hair is commercially drawn the process is something like this: They drop it in a tub of water for a certain length of time and allow all the roots of the hair to come to the top, so it may be uniform at the base. The hair is then taken out and it is drawn. Sometimes raw hair as the first product is laid in more or less uniform lengths in order to make it convenient to handle in shipment. It has been heretofore classed as drawn hair, whereas as a matter of fact it was otherwise. It was raw hair that had to be afterwards drawn.

Mr. SMOOT. The Senator's understanding is exactly the same as mine in that particular. All I wanted to know was whether it was the intention to have hair drawn to depend upon the commercial designation as it is known to-day.

Mr. HUGHES. That was our intention.

The amendment was agreed to.

The next amendment was, in paragraph 361, page 112, line 5, before the word "drawn," to insert "commercially known as,"

and, after the word "drawn," to strike out the words "wholly or in part," so as to read:

If cleaned or commercially known as drawn, but not manufactured, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in paragraph 361, page 112, line 6, after the word "hair," to insert "including nets and nettings," so as to read:

Manufactures of human hair, including nets and nettings, or of which human hair is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, in paragraph 364, page 112, line 19, before the words "per cent," to strike out "40," and insert "45," so as to make the paragraph read:

364. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, 45 per cent ad valorem.

Mr. BRANDEGEE. I move to amend the committee amendment by striking out "45," before the words "per cent," in line 19, and substituting in lieu thereof the numeral "50," so that it will read "50 per cent ad valorem."

Mr. President, this hat industry is one of great importance in several States of the Union, and especially in the State of Connecticut. There are many factories manufacturing fur-felt hats in the cities of Danbury, Bethel, Norwalk, and other cities and towns in my State.

This subject has been before Congress several times. Extensive hearings were held upon this paragraph, I remember, at the time the Payne-Aldrich bill was passed. This industry is not in any sort of a trust or combination. It is not an industry that makes any great amount of money.

I wish to call the attention of the Senate to the statement made by Mr. James Marshall, of Fall River, Mass., before the Committee on Finance on this paragraph. He states:

I represent manufacturers who are not going to run away from this thing. The very last thing on earth we will think of doing is going down with this or shutting down factories. We are going to make a fight as hard as we know how. We are at the present time running short time. We will continue to run short time. It is the only item, I think, of the whole 4,000 that shows a constant advance of importations in the last 10 years; I mean by that, year after year a steadily increasing advance.

When I was before the committee four years ago there were only 20,000—

He means 20,000 dozen—

this year there were 55,000 came in. That does not look like much, but we figure it about 5 per cent. If that doubles in the next three years, as it has in the last three, it will be 10 per cent duty. If you cut that some more, as they have done, it is only just a question of time until they have the home market. We depend on the home market; we can not export. The people in the open-door countries, like China, India, and Africa, wear fezes or turbans or something of that kind, as a part of their religious beliefs. The other countries have prohibitive tariffs, with the exception of England. All of our material originates abroad. There is not a solitary thing we use but what originates over there, and we get it with that \$1.84 against us in material alone before we start to manufacture, as against the foreigner. We can not help it. He has his first choice, and we have to pay a certain amount of revenue.

Senator SIMMONS asked him the following question:

Have you specified the foreigner who causes you the most trouble in competition?

Mr. MARSHALL. I have not specified him in my brief, because I wanted to be fair about it. I took Great Britain, where they have union labor, and the union does as they have in this country, where they agree on prices each year over there as they do here. About the 1st of May they agree on a schedule of prices. The hat that causes us the most trouble comes from Austria and Italy. But I did not specify them. I also obtained in Great Britain their schedule of prices that is printed, that is agreed upon between the masters and the men, and so there is no question as to my figures in that respect. It states throughout there that all minimum bills or prices shall be based on 32 to 36 shillings a week for 36 hours, or \$8 to \$9 a week. From time immemorial it has always been piecework prices in the hat business—so much a dozen. The English price all through this little book is so much a dozen. The American union specifies there shall be \$22 a week for 50 hours. Just those two items show a difference between the two hats I exhibited. If you go back to Austria and Italy you will have a still greater difference. But it was not necessary. The case was amply proved without doing that, being absolutely fair.

Fortunately for us, the whole thing was divided into brackets—

He is speaking of the House bill—

and one of the reasons they gave for not giving us more duty was that some of those brackets were omitted. For instance, there were only a few \$4.50 hats came in. As a matter of fact, there were no fur-felt derbies at \$4.50—

He means per dozen, of course—

They showed under that bracket 68 per cent. Hats ranging in value from \$4.50 to \$9 showed 58 per cent. Hats ranging in value from \$9 to \$18 a dozen showed 50 per cent. Then hats ranging from \$18 upward a dozen showed 48 per cent. We wanted to be fair; we wanted the Democratic Party, we wanted ourselves, to be on record as saying that the hats that were a necessity of life could be reduced. We were

perfectly willing to have a reduction on every one of those brackets, on the hats at \$18 and above, because for that hat, when it is landed here, the average price under that clause was \$25 a dozen.

I have skipped some of the Senator's questions in order to consolidate this into Mr. Marshall's testimony. He proceeds:

Fifty per cent would have been perfectly fair—

That, by the way, Mr. President, is the amount that I have proposed to substitute for that named in the committee amendment—

that is, reducing it from 68 and 58 down to 50 would have been fair. But we also ask 50 on the other.

He states in another place:

It is the old story of running in multiples of 50, \$1, \$1.50, \$2, \$2.50, and if you reduce to the retailer 10 cents a hat, you are never going to get him to drop. That is all that happens, and the result would be the in-between man, the retailer or the jobber, will simply absorb that, and nobody gets anything.

Mr. President, I read from the brief filed before the Committee on Finance, as follows:

Under these circumstances, and particularly as the industry has been crying for work for the past two or three years, and the importations have been doubling in the meantime, we desire to know why we deserve a cut under Democratic platform and Democratic promises.

Importations of fur-felt hats for fiscal years ending—

1905	dozen	8,143
1906	do	14,536
1907	do	19,194
1908	do	21,892
1909	do	32,714
1910	do	42,940
1911	do	46,009
1912	do	55,311

First quarter of 1913 shows 24,065 dozen; at this rate the fiscal year will show 96,000 dozen.

Doubling every four years does not require much of a mathematician to figure where American manufacturers are coming out.

From 1909 on is the present tariff.

Almost 600 per cent increase in 10 years.

In the importations, he means.

At the time of the Payne-Aldrich bill, in order that there might be no question concerning the actual cost of labor at home and abroad, we sent abroad at great expense the very best expert we could find, having with him letters of introduction from the then Secretary of State, the Hon. ELIHU ROOT, to the various United States consuls, and his orders were, having ascertained exact condition and prices in each hating district, to then go to the nearest United States consul and have them verified, so there would not be the slightest question about them.

This he did, visiting the consul in Manchester, in Paris, in Milan, and we present to you the following comparison of the average popular-priced hat, the one selling at retail for \$2.

These prices have not varied greatly in the last four years, and we have brought them right down to date.

Mr. President, I ask leave to insert, without reading, the tables, which I shall hand to the Reporter, marked.

The PRESIDING OFFICER. There being no objection, the request is granted.

The tables referred to are as follows:

	Foreign hat made in England and delivered in the United States, duty, etc., paid, at \$14.40 a dozen net.	American hat sold at \$16.50 per dozen, less trade discount of 10 per cent, or \$14.85 per dozen net.
Material:		
Fur.....	\$1.71	\$1.98
Leather.....	.52	.80
Band and binding.....	.53	1.07
Satin.....	.50	1.10
Shellac.....	.37	.40
Alcohol.....	.18	.18
Dyestuff.....	.07	.09
Chemicals.....	.03	.04
Wire.....	.06	.06
Boxes and cases.....	.50	.70
Miscellaneous.....	.12	.22
Labor.....	4.59	6.64
Overhead charges.....	2.74	7.23
	.40	.61
Factory cost.....	7.73	14.45

SUMMARY OF THE CHANGES THAT THE NEW HOUSE BILL MAKES FOR AND AGAINST US.

Changes against us: This grade of hat received 58 per cent ad valorem. The new bill allows 40 per cent. This, therefore, reduces us 18 per cent on \$9 per dozen, or a total of \$1.62.

Changes in our favor: They have reduced the item of fur 5 per cent, making a difference of 9 cents per dozen.

Reduced the item of band and binding 10 per cent, making a difference of 5 cents per dozen.

Reduced the item of satin 10 per cent, making a difference of 5 cents per dozen.

All the other items remain the same, so it makes a total in our favor of 19 cents.

SCHEDULE N—PARAGRAPH 364

Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms or shapes for hats or bonnets composed wholly or in chief value of fur of the rabbit, beaver, or other animals.

	Quantity.	Value.	Duties.	Foreign value per dozen.	Duty reduced to actual ad valorem.
	Dozen.				Per cent.
\$1 to \$4.50; rate of duty, \$1.50 per dozen and 20 per cent:					
1910.....	0.149	\$0.493	\$0.324	\$3.34	65
1911.....	.020	.365	.044	3.15	68
1912.....	.529	1.865	1.167	3.52	63
\$4.50 to \$9; rate of duty, \$3 and 20 per cent:					
1910.....	17.616	143.732	82.495	8.02	57
1911.....	15.308	120.696	70.064	7.88	58
1912.....	15.218	119.927	69.640	7.88	58
\$9 to \$18; rate of duty, \$5 and 20 per cent:					
1910.....	13.043	176.698	105.055	12.67	59
1911.....	15.410	215.098	120.671	13.95	56
1912.....	22.942	339.542	182.629	14.80	56
\$18 and up; rate of duty, \$7 and 20 per cent:					
1910.....	8.646	221.888	104.901	25.66	47
1911.....	10.261	258.040	123.438	25.15	48
1912.....	16.619	413.881	199.114	24.90	48

You will note that the first two brackets, the foreign value of which is from \$3 to \$8 per dozen, could be called necessities of life.

The last two paragraphs, the foreign value of which is from \$12 to \$25, with the duty added—these could not be sold at retail at less than \$3 to \$6 per hat, and are a luxury, not a necessity.

Mr. BRANDEGEE. The brief continues:

Particular attention is called to the second bracket, from \$4.50 to \$9, showing that at an ad valorem of 57 per cent to 58 per cent the importations still come in, in practically the same volume, year after year, showing that this is exactly where the balance between ourselves and the foreigners comes in, and where we would have an equal chance to compete.

Particularly note that when the ad valorem goes under 55 per cent the volume increases very rapidly.

Now, what we claim is, by reducing all of it to 55 per cent would be cutting down the tariff on articles of necessity, retaining it on articles of luxury, and giving us an opportunity to compete on the better grades. Therefore, we feel that 55 per cent is the very least that could be given us under a scientific revision.

Mr. President, as I have said, these hat factories employ many thousands of laborers in my State. The testimony here is that they are not paid large rates of wages, but they are paid much more than are the people with whom they are competing in other countries; they are paid all that the industry can afford to pay them under the present circumstances.

It is going to be a great calamity for all those people and to the capital invested in those industries to handicap them further. From what I know personally of the situation there and from what has been placed before the committee here, it seems to me to be apparent that this industry is merely struggling along. I do not think any useful purpose will be served in this country by giving them another push, thus submerging them and putting them out of business. They testify that even now, under the present rate of duty, they are only running on part time.

They do not make anything that could be regarded as a threat in attempting to influence this legislation by saying that they are going to shut down their factories. On the contrary, they say that they will make the best fight they can to struggle along and try to keep going. Of course, they will have to go on even shorter time, as they say, than they now do. I do not see what good is to come from closing up these industries and placing us entirely in the hands of the foreigners who are now producing these articles. Of course, the minute the foreigners get the market we shall be absolutely subject to them and their demands, and it takes more credulity than I am possessed of to believe that they will not immediately raise the prices of these articles, so that the consumer in this country, instead of having a domestic competitor competing with the foreigner, will be absolutely at the mercy of the foreign producer. I do not think that would be wise or good policy. Therefore I have offered the amendment which I have sent to the desk, and which I hope will receive some consideration at the hands of the Senate.

Mr. HUGHES. Mr. President, I can not imagine the Senator from Connecticut is serious in reference to this amendment. I feel sure that if he has given this subject the investigation that it is entitled to he must know that the rate in the pending bill is perfectly satisfactory to the hat manufacturers.

I agree with a great deal of what the Senator has said. This is one industry—one of the very few industries—in this country in which the protection, whatever it may be, is handed down to the operatives. That is largely brought about by the

fact that the operatives do not compete to any extent one with the other; the rate of wages is fixed; and, so far as industrial conditions are concerned, the hat operatives are as well off as any body of operatives in the United States.

It is true that whims and caprices of fashion affect this trade and cause violent fluctuations in its condition, and the habit, which is growing up in this country, as it has already overspread England, of wearing cloth caps has brought the manufacturers and operatives engaged in the manufacture of fur-felt hats upon hard times. That is not due, as the Senator must know, of course, to importations, because I remember making a calculation in 1912, as I recollect it; I turned the dozens into units and found that there were only 600,000 hats of this kind in all imported into the United States; and they could be easily accounted for by the number of men who insist upon wearing imported hats regardless of what the tariff duty may be.

I was in favor of leaving this duty fairly high for the reason, as I have said, that if there is any protection in it it is handed down—in my judgment there is not any protection in it—and for the reason that the manufacturers themselves are competing most keenly one with the other, the rate of wages is fixed, and the price of most of the material is the same to one as it is to another. So it comes down to the question of the ability to turn out a good article.

A 45 per cent duty upon the hats that do come in and will come in is, in my opinion, not too much. I am satisfied, and I believe that those who are interested in the business are satisfied, that this rate of duty will do nothing to interfere with the success and the prosperity of the manufacturers of fur-felt hats in this country.

Before I close, I will say that half the hats which were imported last year came in at a duty of 48 per cent, while the average duty was 51 per cent. I assure the Senator from Connecticut that there is nothing in this rate that will disturb anybody who is interested in this industry.

Mr. LODGE. Mr. President, I merely desire to say that the argument of the Senator from Connecticut [Mr. BRANDEGEE] has covered the question raised as to this paragraph so thoroughly that I have no desire to attempt to duplicate it. One of the largest factories producing this class of goods is in my State, at Fall River. All that the Senator from Connecticut and the Senator from New Jersey [Mr. HUGHES] have said in regard to the industry is absolutely accurate as to its condition. There is very severe domestic competition; the importation of foreign hats is increasing; and the development of the cloth hat makes the struggle for the business more severe than ever. I was informed by an officer of the Hatters' Union when he was here representing the hatters throughout the country, that the men employed in the industry within the last year had not been making, on an average, over \$7 a week, owing to short time and the shutdowns which had come from the depressed condition of the business. Under those circumstances I think a reduction of duty on this particular industry is extremely likely to bring more hardship; and I wish that the rate of duty could be raised. I do not suppose that is possible, but I think it should be raised.

Mr. PENROSE. Mr. President, I desire to simply concur in what the Senator from Massachusetts [Mr. LODGE] and the Senator from Connecticut [Mr. BRANDEGEE] have stated. This industry is very generally carried on all over the eastern part of the United States. Numbers of these hatters are located in eastern Pennsylvania. They are a very thrifty, deserving class of people. They are small industries, and there is no suggestion of any combination or trust among them. There is absolute competition among the American producers, and I do not know of any industry that is more worthy of encouragement by the American Congress than the hat industry. The representatives of the industry were down here four years ago in very great numbers, as all Senators who were then here will recall, and presented a case which appealed most strongly to the then majority of this body. As the Senator from Massachusetts has said, their industry is steadily being encroached upon by foreign-made hats of different material and different make, and I have grave apprehension if this paragraph passes, and I expect it will, that these deserving workers will suffer materially.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE]. [Putting the question.] By the sound, the noes seem to have it.

Mr. HUGHES. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Jersey asks for the yeas and nays.

Mr. HUGHES. I withdraw the request.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the request. The yeas have it, and the amendment is rejected. The question recurs on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 366, page 113, line 15, before the word "pearls," to insert "imitation," so as to make the paragraph read:

366. Jewelry, commonly or commercially so known, valued above 20 cents per dozen pieces, 60 per cent ad valorem; rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 30 cents per yard; and articles valued above 20 cents per dozen pieces designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, card cases, chains, cigar cases, cigar cutters, cigar holders, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military, and hair ornaments, pins, powder cases, stamp cases, vanity cases, and like articles; all the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate, and whether or not set with precious or semiprecious stones, pearls, cameos, coral, or amber, or with imitation precious stones or imitation pearls, 60 per cent ad valorem. Stampings, galleries, mesh, and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the foregoing articles in this paragraph, 50 per cent ad valorem.

The amendment was agreed to.

Mr. LODGE. Mr. President, in connection with paragraph 366 I should like to ask the Senator in charge of this schedule whether as this paragraph is worded, taking it in conjunction with paragraph 169, it will not throw a large number of the articles which this paragraph makes dutiable at 60 per cent into paragraph 169, which is the basket clause of the metal schedule, at 50 per cent?

The portion of paragraph 169 to which I refer reads as follows:

169. Articles or wares not specially provided for in this section, if composed wholly or in part of platinum, gold, or silver, and articles or wares plated with gold or silver, and whether partly or wholly manufactured, 50 per cent ad valorem.

Would it not be better to have a separate paragraph covering those articles, making it conform to paragraph 366?

Mr. HUGHES. My information is that the word "jewelry" properly differentiates those two paragraphs.

Mr. LODGE. Undoubtedly "jewelry" does; but further on in the paragraph there is mentioned a large number of articles, the paragraph providing:

All the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate.

That is, all such articles or parts thereof which are plated are covered in paragraph 366 by a duty of 60 per cent, and yet paragraph 169 provides:

Articles or wares plated with gold or silver, and whether partly or wholly manufactured, 50 per cent ad valorem.

Mr. HUGHES. So far as any danger of conflict between these paragraphs is concerned, I think that will be controlled by the word "jewelry." Paragraph 366 begins:

Jewelry, commonly or commercially so known.

The committee considered the question which has been raised, and came to that conclusion.

Mr. LODGE. It is quite possible that the Senator is correct in his interpretation, but it seems to me that it is better to remove the ambiguity beforehand rather than to leave an opening for controversy as to whether one paragraph or the other controls. I merely desired to bring to the attention of the committee the question whether it would not be better to make a separate paragraph covering articles plated with platinum, gold, or silver instead of putting them in the basket clause of the metal schedule. Why not make them conform more accurately with paragraph 366?

Mr. HUGHES. My judgment, so far as the investigation I have made is concerned, is that it is not necessary. I shall be glad to consider any language the Senator desires to submit; but the advice I have received from those in charge of the administration of the law and who are administering the law is that the present language is clear enough, and that there will be no practical difficulty in the way of administering the law as proposed.

Mr. LODGE. That may be so. The change I have proposed would not alter the intent of the bill in the least, but would only make it clear.

Mr. HUGHES. Has the Senator suggested any change in language?

Mr. LODGE. I would simply form a new paragraph, to be known as paragraph 168½, covering articles composed wholly or in part of platinum or of gold, or else take those articles out of paragraph 169 and put them in paragraph 366.

I desire, Mr. President, in this connection to have printed in the RECORD the letter which I send to the desk.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

ATTLEBORO, MASS., March 29, 1913.

HON. HENRY CABOT LODGE,
Senate Chamber, Washington, D. C.

DEAR SIR: We respectfully and urgently solicit your careful consideration of the proposed treatment of the duty upon jewelry and novelties in the forthcoming tariff law, and trust we may rely upon your support and cooperation in our efforts to maintain the present rates.

As is well known, these rates are 60 per cent on gold and platinum jewelry and 85 per cent on other classes of jewelry. Furthermore, one of the two bills filed with the congressional Committee on Ways and Means petitions Congress to take out of the "catch-all" paragraph of the metal schedule the words "gold," "silver," and "platinum," and to form a new paragraph, carrying a rate of 60 per cent in the said schedule, exclusively for manufactures of gold, silver, and platinum, not specially provided for in any other paragraph of the act.

Our committee is also applying for a new draft of the jewelry paragraph, in order to avoid improper classifications.

Any change in the present absolutely necessary rates of duty on jewelry can not help but hurt the industry, not only the individual manufacturers engaged therein, but also the employees and all those directly or indirectly connected therewith. A reduction of duty on the product of our factories would result disastrously to this business, which is very largely centered in Providence, R. I., and the Attleboros, and is made up of a considerable number of individual concerns, no large corporations nor any semblance of a combination of any sort, with prosperous employees, most of them owning their own homes and earning large wages, as a result of their individual initiative and skill, which are given a peculiar opportunity for development in this particular business.

Any lowering of the present rates would mean an influx of foreign-made goods, already, indeed, much in evidence, made under conditions and at a wage that our employees would not tolerate or could not live upon.

We particularly call your attention to the condition which to-day prevails in the manufacturing jewelry centers of Germany, such as Pforzheim, Hanau, and others, as compared with 10 years ago. Within that period German manufacturers have sent their young men to the United States, who have obtained positions as workmen in our factories, thoroughly familiarized themselves with American methods and machinery, which has resulted in a complete reorganization of their home factories—better described by the word "Americanized"—which with their cheap labor to-day places the American manufacturer, particularly of gold-filled goods, in a position where it would be absolutely impossible to compete successfully in our market with the German manufacturers without the present protective duty on this class of goods.

This statement of the situation can be readily corroborated by any competent person who has visited the jewelry centers of Germany and Austria within the past decade.

Your earnest and thoughtful attention is invited to this, and we hold ourselves ready to furnish you with any specific data relative to our industry that you may be interested to obtain.

Very truly, yours,

R. F. SIMMONS CO.,

By H. E. SWEET.

Mr. WEEKS. Mr. President, I want to add merely a word to what my colleague [Mr. LODGE] has said. In the administration of the present law, owing to considerable ambiguity, many of the articles which were supposed to bear 85 per cent duty have been brought in under the 45 per cent rate. It is of vital importance to the manufacturers, the reduction having been made from 85 per cent to 60 per cent, that they in all cases obtain at least that rate of duty. In many cases 85 per cent or more than 85 per cent of the cost of jewelry covered by this paragraph is labor, and a duty of 60 per cent is little enough to give the manufacturers of this class of jewelry the protection which would enable them to continue their business. It would be a very perilous thing, from the standpoint of the manufacturers of this character of jewelry, if the appraisers should decide that any part of it should only bear a 50 per cent rate.

Mr. HUGHES. I assure the Senator that, so far as jewelry is concerned, there can be no question about it. The words "jewelry, commonly or commercially so known," are about as perfect a designation as the mind can conceive of.

Mr. WEEKS. There are a great many things which seem to me to be perfectly clear and undoubtedly would seem perfectly clear to the Senator from New Jersey and to the Senate as a whole, but when such matters are brought before the administrative officers, decisions are sometimes made which do not conform with the intent of the law. I hope the committee will give this paragraph sufficient additional attention so that they may be sure that the class of articles covered by it will receive the 60 per cent duty which the paragraph carries.

Mr. JOHNSON. Mr. President, I will simply say to the Senator from Massachusetts that this very question was raised before our subcommittee. We had before us officers charged with the administration of the law, and this very question was discussed. I should be glad to have the paragraph go back to the committee so that we may again consider it and make it more clear; but we thought that this language was sufficiently clear and precise to describe the articles which it was intended should bear the duty of 60 per cent. In our opinion there was no confusion with paragraph 169.

Mr. WEEKS. I am not prepared to say that it is not sufficiently clear to cover the articles intended to be covered, and

yet I know that in the last three or four years there have been in dispute a great many of the articles included in the paragraph which have involved rulings of the appraisers, and it has been a great embarrassment to manufacturers. I hope this paragraph will be made clear beyond any possibility of controversy.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 367, page 113, line 24, after the word "process," to strike out "including glaziers' and engravers' diamonds not set, miners' diamonds," and on page 114, line 1, after the word "and," where it occurs the second time, to strike out "diamond dust" and insert "marine coral uncut and unmanufactured," so as to make the paragraph read:

367. Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, and bort; any of the foregoing not set, and marine coral uncut and unmanufactured, 10 per cent ad valorem; pearls and parts thereof, drilled or undrilled, but not set or strung; diamonds, coral, rubies, cameos, and other precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry, 20 per cent ad valorem; imitation precious stones, including pearls and parts thereof, for use in the manufacture of jewelry, doublets, artificial, or so-called synthetic or reconstructed pearls and parts thereof, rubies, or other precious stones, 20 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the history of tariff rates upon diamonds, if repeated after the passage of this bill, will show a great decrease of revenue from cut diamonds. In a very few words I wish to call the attention of the Senate to some of the experiences in the past in trying to collect a duty of 20 or 25 per cent upon diamonds.

As far as I am personally concerned, I would not care if the rate were 100 per cent if it could be collected. But diamonds can be smuggled into this country very easily indeed, and if the rate exceeds 10 per cent the history of diamonds shows that they are smuggled into this country, and the Government is defrauded annually of many millions of dollars of revenue.

In 1891 the imports of diamonds were \$12,380,000, and the duty collected on them was \$1,238,000, or at the rate of 10 per cent ad valorem. In 1892 the imports of diamonds were \$12,161,000, and the duty collected was \$1,226,100, at the rate of 10 per cent ad valorem. In 1896, after the passage of the Wilson bill, with a rate on diamonds of 25 per cent, the importations fell to \$3,351,000, with a duty collected of \$750,000. In 1897 there were but \$1,378,000 of diamonds imported upon which duties were collected, and the revenues had fallen to \$285,000.

Mark you that in 1891 the imports were \$12,380,000, and at a 10 per cent ad valorem rate there was collected revenue amounting to \$1,238,000. I have no doubt in my mind that if we impose a rate of duty of 20 per cent upon diamonds smuggling will immediately begin, and the honest merchant of this country who will not indulge in smuggling will be compelled to purchase his diamonds from the smuggler rather than from the foreign merchant. If that is not the case, then 20 per cent duty on cut diamonds is not enough. If the rate has no relation to the amount of importations into this country, and does not affect at all the question of smuggling, it seems to me the very lowest rate we can consistently put upon diamonds is what we put upon other luxuries, or at least 50 per cent.

If I thought cut diamonds would be imported at the 20 per cent rate, I should not hesitate a minute to vote for the rate, or, as I stated before, for a great deal higher rate. But the result of such a rate would be that the smuggling of diamonds would be immediately undertaken in this country, and those who desire to do a legitimate business would be compelled to purchase their diamonds of those who would smuggle them into this country, as they were compelled to do so in the past, when a rate of 25 per cent was imposed.

I know that there has been a great deal of sentiment manufactured in this country against the low rate on diamonds. I know that it has been held up to the American people that the present law imposes a duty of only 10 per cent upon diamonds, while woolen goods, which the people are compelled to wear, carry a duty five or six or seven times as great. There is not a Senator upon the other side of the Chamber who does not know that past experience has shown that whenever a rate of even 25 per cent has been imposed upon diamonds there has been a systematic smuggling of diamonds into this country, and very little revenue has been collected by the Government from direct importations to men who have been trying to do a legitimate business.

Diamonds, rough or uncut, are now upon the free list in paragraph 553, while cut diamonds carry a duty of 10 per cent. The reasons for this were that experience has shown that 10 per cent is about the highest rate at which cut diamonds can be imported into this country and smuggling stopped. It seems

that a rate of 10 per cent will not justify the danger of being apprehended and the expense incident thereto; and the 10 per cent difference between cut and uncut diamonds is the difference between the cost of doing that work in this country and in a foreign land.

I predict now that if a duty of 20 per cent is imposed upon cut diamonds, immediately upon the passage of the bill a systematic smuggling of diamonds into this country will begin; and instead of the Government receiving an increase of revenue from importations of diamonds, there will be a decrease of revenue from those that are imported legitimately into this country.

I do not know that I care to say anything more at this time upon this subject. If I thought it would do any good to offer an amendment, I should offer one at this time. I am quite positive from our past experience, however, that it will not; and therefore I shall content myself with the few remarks I have made upon the subject.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 368, page 114, line 12, after the word "Laces," to strike out "lace braids," and on line 14, after the word "whatsoever," to strike out "material" and insert "yarns, threads, or filaments," so as to read:

368. Laces, lace window curtains not specially provided for in this section, coach, carriage, and automobile laces, and all lace articles of whatever yarns, threads, or filaments composed.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I ask that this paragraph may be passed over.

Mr. SMOOT. I was going to ask the same thing, Mr. President.

The VICE PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 115, to strike out paragraph 369, in the following words:

369. Chamois skins, 15 per cent ad valorem; pianoforte, pianoforte action, and glove leathers, 10 per cent ad valorem.

And to insert in lieu thereof the following:

369. Seal, sheep, goat, including lamb and kid skins, calfskins, and other skins and leather dressed and finished, including patent, japanned, varnished, or enameled leather, not specially provided for in this section, and not for boot or shoe manufacturing purposes, chamois skins, pianoforte, pianoforte action, glove leather, enameled upholstery, automobile or furniture leather, 10 per cent ad valorem: *Provided*, That leather cut into forms suitable for conversion into manufactured articles not specially provided for in this section shall be subject to a duty of 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I have just sent word to the Senator from Vermont [Mr. PAGE], who desires to submit a few remarks upon this paragraph. I shall be glad if it may be passed over temporarily, without action, until he can arrive.

Mr. HUGHES. I understand it is desired to pass it over only temporarily, until the Senator from Vermont returns?

Mr. SMOOT. Yes. We can revert to it just as soon as the Senator arrives in the Chamber.

Mr. HUGHES. Very well; I shall be glad to have that done.

The VICE PRESIDENT. Paragraph 369 will be temporarily passed over.

The reading of the bill was resumed.

The next amendment was, in paragraph 370, page 116, line 8, after the word "leather," to insert "or parchment"; in line 9, after the word "leather," to insert "or parchment"; in line 11, after the word "section," to insert "30 per cent ad valorem"; in line 12, before the word "the," to strike out "all" and insert "any of"; in the same line, after the word "foregoing," to strike out "whether or not"; in line 14, after the word "and," to strike out "similar" and insert "other"; in the same line, after the word "sets," to insert "of articles of utility"; and in the same line, before the words "per cent," to strike out "30" and insert "40," so as to make the paragraph read:

370. Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, made wholly of or in chief value of leather or parchment, not jewelry, and manufactures of leather or parchment, or of which leather is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon and other sets of articles of utility, 40 per cent ad valorem.

Mr. SMOOT. Before final action is taken upon this paragraph I should like to ask that it may also be passed over temporarily until one or two Senators who wish to say something about it can arrive.

Mr. CLARK of Wyoming. I wish to call the attention of the Senator—

The VICE PRESIDENT. Does the Senator object to having the committee amendment first passed upon?

Mr. CLARK of Wyoming. No; except that I simply wish to call the attention of the Senator from New Jersey to a matter

that might be considered at the same time; that is, in line 14, page 116, whether the word after the word "luncheon" should not be "or" instead of "and." The word "and" indicates that the satchel, or whatever it is, shall be furnished with all these accessories. I suppose the intention is that it may be furnished with any of them.

Mr. HUGHES. "Dining, luncheon, and other sets"—is that the Senator's suggestion?

Mr. CLARK of Wyoming. I think it should be "luncheon or other sets."

Mr. HUGHES. Yes; I think so, too. I think if we should strike out the word "or" and insert a comma, leaving in the word "and," that would make it all right.

Mr. CLARK of Wyoming. It depends, of course, upon exactly what the committee means.

Mr. HUGHES. Then it would read: "Dining, luncheon, and other sets of articles of utility." Would that express the meaning of the Senator?

Mr. CLARK of Wyoming. If that is the meaning that the committee wishes to express, all right; but with the word "and" there it strikes me that the accessories would include all these things—traveling, bottle, drinking, dining or luncheon and other sets. I suppose it was intended to be "or other sets."

Mr. HUGHES. Yes; I think that would improve it. I should like to have the committee amendment passed upon first.

The VICE PRESIDENT. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HUGHES. I now move to strike out the word "or" before the word "luncheon" and insert a comma.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 116, line 13, after the word "dining," it is proposed to strike out the word "or" and insert a comma.

The amendment was agreed to.

Mr. HUGHES. Then, after the word "luncheon" and before the word "other" I move to strike out the word "and" and insert the word "or."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 116, line 14, after the word "luncheon," it is proposed to strike out "and" and insert "or."

The amendment was agreed to.

Mr. HUGHES. Does the Senator ask that this paragraph may be temporarily laid aside?

Mr. SMOOT. The Senator from Vermont [Mr. PAGE] is now here. He can take up paragraph 369 now, I presume, and by that time we can pass upon this one.

Mr. HUGHES. I ask that we may return to paragraph 369, which has been read.

Mr. PAGE. Mr. President, I simply wish to say that while perhaps the reduction of this duty to 10 per cent will not prove fatal to the leather interests they have made many appeals to me to see if I could not secure a change in the duty. No one knows about this matter better than the Senator from New Jersey [Mr. HUGHES], who has given it a great deal of study. I have assured these gentlemen that I thought there was no possible chance of changing the schedule, and I do not know that I care to take the time of the Senate by moving to increase the duty from 10 to 15 per cent. I think if the Senator from New Jersey were left to exercise his own judgment he would say that ought to be done. Under the circumstances I rather think I shall not take up the time of the Senate by making any motion to amend in view of the fact that the Senator from New Jersey and myself have perhaps reached a fairly reasonable conclusion about the matter.

Let me, however, put myself on record now as saying that this duty of 10 per cent on seal, sheep, goat, and other skins prepared for pocketbooks and fancy leathers is going to work a great hardship upon the manufacturers of leather in the Senator's own State, especially the large concerns in Newark and in Jersey City. I wish he felt disposed to add 5 per cent to the duty; but I suppose it is useless to ask it.

Mr. HUGHES. I feel disposed to do it. [Laughter.]

Mr. PAGE. The Senator is so good-natured about it that I am going to make a motion that the duty be increased from 10 to 15 per cent, by striking out the numerals "10" on the first line of page 116, and inserting in lieu thereof "15." I ask the Senator from New Jersey to accept that amendment, if he will.

Mr. HUGHES. I will say to the Senator that it would be impossible for me to accept the amendment. I should feel much better about it if I could accept it. This represents the very best judgment of the committee on this question. I think

it is a fair solution of the very complex problem that presented itself to the committee.

The leather manufacturers undoubtedly are somewhat harshly treated by this bill, particularly the patent-leather manufacturers, but that was a necessary corollary to placing boots and shoes upon the free list. It happens, unfortunately for me, that a great many of these particular industries are located in my State; and I shall have to bear the burden, I suppose. I must say for the members of the committee that they were fair and did their best to arrive at a solution of this very, very difficult problem.

We have arranged the language so that there will be a duty upon leather which enters into the manufacture of articles that are taxed, but when we went to the length of putting boots and shoes upon the free list, we could not, in conscience, leave a tax upon patent leather and other leathers that enter into the manufacture of boots and shoes. To that extent this paragraph is a discrimination against the makers of that leather.

Mr. PAGE. But I think the Senator from New Jersey will confess that everything that is included in this paragraph is in the nature of a luxury. None of this leather goes into boots and shoes. Leather for that purpose is especially ruled out by the language of the paragraph. I am not at this time attacking the provision with regard to making free the leather which enters into boots and shoes. This, however, is the class of leather that goes into pocketbooks and fancy bags, and things of that kind, that are used by the wealthy people of the country. I wish to say, in this connection, that the manufacturers have come to me and have shown me samples of leather which have been exhibited to them, manufactured in Scotland, and they have been assured that that leather could be delivered to them at a price which they say is less than they can make it for.

As the Senator from New Jersey knows, there is no more plucky set of men in this country than the leather men; and in spite of these things they say, "We shall not say that we are going out of business. We have our factories all in running order, and we are not going to play the baby act to the extent of saying that we are going to close our factories if you pass this bill; but we do say that you are inflicting upon us a damage which ought not to be inflicted, and which is not necessary, in order that you may carry out your idea in regard to free leather entering into shoes."

Mr. HUGHES. I will say to the Senator that, of course, as he is aware, we can not deal with this paragraph without taking into consideration the paragraph in the free list. I have received absolutely no complaint from the manufacturers of leather, so far as these classes of leather are concerned. I agree with the Senator from Vermont that there is no more plucky set of manufacturers in the United States than the leather manufacturers. I will say, too, that I believe they are the greatest leather makers in the world.

A glance at the exports of leather will show that despite the fact that a great many of the materials which enter into the production of their leather are taxed, and we were unable to find any way to free a great many of them from that tax, they are still able to compete in the markets of the world. I think an American citizen can say without boasting that they have overcome disadvantages of various kinds—legislative disadvantages—and they stand foremost to-day among the leather makers of the world. I have not the slightest doubt about their ability to go on under the provisions of this bill, but, as I said a while ago, I must admit, and every fair man must admit, that the manufacturers who are making leather that is put upon the free list and are still compelled to pay a tax upon a great many of the materials which go into the making of leather are discriminated against by this bill. I can not see any way to avoid it myself.

Mr. PAGE. I only wish to say that I expect to do no more than enter a protest in behalf of these tanners. I must make that protest, I think, by moving the amendment I suggested. If desired, I will restate the amendment.

I move, on page 116, in the first line, to strike out "10" and insert "15" in place thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Vermont to the amendment of the committee.

Mr. PAGE. I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. ASHURST. I ask that the question may be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment of the committee.

The SECRETARY. On page 116, line 1, in the committee amendment, it is proposed to strike out "10" and insert "15," so as to make it read "15 per cent ad valorem."

The VICE PRESIDENT. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. As he is not present, I withhold my vote.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). My colleague [Mr. CULBERSON] is unavoidably absent. He is paired with the senior Senator from Delaware [Mr. DU PONT]. I ask that this announcement may stand for the day.

Mr. McCUMBER (when Mr. GRONNA's name was called). My colleague is necessarily absent. He is paired with the junior Senator from Illinois [Mr. LEWIS]. I wish this announcement to stand for the day, and upon each vote taken upon this schedule.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I transfer that pair to the junior Senator from California [Mr. WORKS], and will vote. I vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH], and will vote. I vote "yea."

Mr. REED (when his name was called). I wish to inquire if the senior Senator from Michigan [Mr. SMITH] will be present to-day?

The VICE PRESIDENT. The Chair can not say as to that. The Chair will say that he has not voted.

Mr. REED. I will withhold my vote, then, because I am paired with that Senator. If I were at liberty to vote, I should vote "nay."

Mr. MARTIN of Virginia (when the name of Mr. SMITH of Maryland was called). The senior Senator from Maryland is unavoidably absent from the city. He is paired with the senior Senator from Vermont [Mr. DILLINGHAM].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to my colleague [Mr. SHAFROTH] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. STEPHENSON]. As he is absent, I withhold my vote. I ask that this announcement may stand for the day.

Mr. O'GORMAN (when Mr. THORNTON's name was called). I wish to announce the unavoidable absence of the senior Senator from Louisiana [Mr. THORNTON].

The roll call was concluded.

Mr. BANKHEAD. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. HOLLIS. The junior Senator from Delaware [Mr. SAULSBURY] is absent on important business. He is paired with the junior Senator from Rhode Island [Mr. COLT]. I ask that this announcement may stand for the day.

Mr. GALLINGER. I am requested to announce the pair of the senior Senator from Delaware [Mr. DU PONT] with the senior Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 22, nays 46, as follows:

YEAS—22.

Bradley	Kenyon	Oliver	Sterling
Brandegge	Lippitt	Page	Townsend
Clapp	Lodge	Penrose	Warren
Clark, Wyo.	McCumber	Perkins	Weeks
Gallinger	McLean	Root	
Jones	Nelson	Smoot	

NAYS—46.

Ashurst	Hitchcock	O'Gorman	Smith, Ariz.
Bacon	Hollis	Overman	Smith, Ga.
Bankhead	Hughes	Owen	Smith, S. C.
Borah	James	Pittman	Stone
Bristow	Johnson	Poinindexer	Sutherland
Bryan	Kern	Pomerene	Swanson
Chamberlain	Lane	Ransdell	Thomas
Clarke, Ark.	Lea	Robinson	Thompson
Crawford	Martin, Va.	Sheppard	Vardaman
Cummins	Martine, N. J.	Shields	Walsh
Fletcher	Myers	Shively	
Gore	Norris	Simmons	

NOT VOTING—27.

Brady	Dillingham	Lewis	Smith, Mich.
Burleigh	du Pont	Newlands	Stephenson
Burton	Fall	Reed	Thornton
Catron	Goff	Saulsbury	Tillman
Chilton	Gronna	Shafroth	Williams
Colt	Jackson	Sherman	Works
Culbertson	La Follette	Smith, Md.	

So Mr. PAGE's amendment to the amendment of the committee was rejected.

Mr. HUGHES. I wish to suggest a change in punctuation. In line 21, after the word "skins," I move to strike out the comma and insert a semicolon.

Mr. SMOOT. I wish to call the Senator's attention to the proposed amendment, striking out a comma and putting in the semicolon.

Mr. HUGHES. After the word "skins," I think that is where the Senator wanted to have it inserted, so as to read, "and other skins; and leather dressed and finished."

Mr. SMOOT. I understood the Senator to say it was to come in after "skins" where it first occurs.

Mr. HUGHES. No.

The amendment to the amendment was agreed to.

Mr. HUGHES. In line 24, after the word "purposes," I move to strike out the comma and insert a semicolon.

The amendment to the amendment was agreed to.

Mr. HUGHES. In line 25, after the word "pianoforte," I move to insert "and," so as to read, "pianoforte and pianoforte action."

The amendment to the amendment was agreed to.

Mr. HUGHES. After the word "action" in the same line, I move to strike out the comma and insert the word "leather."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Referring to paragraph 370, I wish to call the attention of the Senator to the amendment offered by the committee in line 9, page 116, inserting the words "or parchment" after "leather." I have no objection to that amendment, but I think the Senator will admit that by the addition of those words the same words ought to follow after the word "leather" in line 10, so as to read:

And manufactures of leather or parchment, or of which leather or parchment is the component material of chief value.

Mr. HUGHES. I agree with the Senator.

Mr. SMOOT. I will offer that amendment if the Senator will accept it.

Mr. HUGHES. I will accept it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the committee was, in paragraph 372, page 116, line 21, to strike out "Men's, women's" and insert "Women's"; in line 24, after the word "pairs," to insert "additional," and after the word "each," in the same line, to strike out "additional," so as to make the paragraph read:

372. Women's or children's "glacé" finish, Schmaschen (of sheep origin), not over 14 inches in length, \$1 per dozen pairs; over 14 inches in length, 25 cents per dozen pairs, additional for each inch in excess of 14 inches.

The amendment was agreed to.

The next amendment was, in paragraph 373, page 117, line 1, after the word "other," to insert "women's or children's"; in line 3 to strike out "\$2" and insert "\$2.50"; in line 4, after the word "dozen," to insert "pairs additional," and after the word "each," in the same line, to strike out "additional," so as to read:

All other women's or children's gloves wholly or in chief value of leather, not over 14 inches in length, \$2.50 per dozen pairs; over 14 inches in length, 25 cents per dozen pairs additional for each inch in excess of 14 inches.

The amendment was agreed to.

The next amendment was, in paragraph 373, page 117, line 5, after the word "inches," to insert:

All men's leather gloves not specially provided for in this section, \$3 per dozen pairs.

The amendment was agreed to.

The next amendment was, in paragraph 374, page 117, line 11, after the word "silk," to insert the word "leather," so as to make the paragraph read:

374. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves when lined with cotton or other vegetable fiber, 25 cents per dozen pairs; when lined with a knitted glove or when lined with silk, leather, or wool, 50 cents per dozen pairs; when lined with fur, \$2 per dozen pairs; on all piqué and prix-seam gloves, 25 cents per dozen pairs.

The amendment was agreed to.

The next amendment was to strike out paragraph 376, in the following words:

376. Harness, saddles, saddlery in sets or in parts, finished or unfinished, not specially provided for in this section, 20 per cent ad valorem.

And in lieu thereof to insert:

376. Manufactures of amber, catgut, or whip gut, or worm gut, including strings for musical instruments; any of the foregoing or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 20 per cent ad valorem.

Mr. SMOOT. I notice in paragraph 377, as it came from the House—

Mr. PENROSE. That has not been read yet.

Mr. SMOOT. But that has reference also to what I am going to say.

In paragraph 377 catgut or whip gut or worm gut are placed by the House at a rate of duty of 10 per cent ad valorem.

The Senate committee has taken catgut or whip gut or worm gut from paragraph 377 and made a new paragraph, paragraph 376, and included those items, imposing a rate of duty of 20 per cent ad valorem. Can the Senator having the schedule in charge tell why that was done?

Mr. HUGHES. We discovered in our investigation that there was not any such thing, strictly speaking, as manufactured catgut. Catgut is already a manufactured article. We found this rather peculiar situation of affairs. A musical-instrument string is brought in at a rate of duty as a manufacture of catgut, whereas as a matter of fact it is nothing but catgut itself, not being a manufacture at all.

Mr. SMOOT. The Senator will notice in the wording of the paragraph that it says "manufactures of" just the same as in paragraph 377.

Mr. HUGHES. We did that in order to conform to the general notion as to what catgut is, but we provided for musical-instruments strings at one rate of duty and we provided for surgeons' catgut and whip gut in the free list. I think we have improved the administration of the law so far as this article is concerned; we laid varying rates of duty in accordance with its uses. I think it is a distinct improvement over the old law.

Mr. SMOOT. It is an improvement perhaps as to the rate, but I want to know why there was an advance in the rate. The wording in both paragraphs is the same, because it says "manufactures of" and then enumerates the articles in both paragraphs, catgut, and whip gut, and worm gut.

Mr. JOHNSON. Mr. President, there are manufactures of catgut. Tennis rackets are made from catgut. That is one of the articles.

Mr. SMOOT. I do not make the statement that there are no manufactures because I have always understood that there are. What I wanted to know is why the rate was increased. The House provided for a rate of 10 per cent upon manufactures of catgut, worm gut, and whip gut, and now the Senate committee has made a change and increased that rate from 10 per cent to 20 per cent. All I wanted to know was why it was done. For what reason was it done?

Mr. JOHNSON. Manufactures of catgut, whip gut, worm gut, and strings for musical instruments are in the same paragraph.

Mr. HUGHES. The manufacture of it might be doubtful sometimes.

Mr. SMOOT. The words "including strings for musical instruments" are used. That is only an additional specification. The rate on whip gut, catgut, or worm gut is increased 10 per cent by the committee.

Mr. HUGHES. Tennis rackets, we understood, are made of catgut. That is information we had not learned that the House had. There are some other articles like that which will be covered by it.

Mr. SMOOT. Catgut has always been used in the manufacture of tennis rackets. There is no doubt about that.

Mr. HUGHES. I do not want to be understood as saying—although I think I did say—that there is not any such thing as manufactured catgut. I meant that articles called catgut are not manufactured of catgut, but they are simply catgut. For instance, musical-instrument strings which heretofore have been regarded as a manufacture of catgut are catgut itself.

Mr. SMOOT. This language applies to manufactures of catgut also. We had the question up in 1909 and thrashed it out very thoroughly.

Mr. HUGHES. I will say to the Senator that there is quite a difference between a musical-instrument string, a tennis racket, and articles of that sort, and catgut and whip gut used by surgeons. We have put one rate of duty upon the manufactures of strings and we have put catgut for surgeons on the free list.

Mr. SMOOT. If that was the intention of the Senators, they have absolutely missed it in the bill, because they specifically provide for the manufactures of catgut, whip gut, and worm gut, and then say "including strings for musical instruments." So all that means, of course, is not only that it shall include manufactures of every kind of catgut, but it shall include the strings for musical instruments.

Mr. HUGHES. I do not know whether I make myself clear or not. We struck out the differentiation for the reason I have stated, that it was found to be the practice at the ports to

charge one rate of duty for the commodity when it was entered as a musical-instrument string and another when it was entered as catgut.

Mr. SMOOT. The Senator certainly has provided just the opposite.

Mr. HUGHES. No; I think not.

Mr. SMOOT. Because it says here—

Manufactures of amber, catgut or whip gut, or worm gut, including strings for musical instruments.

They are all the same. They are 20 per cent ad valorem.

Mr. HUGHES. Yes; "all manufactures of" will include strings for musical instruments. Tennis rackets, if catgut is the component of chief value, and other articles made out of catgut may come in at 20 per cent, thus doing away with the difficulty we had in administering the law, which depended entirely upon the use that the commodity was to be put to after it came in. I think the Senator will see that now we have provided a rate for the manufactures of catgut, including musical-instrument strings, which will apply whether a man brings in a ball of catgut and intends to make tennis racquets or intends to make strings for musical instruments out of it. Then, to enable surgeons to get catgut, which up to the present time came in for that purpose at a low rate of duty, we provided that catgut for that use should go on the free list.

Mr. SMOOT. I remember that in 1909 there was a good deal of discussion in the Senate and considerable criticism against the then senior Senator from New Jersey for trying to increase the rate upon catgut, as it was produced largely in New Jersey. I thought I would call attention to the fact that the change had been made from the House provision of 10 per cent to 20 per cent upon this particular item. I wondered why the change was made. That is the reason why I asked the question.

Mr. JOHNSON. In view of what the Senator states, I will say that under the present law the duty upon musical-instrument strings is 45 per cent ad valorem. They are made of catgut.

Mr. SMOOT. But they are not the only things manufactured out of catgut.

Mr. JOHNSON. The House cut the rate down from 45 to 25 per cent.

Mr. SMOOT. The House cut the rate down to 10 per cent.

Mr. JOHNSON. No; the House fixed the rate on musical instruments at 25 per cent, and we have cut it to 20 per cent.

Mr. SMOOT. I am talking of the great bulk of catgut that is manufactured in this country.

Mr. JOHNSON. When it comes to this country it is used for musical strings, is it not?

Mr. PENROSE. It is used for surgical purposes and for medical purposes.

Mr. SMOOT. And tennis rackets.

Mr. HUGHES. I will say to the Senator that we found that the catgut that is used ordinarily by surgeons can be put right on a fiddle, and that it can be made an E string and a G string on the cello, and can often be used for making tennis rackets. In the Payne-Aldrich law there is a duty as high as 45 per cent and a duty as low as 10 per cent and the rate charged depended upon what a man was going to use the catgut for.

Mr. SMOOT. I remember the rate is 40 per cent in the present law.

Mr. HUGHES. Forty-five per cent.

Mr. SMOOT. And that applied only to stringed instruments.

Mr. HUGHES. So far as the language of the law is concerned—

Mr. SMOOT. The other rate in the present law is 25 per cent. I notice that the rate on the manufacture of all catgut, whip gut, or worm gut under the amendment reported by the committee of the Senate is placed at 20 per cent instead of 10 per cent, as provided by the House in paragraph 377.

The amendment was agreed to.

The next amendment of the committee was, in paragraph 377, page 117, line 25, after the words "manufactures of," to strike out "amber," and in the same line, after the word "bladders," to strike out "catgut or whip gut or worm gut," so as to make the paragraph read:

377. Manufactures of asbestos, bladders, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 10 per cent ad valorem; yarn and woven fabrics composed wholly or in chief value of asbestos, 20 per cent ad valorem.

Mr. PENROSE. Mr. President, I desire to speak for a few moments upon paragraph 377. The paragraph itself and the amendment to it open up a vista that gives the Senate and the country an idea of the impartial way in which the measure has been framed.

As the Senator from Utah [Mr. Smoot] has said, four years ago—it is well known to every member of the Finance Commit-

tee on the then majority side, and they are all still Members of this body, although now in the minority—catgut and its cognate products were put on the dutiable list with an adequate duty largely at the request of the then Senator from New Jersey, Mr. Kean. It must be highly gratifying to the citizens of that great Commonwealth that they still have a representative in this body able, regardless of the Democratic theories of free trade and duties for revenue only, to preserve the important product of catgut and the manufactures thereof from the invasion of the manufactures of the pauper and oppressed labor of Europe.

At the same time while they deliberately saved catgut from impending ruin they calmly and deliberately leave asbestos and manufactures thereof at a duty of 50 per cent reduction from that existing in the present law.

Mr. SMOOT. And as to bladders.

Mr. PENROSE. I am not so much interested in bladders because I do not know where they are manufactured, but I do discover that Pennsylvania produces all but a very imperceptible amount of the manufactures of asbestos, and notwithstanding the fact that these two States adjoin, only having the river to separate them, catgut is saved and asbestos and the manufactures thereof are opened to ruin. Such is the logic of the bill. Both these industries are small, but they will doubtless go down to history as illustrative of Democratic consistency—New Jersey catgut saved, Pennsylvania asbestos and the manufactures thereof destroyed.

It has been suggested to me by a Senator sitting behind me that perhaps asbestos is better qualified to be damned. [Laughter.]

Even to-day the aggregate sales of all the asbestos textile mills in the United States producing yarns, fabrics, and other articles therefrom do not exceed \$2,000,000 annually, and the total capital invested in the industry is \$2,500,000. Of this, \$1,750,000 is in Pennsylvania.

I suppose if these gentlemen had moved over into New Jersey last winter, when assurances were given that no legitimate industry was to suffer any serious injury, they might still have hoped to at least be kept on a parity with catgut and far removed from paragraph 377, where they unfortunately languish, and enjoy the full efflorescence of prosperity which will accompany paragraph 376.

Mr. HUGHES. I call the attention of the Senator from Pennsylvania, in order that he might not spoil his speech or argument—

Mr. PENROSE. I can not hear the Senator from New Jersey, and certainly could not understand all his explanations about catgut.

Mr. HUGHES. I call the Senator's attention, in order that he may not do his State an injustice, to the fact that the production of asbestos, instead of being \$2,000,000, is \$12,000,000.

Mr. PENROSE. I was talking about the manufacture of asbestos textiles, and I hope the Senator will not embarrass the unfortunate gentlemen who have failed to keep pace with catgut by making a technical objection of that kind. I distinctly said that I referred to the textile manufactures in the present bill. As it came from the House the bill read:

Manufactures of amber, asbestos, bladders, catgut, or whip gut, or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 10 per cent ad valorem; yarns and woven fabrics composed wholly or in chief value of asbestos, 20 per cent ad valorem.

Then the Senate committee takes out of the paragraph catgut or worm gut manufactured in New Jersey and leaves the Pennsylvania textile at the mercy of the inclemencies of next winter. The Payne law provided for the manufactures of amber, asbestos, bladders, catgut, whip gut, or worm gut, or wax, and so on, not specially provided for in this section, 25 per cent ad valorem. It reads:

Manufactures of amber, asbestos, bladders, catgut, or whip gut, or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem; woven fabrics composed wholly or in chief value of asbestos, 40 per cent ad valorem.

Here I might call attention to the broad-minded patriotism of the Payne bill and the great virtues of its framers in that, with a breadth of patriotism, they took equally good care of the catgut of New Jersey and the asbestos textiles of Pennsylvania.

As applied to manufactures of asbestos, the above provision vitally affects two classes of commodities, namely, asbestos yarns and asbestos woven fabrics. The proposed new bill reduces the duty on woven fabrics from 40 per cent ad valorem to 20 per cent ad valorem and on yarns from 25 per cent ad valorem to 20 per cent ad valorem. All other manufactures of asbestos are reduced from 25 per cent ad valorem to 10 per cent ad valorem.

These reductions, in my opinion, Mr. President, are drastic. The industry is located in part in Lancaster County, Pa.; not far from Philadelphia. I am familiar with the conditions under

which it is being conducted, and have known the circumstances and surroundings of this new industry for several years. These reductions will seriously handicap an industry comparatively new in this country without accomplishing any of the purposes of the measure under consideration. Surely it is not the intention of Congress to endanger invested capital, or at least such was the declaration prior to the election of last November, especially where the compensating virtue of general good or public benefit does not follow or the production of increased revenues will not result.

As a domestic industry the asbestos textile business is comparatively new and relatively small. Only within the last 10 years have its products become real commercial commodities. Even to-day the aggregate sales of all of the asbestos textile mills in the United States producing yarns and fabrics and other articles therefrom, as I have already stated to the Senate, do not exceed \$2,000,000 annually, and the total capital invested in the industry is \$2,500,000. Whether this investment of American capital compares with the dimensions of capital invested in New Jersey catgut, I am not informed [laughter], but certainly the discrimination exercised against this industry in favor of the other excites my sympathy, commiseration, and condemnation.

Of this investment fully \$1,750,000 is in Pennsylvania. It is a new industry on the threshold of development. To subject it to unequal competition from abroad will endanger its present standing and retard its growth.

The maintenance of the present duty of 40 per cent ad valorem on woven fabrics and the placing of asbestos yarns in the same class will work no hardship against the common good. Reducing the duty will effect no general public benefit. The objections to existing tariff rates put forth by the advocates of the proposed bill do not apply against asbestos textiles. Principal among these objections are the following, which I will only refer to briefly:

How can it be seriously stated that a project the total sales value of which in a whole year does not exceed \$2,000,000 could have had any perceptible influence toward increasing the cost of living? Had the volume of sales been sufficient during the last 10 years to affect ultimate living costs, the influence would have been the other way, for prices have steadily declined instead of increasing, due largely to foreign competition; yet the increased cost of living is one of the first reasons given for a lowering of present duties.

The development of industrial combinations or trusts is another reason advanced in favor of tariff reductions. There is no suggestion of a trust or combination in this small and infant industry; there are approximately but eight domestic concerns all told. Six of them are located in Pennsylvania, one in South Carolina, and one in New York. Surely the Finance Committee majority members must have forgotten that one of these concerns is located in South Carolina. Each is a separate corporation, with absolutely independent and unrelated stock ownership, and all are in active competition with each other.

Exhaustion of the natural resources, unless a fresh supply is gained or curtailment of a domestic supply induced through importations from abroad, need not be feared, for the raw materials from which asbestos textiles are manufactured is not produced within the confines of the United States. It comes almost exclusively from Canada. The same country also supplies extensive quantities of crude asbestos to foreign manufacturers, and delivers it to them at the same prices at which American manufacturers can have the material laid down at their factories.

Obsolete plants and methods of manufacture are practically unknown in this industry. As already stated, it is comparatively new. All of the plants are equipped with substantially the same kind of machinery, which is the most efficient yet devised for this work. Instances of machines or processes or plants in operation "60 years old" or "hopelessly behind the times," which ought to be relegated to the scrap heap, are not to be found. Domestic plants and processes are not only the most modern known to American manufacturers, but are as modern and efficient as those of foreign competitors. Consequently another favorite argument of the tariff revisionist is absent in this case.

The authors of the pending bill, Mr. President, say they have "kept in mind the distinction between necessities and luxuries of life, reducing the tariff burdens on the former to the lowest possible point commensurate with revenue requirements and making the luxuries of life bear their proper portion of the tariff responsibilities."

I am not quite certain whether that quotation is from the last platform of the Democratic national convention or some equally authentic document; probably it may be a later message of the President.

Asbestos textile products can not be classed as necessities of life. One of the largest uses to which this material is put is the making of the friction facing on automobile brakes. A large quantity is also used in the making of high-pressure steam packing for engines, pumps, and the like, and gaskets for boilers, steam-pipe joints, and so forth. The effect of the price of asbestos products used for such purposes on the ultimate cost of manufactured articles from plants using such products, or on the cost of operation of processes wherein they are used, is so infinitesimal that it can scarcely be found. A relatively small quantity is used in the making of theater curtains, while a fair proportion is used in electrical insulations. Outside of these fields the use is small and insignificant.

I have, Mr. President, some statements and figures on the cost of production of this article here and abroad. I know that statements of the difference of cost of production fall on deaf ears, so far as the majority in this Chamber is concerned. I shall not, therefore, detain the Senate by reading them, but I will ask permission to have them inserted as a part of my remarks.

The VICE PRESIDENT. Permission will be granted, in the absence of objection.

The matter referred to is as follows:

COST OF PRODUCTION.

Difference in the cost of production here and abroad is the primary reason why domestic asbestos textile manufacturers are asking for a maintenance of the 40 per cent duty on woven fabrics and a like duty on yarns. The cost of production theory has been rejected as a reliable guide in fixing the duty on many articles, because in many industries cost accounting has not been uniform and affords no satisfactory basis for comparison, while in many others official investigation showed a great variation in cost of the same article in different factories. A thorough canvass of the subject of cost in the asbestos textile industry shows a wonderful uniformity. All of the factories practically agree on the factory cost of production per pound of yarn, which is the base unit. The cost of the average or medium grade of yarn is about as follows:

Asbestos.....	per pound.....	\$0.10
Labor.....	do.....	.10
Overhead.....	do.....	.05
Total.....	do.....	.25

A study of the conditions under which the foreign manufacturer operates shows his costs on the same grade of goods to be as follows:

Asbestos.....	per pound.....	\$0.10
Labor.....	do.....	.05
Overhead.....	do.....	.03
Total.....	do.....	.18

Adding to the foreign competitors' cost of production the 25 per cent now levied under the existing bill on asbestos yarns, allows him to set his goods down here at a total cost per pound of yarn of 22.5 cents; or, adding to it the 40 per cent duty which was asked for by the domestic manufacturers before the Ways and Means Committee of the House, in its recent hearings on the bill under consideration, makes the foreigner's cost 25.2 cents per pound, thus placing the domestic and foreign manufacturer on a fair competition basis.

Comparative table.

Yarn.	Here.	Abroad, under present law.	Abroad, under 40 per cent law.
	Cents.	Cents.	Cents.
Asbestos.....	10	10	10
Labor.....	10	5	5
Overhead.....	5	3	3
Duty.....		4.5	7.2
Total.....	25	22.5	25.2

A like comparison of the cost of woven fabrics, which carry a 40 per cent duty under the present bill, shows the following:

Cloth.	Here.	Abroad.
	Cents.	Cents.
Asbestos.....	10	10
Labor.....	13	6.5
Overhead.....	6	4
Duty at 40 per cent.....		8.2
Total.....	29	28.7

From which it is seen that even at the present tariff rates the foreigner has the advantage on the cost of production.

Under the rates of the bill now before Congress the comparative costs would be:

Yarn.	Here.	Abroad.
	Cents.	Cents.
Asbestos, per pound.....	10	10
Labor, per pound.....	10	5
Overhead, per pound.....	5	3
Duty, at 20 per cent.....		3.6
Total.....	25	21.6

Cloth.	Here.	Abroad.
	Cents.	Cents.
Asbestos.....	10	10
Labor.....	13	6.5
Overhead.....	6	4
Duty, at 20 per cent.....		4
Total.....	29	24.5

Mr. PENROSE. Wages are fairly good in this industry, as things go. Men receive \$15 per week, boys \$8.50, and girls \$7. I will ask to have all this matter relative to the difference in wages here and abroad inserted as a part of my remarks.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

Does our labor cost seem high? Compared with the cost of labor in the cotton and woolen textile industries—which are the standard textile industries in this country—it is indeed high. State and Federal investigation into the question of wages paid in the great mill district of New England reveal an average wage scale much lower than is paid in the asbestos textile industry. The prevailing average wage paid by all of the asbestos textile factories is:

Per week.

Men.....	\$15.00
Boys.....	8.50
Girls.....	7.00

These are living wages. The best evidence is that the employees are satisfied. It is desirable that this condition should continue, for low wages bring discontent and inefficiency. If lower selling prices for the goods manufactured by American mills are forced, through a reduction of tariff duties and the resulting increase in foreign competition, these wages can not be maintained, for the margin of profit in the business is now so small that domestic manufacturers can not reduce selling prices without reducing wages.

Comparative cost of production aside, the fact remains that the importation of woven fabrics and yarns has increased 125 per cent in the last five years, while the increase in the manufacture of domestic fabrics and yarns has been 100 per cent, demonstrating that the foreigner can produce at a lower cost and profitably compete in our markets. In 1896 the value of imported asbestos under a 25 per cent duty was \$21,313.25, and in 1912 it was \$241,064. In addition to this the importation of fabrics carrying 40 per cent duty amounted, in 1912, to \$96,488. If we add the 25 per cent duty to the importations in 1912 of articles carrying that rate, and the 40 per cent duty to the importations of the same year of articles carrying the 40 per cent rate, the value of the imported products at the cost price here is \$436,413. The factory cost of domestic yarns and fabrics manufactured in 1912 did not exceed in the aggregate \$1,500,000. The importation, therefore, under present rates is about one-third of the amount of domestic production and, as shown above, is increasing at a greater pro rata rate than the domestic manufacture of similar products. If American manufacturers could afford to sell their goods at lower prices, it is hardly likely they would have permitted importations to increase at a greater rate than their own business. The domestic producers, however, have not kept their prices up under the protection of a tariff wall, but have been forced to reduce them to the lowest point through foreign competition. A lower duty will seriously curtail American production or compel the sale of goods at a loss.

COMPETITIVE TARIFF.

A 40 per cent ad valorem rate on yarns and woven fabrics is not inimical to the competitive-tariff idea. As seen from the cost comparisons hereinbefore, such rate will not enable the American manufacturer to make a profit before the foreign competitor can enter the field. On the contrary, it will only equalize conditions and allow competition on a fair or equal cost basis.

The Democratic principle, as stated on page 16 of the printed report of the Ways and Means Committee of the House, accompanying H. R. 3321, is:

1. The establishment of duties designed primarily to produce revenue for the Government and without thought of protection.
2. The attainment of this end by legislation that will not injure or destroy legitimate industry.

From this viewpoint alone a duty of 40 per cent ad valorem on yarns and fabrics is warranted. As a revenue producer the 40 per cent rate will be more efficient than the proposed rate. In 1912 the 40 per cent rate on woven fabrics returned revenues to the Government of \$38,595.20 (see p. 286, sec. 378, in the appendix to the above report of Ways and Means Committee). The estimated returns under the proposed 20 per cent rate will be only \$20,000 (p. 286). The revenues for 1912 from yarns and other products carrying a 25 per cent rate was \$60,268. Under the proposed new rate, covering all manufactures of asbestos excepting yarn and woven fabrics, the Government's estimated income will be only \$30,000. In each case the revenue is cut in half.

On what theory can this curtailment of revenues be justified? Only upon the theory that thereby the common good is served or the greater portion of the general public is benefited through the enforced reduction of prices to the consumer by reason of the resulting competition. But we have seen (and exhaustive investigation of the subject will confirm the statement) that a reduction in the price of these goods will work no perceptible benefit or advantage to any considerable number of persons or have any appreciable bearing in reducing the present high cost of commodities generally. While on the one hand serving the public no good, yet on the other hand reducing the national income, the new rates will force the American manufacturer to lower his prices to the point where they will "injure or destroy legitimate industry," and this hardship it is the declared purpose of the bill to avert.

Mr. PENROSE. Such, Mr. President, is the condition of an industry which happens unfortunately to be located in Pennsylvania. I shall not offer any amendment to this paragraph as I know it would be useless. Whether the textile products of asbestos, which are most remotely distant from the ultimate consumer and enter into the early preliminaries of articles

which ultimately reach him, more imperatively demand a reduction of duty in order that the consumer may be benefited than does the catgut, from which the strings of the violin are made, in order that the consumer may be entertained with the sweet strains of music, I do not know. I merely call the attention of the Senate to the discrimination and will abide by the result.

Mr. HUGHES. Mr. President, I want to say, in order to ease the mind of the Senator from Pennsylvania, that if there is a catgut-manufacturing concern in the State of New Jersey I do not know of it. I do not know where such a factory is located.

Mr. PENROSE. Everybody knew it four years ago, because those interested in that industry were here all winter, and I think they have been down here during the past winter. They must, of course, have known that the Senator represented the State of New Jersey.

Mr. HUGHES. Probably the atmosphere was more congenial four years ago to those gentlemen. At any rate I have no recollection of having seen them before the subcommittee. The action the subcommittee took was taken with reference to the situation as we found it. We found the law was impossible of fair administration.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 377, page 117, line 25, after the word "bladders," to strike out "catgut or whip gut or worm gut," so as to make the paragraph read:

377. Manufactures of asbestos, bladders, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 10 per cent ad valorem; yarn and woven fabrics composed wholly or in chief value of asbestos, 20 per cent ad valorem.

The amendment was agreed to.

Mr. HUGHES. I ask that the next two paragraphs, 378 and 379, be passed over for the present in order to save time.

Mr. PENROSE. I desire to be here when those paragraphs are considered. When does the Senator desire to bring them up?

Mr. HUGHES. I think I shall be able to bring them up to suit the convenience of the Senator. If he wishes to be present when they are considered, I shall try to arrange it in a manner satisfactory to him.

Mr. PENROSE. Does the Senator wish to have them go over simply because they will lead to discussion? Is that the thought?

Mr. HUGHES. No; I want to suggest to the other members of the subcommittee and of the committee certain changes in each of those paragraphs.

Mr. PENROSE. Very well; of course I have no objection to that. I hope the Senator will not call them up in my absence.

Mr. HUGHES. I shall not. I will try to arrange the matter to the satisfaction of the Senator.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 380, page 119, line 9, after the word "Masks," to strike out "composed of paper or pulp" and insert "of whatever material composed"; and in line 10, before the words "per centum," to strike out "20" and insert "25," so as to make the paragraph read:

380. Masks, of whatever material composed, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment of the Committee on Finance was, in paragraph 383, page 119, line 17, after the word "thereof," to strike out "strings for musical instruments, not otherwise enumerated in this section," so as to make the paragraph read:

383. Musical instruments or parts thereof, pianoforte actions and parts thereof, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes; strings for musical instruments, composed wholly or in part of steel or other metal, all the foregoing, 35 per cent ad valorem.

The amendment was agreed to.

Paragraph 384 was read, as follows:

384. Phonographs, gramophones, graphophones, and similar articles, or parts thereof, 25 per cent ad valorem.

Mr. SMOOT. Mr. President, in paragraph 384 the words "and similar articles" are used.

Mr. HUGHES. Those words are in the old law, as the Senator of course knows.

Mr. SMOOT. But the preceding paragraph, paragraph 383, provides that musical instruments or parts thereof shall carry a rate of duty of 35 per cent, while phonographs and similar articles covered by paragraph 384 carry a rate of 25 per cent.

Mr. HUGHES. Does the Senator pretend that a phonograph is a musical instrument?

Mr. SMOOT. If the Senator will wait a moment until I ask him a question, he will then understand what I mean. Take a music box, for example. Is that a similar instrument to a phonograph, or is it a musical instrument?

Mr. HUGHES. I should say that it is a musical instrument and not a phonograph.

Mr. SMOOT. I know it is not a phonograph, but is it an article similar to a phonograph?

Mr. HUGHES. No; I think not.

Mr. SMOOT. Why not?

Mr. HUGHES. I do not know that I am able to give reasons that would be satisfactory to the Senator, but, of course, absolutely different processes are involved in the reproduction of the musical sound.

Mr. SMOOT. If they should both carry the same rate of duty there would be no question about it; but both reproduce sound from a record, and I can not see how the customs officers are going to administer the two paragraphs.

Mr. HUGHES. Of course, the Senator knows that there is a different principle involved in the reproduction of sound by the phonograph and by the music box.

Mr. SMOOT. So there is in the phonograph, in the graphophone, and in the gramophone.

Mr. HUGHES. The same principle is involved in those. They reproduce sounds which have already been made and recorded, while in the other case music is made de novo, if it is music. I am not prepared to say that the sounds which emanate from music boxes are always music, but at any rate they are made over and over again, and the sounds are not necessarily the same, as the Senator very well knows. However, I do not think he ought to call upon me to make an explanation upon a subject about which he knows as much as I do. In the phonograph, the gramophone, and the graphophone the principles involved are entirely different from those involved in music boxes.

Mr. SMOOT. The mechanical workings, Mr. President, are virtually the same. Of course I recognize that the phonograph causes a reproduction of the voice or of music which has been recorded, whereas the music box gives a reproduction of music that has been written, perhaps, for some other musical instrument. It seems to me that if the rates were the same—and I do not see why they should not be the same, and why there should be a distinction—then there would be no conflict whatever, but it does seem to me that if the provision is left as it is now with different rates, then in the administration of the law conflicts will arise.

Mr. HUGHES. I think the Senator, on reflection, will see that there can not be any conflict between a phonograph and a musical instrument.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 120, beginning in line 1, to strike out paragraph 386, as follows:

386. Paintings in oil or water colors, pastels, pen and ink drawings, and sculptures, not specially provided for in this section, 15 per cent ad valorem.

And in lieu thereof to insert:

386. Paintings in oil or water colors, engravings, etchings, pastels, drawings, and sketches, in pen and ink or pencil or water colors, and sculptures not specially provided for in this section, 25 per cent ad valorem, but the term "sculptures" as used in this paragraph shall be understood to include only such as are cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and that are the professional productions of a sculptor only, and the term "painting" as used in this paragraph shall be understood not to include such as are made wholly or in part by stenciling or other mechanical process.

Mr. HUGHES. I ask that paragraph 386 be passed over.

The VICE PRESIDENT. Paragraph 386 will be passed over at the request of the Senator from New Jersey.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 388, page 120, line 18, after the word "lead" where it occurs the second time, to strike out "and" and insert ", 36 cents per gross, but in no case shall any of the foregoing pay less than 25 per cent ad valorem"; and in line 20, after the word "pencils," to strike out "all the foregoing," so as to make the paragraph read:

388. Pencils of paper or wood, or other material not metal, filled with lead or other material, pencils of lead, 36 cents per gross, but in no case shall any of the foregoing pay less than 25 per cent ad valorem; slate pencils, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 120, to strike out paragraph 390, as follows:

390. Photographic dry plates or films, not otherwise specially provided for in this section, 15 per cent ad valorem. Photographic film negatives or positives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, including herein all moving, motion, motophotography or cinematography film pictures, prints, positives or duplicates of every kind and nature, and of whatever substance made, 20 per cent ad valorem.

And in lieu thereof to insert:

390. Photographic cameras, photographic dry plates or films, not specially provided for in this section, 15 per cent ad valorem; photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, exposed but not developed, 4 cents per linear or running foot; if exposed and developed, 5 cents per linear or running foot; photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography or cinematography film pictures, prints, positives or duplicates of every kind and nature, and of whatever substance made, 1½ cents per linear or running foot.

Mr. SMOOT. Mr. President, I call the Senator's attention to what seems to me an inconsistency. In line 8 it is provided:

Photographic dry plates or films, not specially provided for in this section, 15 per cent ad valorem.

If the Senator will turn to paragraph 580½, he will find that "photographic and moving-picture films, sensitized and not exposed or developed," are put on the free list.

Mr. President, it has been held that a photographic film ceases to be a film for tariff purposes after it has been exposed or developed; and therefore we find ourselves in the position of having in one place photographic and moving-picture films upon the free list, and in paragraph 390 carrying a duty of 15 per cent ad valorem. I think, if the Senator will look up the case which was decided, he will make a change to cover the point I have suggested.

Mr. HUGHES. I will say to the Senator that I have noticed the apparent conflict, but I am not prepared to say that it is a real conflict. My judgment is that the language in the free list will control. A dry plate is a film on glass. We considered that apparent conflict and left it as it is; but I am not prepared to say that the language could not be improved, and I expected at some time to ask permission to make a change in the phraseology if I should come to the conclusion that it could be improved.

Mr. SMOOT. Then the Senator asks that the paragraph go over for the time being?

Mr. HUGHES. I should like to have the paragraph approved, with permission to return to it for the purpose of changing, if it be thought desirable, that particular phraseology.

Mr. SMOOT. Well, Mr. President, it seems to me if we want photographic dry plates or films to be on the free list, we ought to exclude the words in paragraph 390; and if we want them to carry a duty of 15 per cent, we certainly ought to take them out of paragraph 580½.

Mr. HUGHES. The only trouble in striking out the word "films" and leaving in "photographic dry plates" is that it might put on the free list certain photographic supplies that we do not want to put upon the free list.

Mr. SMOOT. No; the paragraph would then only apply to dry plates. Even if the Senator desires dry plates to remain there, all he would have to do would be to strike out the words "or films."

Mr. HUGHES. I am inclined to think the Senator is right about that. I have had my doubts about the language, and in order to get rid of the paragraph I move now to amend the amendment reported by the committee by striking out the words "or films," with the understanding that we may revert to it and ask that the phraseology may be further changed if subsequently it shall be deemed advisable.

Mr. SMOOT. That is satisfactory.

The VICE PRESIDENT. The amendment offered by the Senator from New Jersey [Mr. HUGHES] to the amendment reported by the committee will be stated.

The SECRETARY. In the amendment of the committee in paragraph 390, page 121, line 8, after the word "plates," it is proposed to strike out "or films."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in paragraph 391, page 122, line 3, after the words "ad valorem," to insert "meerschaum, crude or unmanufactured, 20 per cent ad valorem," so as to make the paragraph read:

391. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, 25 per cent ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles

whatsoever, not specially provided for in this section, including cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, except cork paper, 50 per cent ad valorem; meerschaum, crude or unmanufactured, 20 per cent ad valorem.

Mr. LODGE. Mr. President, I desire to call attention to the severity with which this business has been treated. Not only has there been a great reduction in the duty on these articles, but a duty has been added to meerschaum, the raw material. A duty was placed on briarwood for the first time in the Payne-Aldrich law, which led to a very great decrease in the manufacture and sale of briarwood pipes in this country. With a duty on amber and a duty on meerschaum, it will be almost impossible for the manufacturers to continue in business.

The industry employs some 3,000 men. Of course, they are workmen of high skill, receiving from \$12 to \$50 a week. They have to compete with a great deal of work done in small towns in Europe at very low labor prices. There is no substitute for amber. The imitation amber and imitation meerschaum are both so inferior that they can not be used in the manufacture of articles of high grade.

I merely wish to call attention, as I have said, to the severity with which this particular industry has been treated and to ask leave to print in the RECORD a statement which gives in full detail the difficulties which surround the industry. I will not waste time in asking the Senate to vote upon an amendment to the paragraph, because I know it would be useless; but it seems to me that even if it were an article of luxury we might permit its manufacture. We tax tobacco, which is consumed in the pipes, both by customs and internal taxation, to the limit which it will bear, and now we are putting an additional burden on this industry by imposing a duty on the amber and meerschaum which are used and which have to be imported. I fear it will make it impossible for those engaged in this industry to continue in business.

The VICE PRESIDENT. In the absence of objection, the papers referred to by the Senator from Massachusetts will be printed in the RECORD.

The papers referred to are as follows:

The Underwood tariff bill provides for a duty on raw amber of \$1 per pound, equal to about 10 per cent ad valorem. We are engaged in the manufacture in this country of briar and meerschaum pipes. The mouthpieces of these pipes are made of amber. The most of these amber mouthpieces represent about one-third of the entire value of the finished article.

For a long number of years there has been no duty on amber, nor on any other materials entering into the manufacture of smoking pipes.

There is, however, a duty of 60 per cent on the finished article.

Under the Payne tariff bill of 1909 for the first time a duty of 15 per cent was levied on the raw briar wood, whilst the duty on the manufactured article remained at 60 per cent.

The industry of manufacturing pipes in this country now employs about 3,000 persons; of these about two-thirds are skilled laborers, whose wages range from \$12 to \$50 per week.

The duty of 60 per cent on the finished article does not prevent the importation of pipes in very large quantities. In fact, authentic figures show that there has been a constant increase in the amount of pipes imported into the United States until same now reaches more than 50 per cent of the entire amount consumed yearly.

The imported pipes are manufactured mainly in small towns of France, Austria, and England, where the price of labor is exceedingly low, and lower even than in the larger commercial and manufacturing centers of continental Europe.

The duty of 15 per cent on briar wood, levied for the first time under the Payne tariff bill of 1909 (now proposed to be reduced to 10 per cent), was a serious blow to our industry. Some of the largest factories in New York and elsewhere were forced for the first time in the history of their business to slow down to half time, lasting for months. Their total sales have shrunk largely, whilst at the same time the importation of finished pipes, in spite of 60 per cent duty, have taken on larger proportion than at any time in the history of the business.

The Underwood tariff bill now under consideration, instead of relieving the above-stated unfavorable conditions, is imposing a new and additional duty of \$1 per pound on amber and a reduction of 10 per cent on the finished article.

With a duty of 10 per cent on wood and \$1 per pound (equal to 10 per cent) on amber, and at the same time a reduction of 10 per cent on the finished article only the importer and foreign manufacturer would benefit, to the serious detriment if not destruction of the entire American industry.

The Payne tariff bill endeavored to justify the placing of a duty of 15 per cent on wood on the ground of protection to the American wood growers in Virginia and other Southern States. Granted this to have been a formidable ground, although it was stated then and proved so since that the American wood is of too poor a quality and therefore not suitable for pipes, no such protection can possibly hold good as regards amber. Genuine amber is not found or manufactured in this country; all of it must be imported from Germany, and therefore there is no home industry to protect.

An article called "bakelite," manufactured in this country by the General Bakelite Co., of New York, has lately been put on the market to substitute amber.

If the duty of \$1 per pound on amber has been proposed to protect the manufacturer of bakelite, we respectfully beg to state that bakelite is sold to-day at about one-quarter the price of amber. It therefore needs no further protection, and surely Congress does not mean to protect such a concern to the detriment of all manufacturers using genuine amber.

Very respectfully, yours,

EHRlich & KOFF.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR: We duly received your letter of May 12, in answer to ours regarding duty on amber and briarwood pipes, and wish to thank you for the interest you have taken in our behalf.

We now learn that the Democratic members of the Committee on Finance instead of giving us the relief asked for have added another additional duty on our materials, namely, 20 per cent on crude meersch-
schaum.

This material has always been on the free list, since no crude meersch-
schaum is found in this country or any other country except Turkey. It would involve an additional hardship on the manufacturers of meersch-
schaum pipes, and would further, as shown in sworn statement, Exhibit 2, hereby annexed, not only make it impossible to compete with foreign manufacturers, but that it would wipe out the entire industry in this country.

There is an article called "American meersch-
schaum" found in New Mexico and worked by the American Meersch-
schaum Co., of Ogdensburg, N. Y. This, however, is not real meersch-
schaum, and can not be used for real meersch-
schaum pipes, such as we and all other manufacturers in this country are producing.

We had in the meantime answered the interrogatories propounded by the Committee on Finance, and had sent a copy to Senator SIMMONS and Senator LA FOLLETTE, and now inclose copies of these answers to you, to all of which we beg you to please give your earnest consideration and attention so that we may get the relief asked for.

Very truly, yours,

EHRLICH & KOPF.

EXHIBIT 1.

LOWEST ARTICLE WE MANUFACTURE IN OUR FACTORY.

Materials	\$3.80
Plus duty on briarwood under Payne-Aldrich tariff bill and duty on minor materials and difference in cost of transportation	.55
Total	4.35
Labor	9.00
Overhead charges	1.50
Depreciation	.15
Total	15.00

SAME ARTICLE MANUFACTURED IN AUSTRIA AND FRANCE.

Material	\$3.80
Labor	2.25
Overhead charges (assuming these charges to be the same as ours; however, most likely less)	1.50
Depreciation	.15
Total	7.70
Plus 60 per cent duty under the Payne-Aldrich tariff bill	4.62
Transportation to United States	12.32
Total	12.45

Difference in cost of manufacture between Austria and France and United States

2.55
This exhibit illustrates that the foreign manufacturer can sell his article, after paying 60 per cent duty, at our cost price—\$15—and make a profit of about 20 per cent.

Does the consumer profit by this difference of 20 per cent in a \$15-per-gross pipe?

No. Whether the retailer pays \$15 or \$18 per gross does not alter his price to the consumer, which for this class of pipe is from 20 to 25 cents apiece, according to the size and style.

EXHIBIT 2.

The cheapest meersch-
schaum pipes which we can manufacture in our factory cost as follows:

Material (meersch- schaum)	\$9.00
Material (amber)	4.50
Total	13.50
Labor	15.00
Overhead charges	1.50
Depreciation	.15
Total	30.15

Same article manufactured in Austria (the only manufacturing center for meersch-
schaum pipes in Europe):

Materials (assuming to cost the same in Austria)	\$13.50
Labor	3.75
Overhead charges (assuming to cost the same in Austria)	1.50
Depreciation	.15
Total	18.90
Plus present duty (60 per cent)	11.34
Total	30.24

If a duty is levied as proposed under the Underwood bill and Senate Finance Committee, it would figure as follows:

MATERIALS IN OUR FACTORY.

Meersch- schaum	\$9.00
Senate Finance Committee proposed duty (20 per cent)	1.80
Amber	4.50
Underwood bill proposed duty (\$1 per pound on amber, equal to 10 per cent)	.45
Total	15.75
Labor	15.00
Overhead charges	1.50
Depreciation	.15
Total	32.40

MANUFACTURED IN AUSTRIA.

Material (meersch- schaum)	\$9.00
Amber	4.50
Labor	3.75
Overhead charges	1.50
Depreciation	.15
Total	18.90
Plus 50 per cent as proposed under the Underwood bill	9.45
Total	28.35

The above exhibits show that under the Payne-Aldrich tariff bill we were fully protected against foreign competition, but under the proposed duties in the Underwood bill and Senate Finance Committee bill, which would add 20 per cent to the cost of meersch-
schaum materials and \$1 per pound (equal to 10 per cent on amber), we would not longer be able to compete. The cheapest article we could produce in meersch-
schaum could be landed here, duty paid, at \$28.35 per dozen, whilst the same article would cost us to manufacture \$32.40.

In the above exhibit we have assumed that the materials, overhead charges, etc., should cost the European manufacturer exactly the same as it does us. The probabilities are, however, that the European manufacturer can get his materials somewhat less than we have to pay, and also that the transportation of the material to the United States is somewhat greater than to Austria.

We also believe that the overhead charges in Austria are not as great as here, yet, in order to be perfectly fair, we have assumed all of these charges to be the same over here as there.

Does the consumer profit by buying the foreign-made meersch-
schaum pipe in preference to the meersch-
schaum pipe made in the United States? No.

Our legitimate profit in selling the \$32.40 meersch-
schaum pipe to the retailer is about 20 per cent, or he would buy our pipe at \$39 per dozen. Assuming the European manufacturer sells with the same margin of profit, namely, 20 per cent, the article would be sold to the retailer here at \$34 per dozen. The consumer would have to pay at retail \$5, precisely the same whether the pipe cost the dealer \$3.25 (which would be our price), or \$2.83 (which would be the foreign manufacturer's price). Therefore the only people who would be benefited by assessing the duties as proposed in the Underwood bill and by Senate Finance Committee would be the European manufacturer and importer, to the detriment of the American manufacturer and skilled laborers employed in this industry.

COMMONWEALTH OF MASSACHUSETTS, Suffolk, ss:

BOSTON, MASS., June 3, A. D. 1913.

Then personally appeared this — of June, A. D. 1913, before me Arthur A. Sondheim, a notary public in and for the Commonwealth of Massachusetts, Bernard Kopf, of Boston, aforesaid, a copartner and member of the firm of Ehrlich & Kopf, consisting of himself and David P. Ehrlich, who on oath deposes and says that the foregoing answers to the interrogatories propounded to manufacturers by the Committee of Finance of the United States Senate are true.

Before me,

[SEAL.]

ARTHUR A. SONDEHEIM,
Notary Public.

(My commission expires May 1, A. D. 1919.)

ANSWERS BY EHRLICH & KOPF, OF BOSTON, MASS., TO INTERROGATORIES PROPOUNDED TO MANUFACTURERS BY COMMITTEE ON FINANCE, UNITED STATES SENATE.

1. Briarwood pipes and meersch-
schaum pipes (for smoking purposes).
2. (1) Briar root. (2) Raw amber or amberoid. (3) Raw meersch-
schaum. (4) Various other raw materials of minor import.
3. The raw materials specified under (1), (2), (3) are imported as follows:
The briar root from France, also Italy, Corsica, and Algeria.
The raw amber or amberoid from Germany.
The raw meersch-
schaum from Turkey.

4. Raw briar root, per gross, from \$3 up.
Raw amber or amberoid from \$10 per pound up.
Raw meersch-
schaum, per case, average cost, \$165.
5. Same as above; less difference in expense of transportation from port of production to Boston and respective manufacturing centers.
Estimated on percentage, about 6 per cent on briarwood and about 2 per cent on meersch-
schaum and amber.
6. None. Can not compete with foreign countries.
7. No. Are not interested in any other concern exporting this commodity.

8. Can not answer, as we can not compete in foreign countries.
9. Can not answer, as we can not compete in foreign countries.
10. Do not export to foreign countries, as we can not compete.
11. We do not export, as we can not compete.
12. About 12 concerns.
13. William Demuth & Co., New York; Kaufman Bros. & Bondy, New York; S. M. Frank & Co., New York; Manhattan Briar Pipe Co., New York; (ourselves) Ehrlich & Kopf, Boston, Mass.
14. Not to our knowledge. We are absolutely independent.
15. Can not answer; know of no trust or combination.
16. Can not answer, as there is no trust or combination.
17. Prices vary according to quality, grade, and style of each pipe manufactured.

Prices for same quality, grade, and style have not changed materially during 1912 or first four months of 1913.

18. Do not export, as we can not compete.
19. Cost of production in our plant of our product figures in percentage about as follows:

	Per cent.
Cost of materials	about 29
Cost of labor	do 60
Overhead charges	do 10
Depreciation	do 1

20. Do not pay a corporation tax.

21. (a) Skilled laborers.....	30
(b) Unskilled laborers.....	8
(c) Men.....	38
(d) Women.....	4
(e) Children.....	None
(f) Native born.....	10
(g) Foreign born.....	32
(h) Citizens.....	25

22. Wages paid during 1910-11-12 represent about 60 per cent of the total value of production.

23. Requires special scientific machinery for carving brier root, cutting and bending amber, modeling meerscham. In use from three to five years.

24. Cost of production in foreign countries for same quality, grade, and style as we produce is about one-half.

25. The difference of percentage of labor cost between the United States of America and respective European countries is about 70 per cent.

This knowledge is derived from our factory manager and from our foreman, who worked in factories in Austria, France, and England, and from inquiries gathered abroad by the deponent, a member of the firm, and is further verified by the fact that the importation of smoking pipes, the finished article, has steadily increased since the Payne-Aldrich tariff bill went into effect in spite of the 60 per cent duty levied thereon.

26. Have not sufficient data to answer positively. We sell to all the principal cities in this country.

27. Cost of transportation from Austria, France, and England to the principal cities of this country would be same as from our factory plus respective freight and steamer charges to port of entry.

28. Under the Payne-Aldrich tariff bill we worked with a loss owing to the duty of 15 per cent on raw brierwood levied for the first time in the history of the business. The 60 per cent levied on the finished article was not sufficient to keep out the foreign-made pipes. The importation has steadily and materially decreased.

ANSWERS BY EHRLICH & KOPF, OF BOSTON, MASS., TO INTERROGATORIES PROPOUNDED BY SENATOR LA FOLLETTE, A MINORITY MEMBER OF THE COMMITTEE ON FINANCE, UNITED STATES SENATE.

1. Brierwood pipes and meerscham pipes (for smoking purposes).

2. (a) Raw brier root, (b) raw amber and amberoid, (c) raw meerscham, (d) various other materials of minor import.

3. Do not know.

4. Consumption very much larger than the quantity sold during 1912 by the American manufacturers. With existing plants working at full time the American manufacturer could supply the entire consumption, but we can not compete with foreign product in spite of the 60 per cent duty levied on the finished article.

5. About 12 concerns.

6. Wm. Demuth & Co., New York; Kaufman Bros. & Bondy, New York; S. M. Frank & Co., New York; Manhattan Brier Pipe Co., New York; (ourselves), Ehrlich & Kopf, Boston, Mass.

7. For the lowest priced article which we manufacture, about \$1.50 per dozen; for the highest priced article which we manufacture, about \$48 per dozen.

8. About one-half.

9. Cost of production in our plant figures in percentage about as follows:

Cost of materials.....	about.....	29
Cost of labor.....	do.....	60
Overhead charges.....	do.....	10
Depreciation.....	do.....	1

10. About one-half.

11. Sixty per cent (in addition to labor cost we have to pay under the Payne-Aldrich tariff bill 15 per cent duty on raw brierwood).

12. Twenty per cent.

13. Have not sufficient data to answer positively. We sell to all the principal cities of this country. Item of transportation is a small one.

14. Cost of transportation from foreign countries to American market would increase on wood about 6 per cent and about 2 per cent on amber and meerscham.

15. Fifteen per cent on brierwood, 60 per cent on labor.

16. Under the Payne-Aldrich tariff law we made no profit. We worked with a loss, owing to the duty of 15 per cent on raw brierwood levied for the first time in the history of the business.

The 60 per cent levied on the finished article was not sufficient to keep out the foreign-made pipes.

The importation on the finished article had steadily and materially increased since the Payne-Aldrich tariff bill went into effect.

We do not ask for an increase above the 60 per cent duty on foreign product—finished smoking pipes made of brier root or meerscham—but we do protest against the proposed reduction from 60 to 50 per cent on the finished article, and most earnestly demand the removal of the entire existing duty of 15 per cent on the raw brierwood and the proposed duty of \$1 per pound—equal to 10 per cent—on amber.

See Exhibit 1.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of paragraph 395, on page 122, which is as follows:

395. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not enumerated or provided for in this section a duty of 10 per cent ad valorem, and on all articles manufactured, in whole or in part, not provided for in this section a duty of 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I notice the wording of this paragraph is the same as the present law. The paragraph is designed to take care of all articles not enumerated in the section, but I find that unmanufactured articles carry a rate of duty in this paragraph of 10 per cent, the same as in the present law, while on manufactured articles a reduction has been made from 20 per cent to 15 per cent.

Of course, if the committee have decided upon that, well and good, but I want to call their attention to what happened between the years 1897, when the Dingley law was passed, and 1909, when the Payne-Aldrich bill was enacted. During that 12-year period there fell into that particular paragraph in the Dingley law some 62 articles that were not known at the time of the passage of the Dingley law, in 1897.

I believe, Mr. President, that it would harm no one; but it might be of inestimable value to the future production of articles which may hereafter be discovered and used in all parts of the world.

If the Senator having this schedule in charge has taken that under consideration, I will say no more; but, in my opinion, it will be very much better to have at least the 20 per cent rate on the manufactured articles not enumerated. That certainly would not be a high rate, and it would only fall upon items that we know not of now, but which may in the future be discovered and which we may want to manufacture in this country, and to enable us to manufacture them a duty of at least 20 per cent would be required. I ask the Senator, with that explanation, if he is not of the opinion that 20 per cent would not be too high?

Mr. HUGHES. I will say to the Senator that of course this basket clause, covering articles not enumerated, applies to the whole bill.

Mr. SMOOT. Everything that is not enumerated.

Mr. HUGHES. Everything that is not enumerated; and it does not apply merely to the particular schedule which we have been considering this afternoon and with which I have taken some liberties. I should prefer that the Senator would propound his query to the chairman of the committee.

Mr. SMOOT. I hope the Senator did not think I thought this paragraph applied only to this particular schedule.

Mr. HUGHES. I know that very well, but I wanted other Senators to understand it; and I would rather have the Senator ask the chairman of the committee.

Mr. SMOOT. The chairman of the Finance Committee heard my statement, and I should like to address the question to him.

Mr. SIMMONS. I was not listening to the remarks of the Senator when addressed to the Senator from New Jersey, and I really did not catch the purport of them.

Mr. SMOOT. I was calling the attention of the Senator from New Jersey, as I thought he was in charge of this matter, to paragraph 395. This is a paragraph to take care of all unenumerated articles, both unmanufactured and manufactured. The present law provides for a duty of 10 per cent on unmanufactured articles and a duty of 20 per cent upon manufactured articles not enumerated in the bill. I stated to the Senator that during the years from 1897, the time of the passage of the Dingley bill, to 1909, the year of the passage of the Payne-Aldrich bill, there were some 62 articles that came into the commerce of this country that were not known at the time of the passage of the Dingley bill in 1897. Of course all such articles fell in the paragraph of the present law corresponding to paragraph 395 of the pending bill. Many of these items—in fact, I know of quite a number of them—were manufactured abroad and could have been manufactured in this country, but the 20 per cent duty was not sufficient to enable their being made here.

What I wish to ask the Senator is, if it would not be better, in the case of that paragraph, to leave the duty at least 20 per cent, so that it will take care of such articles that may come into the commerce of the country that are not known to-day? Nearly everything is enumerated; and the very next paragraph is the similitude paragraph, which takes in everything there is, it seems to me, except the articles that may come into commerce that are not known to-day. I do not believe 20 per cent duty will be too much to take care of such articles, and I therefore ask the Senator if he will not change the 15 per cent to 20 per cent.

Mr. SIMMONS. Mr. President, the articles that have come in heretofore under this paragraph, under all of our tariff acts, have been very limited. I find here that in 1897 the total value of articles imported under this paragraph amounted to only \$17,562 and the revenue amounted to only \$3,512. In the year 1906 the amount that came in was only \$13,000 and the revenue only—

Mr. CUMMINS. Mr. President, we are unable to hear the Senator from North Carolina.

Mr. SIMMONS. I was stating the fact that the amount of imports under this paragraph under the Dingley Act had been very, very small. In fact, under all of our revenue laws since 1894 the imports under this paragraph have been absolutely negligible.

Mr. SMOOT. I wish to say to the Senator that the provisions of the paragraph are not supposed to prevent any known article from coming into this country. That is not the object of the paragraph.

Mr. SIMMONS. I understand that.

Mr. SMOOT. If the bill were absolutely perfect, upon its passage there would be nothing imported under the paragraph, because the other provisions of the bill would cover everything.

Mr. SIMMONS. Of course that is obvious, Mr. President. That is self-evident and does not require any statement. An effort has been made by the tariff makers to enumerate every known article, and after several hundred years of experience there are very few articles that are not known and enumerated. Most of the imports under this section would be of new things, of undiscovered things. Then of course we have the next paragraph, which is generally spoken of as the similitude paragraph.

Mr. SMOOT. I have referred to that.

Mr. SIMMONS. That prescribes a duty for articles of similar character to those upon which duties are imposed. We have reduced to the minimum the number of things that may come in under this paragraph. The Senator says 20 per cent is the duty prescribed in the present law. I find that 20 per cent is the duty that has been prescribed in every act beginning with 1894.

Mr. SMOOT. I believe that is true, Mr. President.

Mr. SIMMONS. Yes; that is true. That is the duty that has been prescribed in the various acts that carried high protective duties.

Mr. SMOOT. No; the Senator is mistaken.

Mr. SIMMONS. The 20 per cent duty applied to the Wilson bill also, I think.

Mr. SMOOT. But I wish to say to the Senator that the rate in this paragraph is not a protective duty.

Mr. SIMMONS. Then why does the Senator want it increased, if it is not a protective duty?

Mr. SMOOT. I will tell the Senator why. Of course we do not know what new articles of commerce may be discovered. What I did say was that I thought if a 20 per cent duty were provided we would have a better chance to take care of such articles.

Mr. SIMMONS. I understand by that term that the Senator means a better opportunity to protect them. If he does not mean that, I do not know what he does mean.

Mr. SMOOT. I would not say that a rate of 20 per cent would afford very much protection on such articles.

Mr. SIMMONS. I do not wish to take much time about this matter, Mr. President. I was going to say that under the Dingley Act and under the Payne-Aldrich Act the rate upon these unenumerated manufactured articles has been placed at 20 per cent. In this bill we are radically reducing the rates of those acts. I think it is entirely logical, when we come to this paragraph, which is a sort of basket paragraph that catches everything that we do not know anything about and are not able to designate eo nomine, that we should make some slight reduction. I do not think it is a matter of much consequence one way or the other. For the last 20 years there have not been any considerable imports. They are absolutely negligible, and the revenue is absolutely negligible. I think the rate of 15 per cent conforms to and is in harmony with the rates we have prescribed in the bill, and I am not disposed to agree to any increase in the rate.

The reading of the bill was resumed, and the Secretary read to line 12 of paragraph 396, page 123, as follows:

396. That each and every imported article, not enumerated in this section, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section—

Mr. LIPPITT. I wish to call the attention of the chairman of the committee, and particularly of the Senators who have the three or four textile schedules under their charge, to the fact that at this point in the bill there is a definition of the words "component material of chief value." At an earlier period of the discussion I pointed out the great inconsistencies which ran through all the tariff schedules in the use of this phrase, "component material of chief value," and other phrases which I presume were intended to be synonymous with it.

The phrase "composed in whole or in part" frequently alternates during sections with this expression, "component material

of chief value." As I have pointed out before, the inference is that one means something different from the other; or if both mean the same thing, I think it is very important, for the purpose of avoiding litigation, that the language of those four schedules—I am speaking now of the cotton, silk, wool, and flax schedules—should be made so that the different parts of each may conform one to another. In all there are six different phrases in those four schedules that are used to express the same idea.

I wish to call the matter to the attention of the Senators in charge of the bill. It has nothing to do with the rates, but it has a great deal to do with the amount of litigation that is apt to go on under the bill after it becomes a law.

Mr. SIMMONS. I do not know that I altogether understand the Senator. Does the Senator suggest that we ought to define, in this section, the exact meaning of all of those phrases, such as "in whole or in part," as we have defined here the phrase "component material of chief value"?

Mr. LIPPITT. No; that is not what I mean. I mean that in the silk schedule, as an illustration, in some places it says "an article of which silk is the component material of chief value," and a few lines farther on it will say "an article composed wholly or in part of silk," or "wholly or in chief value of silk." The idea, I presume, is that the words "wholly or in chief value"—

Mr. SIMMONS. Does the Senator see much difference between the meaning of that phrase and this phrase?

Mr. LIPPITT. I should like to ask the Senator from North Carolina if there is any difference?

Mr. SIMMONS. At first blush I do not myself see very much difference in the meaning, although there may be a difference.

Mr. LIPPITT. I think it is intended that the terms should be synonymous, and should mean the same thing.

Mr. SIMMONS. That is my impression.

Mr. LIPPITT. They are undoubtedly intended to mean the same thing; but it is manifest that if in one place you use one set of words to describe an idea and two or three or four lines farther on you use another set of words to describe exactly the same idea, a critic coming to examine the bill will naturally infer that there is some different meaning; otherwise you would not have changed your language.

I wish to say to the Senator that in the past little variations in expressions of that kind have led to an enormous amount of litigation. This bill is going to be examined by very expert customhouse lawyers on the date of its passage. In fact, it is now being examined by them, and whether or not those two phrases will mean exactly the same thing after they have been exposed to the very technical interpretation of the courts is certainly a matter of doubt.

I am only suggesting this to the Senator as a means of perfecting his bill. Manifestly, if he means the same thing all the time, and expresses it in the same language, there can be no misinterpretation of it. But if he uses six different expressions to convey a single idea there is great probability that there will be different interpretations put upon them.

Mr. SIMMONS. Have not all our tariff bills, and especially the existing law, used these terms repeatedly, all through them, as interchangeable and synonymous terms?

Mr. LIPPITT. No, sir.

Mr. SIMMONS. Especially the two to which the Senator has referred, "in whole or in chief value" and "component material of chief value." Are not those two terms used very frequently in the present law?

Mr. LIPPITT. I think they are not. I think there is only one expression used in the present cotton schedule, and that is "component material of chief value." I think that expression is used all the way through the cotton, wool, and flax schedules.

When it comes to the silk schedule, which was rewritten in its form in the present law, the Payne-Aldrich law, and probably written by some different hands or different minds that did not have the usual expressions well in mind, in that schedule there is used for the first time, I think, as I read over it hastily, the expression "composed wholly or in chief value." In all the previous schedules, if my recollection is correct, the words "component material of chief value" are used. Certainly they are used for the greater part of the time.

Mr. SIMMONS. If the Senator will pardon me, I think where we have used the one term or the other we have in almost every instance been following out the language of the old law. While we have changed rates in this bill, we have conformed our language very largely to the present law, except as to rates, where there was no change in principle. I think we were wise in doing that, because the terms used in our tariff laws, where they have involved any ambiguity or uncertainty, have been

the subject of construction by the courts and by the appraisers, and the meaning of the words has been defined.

I think the Senator will find that we have not violated the rule of uniformity to which he has appealed any more than the old law has done so. I think he will find that where we have used one phrase instead of the other, we have generally done so in pursuance of the form of the old paragraph.

We are discussing this matter, not in a controversial spirit, but both of us with a desire to perfect the bill as best we can. I wish to say to the Senator if he will point out any instance in which uncertainty and doubt may grow out of the use of any improper term as he sees it, we shall be very glad indeed to consider it.

Mr. LIPPITT. I was not bringing up the matter for any other purpose than for the purpose of having the bill as perfect as possible.

Mr. SIMMONS. I have not imputed to the Senator anything but the very best motives in bringing it up.

Mr. LIPPITT. If the Senator will turn to page 78—

Mr. SIMMONS. I should not care to have the Senator call my attention to it now; but if he will examine the provisions to which he has reference and call my attention to them, I shall be very glad indeed to take up the matter for consideration.

Mr. LIPPITT. I should like to say to the Senator that this is the third time I have called the attention of Senators on the other side to this matter, which, to my mind, is a very glaring inconsistency and, without meaning any insinuation, a great imperfection in the bill. I had hoped there would have been some consideration given to it and some change made in it.

Mr. SIMMONS. I think the Senator spoke to me privately about it yesterday, and I think I assured him that if he would make a memorandum of the matter and submit it to me I would take it up and look into it.

Mr. LIPPITT. No; I meant by saying "the third time" that it is the third time I have called the matter to the attention of Senators on the other side in public on the floor. I shall be glad to submit it to the Senator, however.

Mr. SIMMONS. The Senator understands that I would not like right here on the floor, without any opportunity to consider the matter, to settle a question of that sort. I simply ask that he will make a memorandum of it and let me have it.

Mr. LIPPITT. I did not expect the Senator to do so. I was only trying to impress it upon his attention.

Mr. PENROSE. Mr. President, does the chairman of the committee intend now to proceed to the consideration of the income-tax provision?

Mr. SIMMONS. That is the desire of the committee.

The VICE PRESIDENT. The reading of this paragraph has not yet been completed.

Mr. SIMMONS. That is true; we have not yet finished this paragraph.

Mr. PENROSE. Before we leave the tariff schedules I should like to call attention for about two minutes to some matters I have here.

Mr. CUMMINS. If the Senator will yield to me, I desire to say that before we pass to the income-tax provision I have an amendment which I desire to offer to the bill, the proper place for which is immediately following the free list. I am prepared to do it as soon as the Senator from Pennsylvania has concluded.

Mr. SIMMONS. We have not yet quite finished Schedule N, I believe.

Mr. CUMMINS. I believe not. I shall wait until the schedules are concluded.

Mr. PENROSE. Then, if I may be permitted, I will introduce the matter to which I referred when this schedule is closed. I thought we had completed it.

The VICE PRESIDENT. The Secretary will conclude the reading of paragraph 123.

The reading of the bill was resumed, and the Secretary read as follows:

Shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

Mr. PENROSE. Mr. President, I have on my files a very large number of letters sent to me by different people in Pennsylvania and other parts of the country, showing how the foreign manufacturer is preparing under the pending bill to enter the American market just as soon as the bill becomes a law. I shall not cumber the RECORD or detain the Senate by producing for the consideration of this body or for future reference too many of these communications, but I have here three which I should like to have embodied in the RECORD at this point.

One is from Donisthorpe & Co. (Ltd.), of Leicester, England, and is as follows:

DONISTHORPE & CO. (LTD.), WORSTED, MOHAIR,
LAMB'S WOOL, MERINO AND COTTON YARNS,
Leicester, May 20, 1913.

Messrs. SIMONS & STRUVE HOSIERY CO.

DEAR SIR: If you will be interested in importing yarns when your tariffs have been reduced we shall be very pleased indeed to answer any inquiry you may intrust us with, or, better still, if you will kindly send us a small sample of any particular line which you are using and wish to import we shall be pleased to match same and quote our keenest prices. We trust to be favored with your esteemed commands in the very near future and beg to remain,

Yours, very truly,

DONISTHORPE & CO. (LTD.),
A. COLTMAN.

This is a letter indicating the prospects in front of the hosiery people.

I have another letter here from Betts & Co., No. 1 Wharf Road, City Road, London, describing themselves on their letter-head as "The largest makers of bottle capsules in the world." It is as follows:

REDUCTION IN TARIFF.

BETTS & CO. (LTD.),
London, N., May, 1913.

DEAR SIR: We have previously quoted on your requirements of bottle caps, but up to now have not been successful in obtaining a share of your business.

The bill before Congress provides for a considerable reduction in duty, and for this reason you may be holding up your orders until the new tariff becomes law. Please note, however, that on orders placed with us before the new tariff is in force, but shipped after it becomes operative, we shall give a rebate in price proportionate to the saving in duty.

There is, accordingly, no reason to delay ordering even for forward delivery, and the advantage of ordering forward is that such orders will be proceeded with awaiting shipping instructions, thus insuring prompt shipment when you are in need. If, however, orders are not sent until after the new tariff becomes operative, there is likely to be such a demand as to make prompt delivery almost impossible.

Yours, very truly,

BETTS & CO. (LTD.),
J. POPPLE.

Mr. MARTINE of New Jersey. I should like to inquire just what particular industry these gentlemen were engaged in?

Mr. PENROSE. Caps for bottles.

Mr. MARTINE of New Jersey. I thought it was a medicine.

Mr. PENROSE. The Senator is familiar with the industry. The factories are found in New Jersey and eastern Pennsylvania and all over the eastern part of the country—small, active industries producing an article of general use.

Mr. MARTINE of New Jersey. We disagree sometimes as to the brand. Some use the caps and others the other kind.

Mr. PENROSE. Others prefer the cork. [Laughter.]

Mr. MARTINE of New Jersey. The Senator's heart and mine beat in unison.

Mr. PENROSE. Here is another letter from Germany. Dr. Heinrich König & Co. write this letter:

LEIPZIG-PLAGWITZ, July 11, 1913.

LEVITYE Co., Philadelphia.

GENTLEMEN: We are informed that for the new tariff a considerable reduction is under consideration as to the duty for chemicals to be imported into your country.

We therefore take the liberty to draw your special attention to our chemical products for engraving purposes as named hereafter:

Perchloride of iron, cyanide of potassium, asphalt in finest powder, collodion, iodine, chromium salts.

Will you be good enough to favor us with your inquiries, stating at the same time the quantities you require. We have no doubt that our prices will lead to business, and looking forward to your kind and favorable reply, we are, gentlemen,

Yours, truly,

DR. HEINR. KÖNIG & CO.,
Gesellschaft mit Beschränkter Haftung.

I could produce many hundred letters if necessary.

Mr. MARTINE of New Jersey. I think I can recall without a very far reach of memory when a medicine or tonic that is used much in this country bore a most inordinate tariff. I can not now just recall the rate, but the general trend of public thought was that it was a grave abuse, and the Democratic Party insisted that it should be put upon the free list. I recall very well, since the Senator cites Philadelphia—I think it was about 18 years ago—what a howl went up from the Commonwealth of Pennsylvania, particularly from the city of Philadelphia and from a great firm of manufacturing chemists, that if this article was put on the free list it would be ruination.

Mr. PENROSE. To what article does the Senator refer?

Mr. MARTINE of New Jersey. The article was quinine. I think it was sold for about \$5 an ounce. I am corrected. I am told that it was sold for \$4.84 an ounce. It was put upon the free list. We were told that the people in the low latitudes would shake themselves to death with fever and ague because we would have no quinine to counteract it if we put that article on the free list. But, notwithstanding that claim, it was put on

the free list and it is now sold for about 45 cents an ounce instead of \$4.84 an ounce.

How well I remember the calamity howl of that day. It was a fact that if you had occasion to buy quinine you could go into a drug store and all you could get for half a dollar you could put inside of a lady's watchcase and put the crystal down without harming the crystal or the article put beneath it. But we put it on the free list and now it will almost take a nail keg to contain the quinine you can get for half a dollar. [Laughter.] That is, I know, a slight exaggeration.

What I desire to say is that the industry of the manufacture of quinine in Philadelphia has prospered beyond compare and that the firm of druggists in Philadelphia, Powers, Weightman & Co., who said that they were going to be driven out of existence, to-day have multiplied their concern and have made most fabulous wealth, and the people at the same time have that commodity correspondingly cheaper.

So I think when our friend from Pennsylvania tells these stories of what is to come we can simply cite the question of free quinine out of the desolation and ruin and sadness pictured for the general industries that we have had.

Since the Senator has been so much inclined to read I believe I will do a little reading. Some one said the other day when the Senator and I got into a little controversy that it seemed like a frame up. It does seem a little like a frame up. I want to say that I happened to pick up the New York Tribune of to-day, and rather than cut it out and mutilate the paper, since it came from the Secretary's office, I copied it. As I said before it is on our file. On August 26 the New York Tribune says:

Fall River Iron Works plant employing five to seven thousand hands goes into operation to-day after a shutdown of 15 weeks.

I trust the Senator from Pennsylvania will listen. Of course this comes from the Commonwealth of the Senator from Massachusetts [Mr. WEEKS]. I also read from the Tribune of to-day showing that there was no need of protection of the great iron industry of Pennsylvania, which has been fattened and favored so liberally in years past. I quote also from the Tribune, showing no need of protection here:

Forty-five cars leave Bethlehem, Pa., to-day with an iron mill costing \$2,500,000, made by the Pollock Co., of Youngstown, Pa. This is a modern 500-ton blast furnace complete. It will be erected at Newcastle, New South Wales, Australia.

We have been told right along that we needed this tariff in order to compete with foreign countries, and here we see that the sales go right along.

Mr. LODGE. Mr. President—

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

Mr. MARTINE of New Jersey. Certainly.

Mr. LODGE. I desire to ask the Senator did I understand him to refer to the Fall River Iron Works?

Mr. MARTINE of New Jersey. This is the quotation:

The Fall River Iron Works' plant, employing five to seven thousand hands, goes into operation to-day after a shutdown of 15 weeks.

Lest the Senator may doubt it, I will let a page go and get the Tribune of to-day.

Mr. LODGE. It was not that. I wanted to ask the Senator if he referred to that as an indication that the iron trade is improving.

Mr. MARTINE of New Jersey. They manufacture textiles as well, do they not?

Mr. LODGE. They do.

Mr. MARTINE of New Jersey. I do not care whether—

Mr. LODGE. They manufacture nothing but textiles.

Mr. MARTINE of New Jersey. All right; I read what it said. I suppose it assumed that everybody knew. I am not so well versed in Massachusetts, but I do not care whether it was the iron industry or the textile industry; I only quote it to show that with all the stories of woe and misery and general prostration of industries, the facts do not warrant them.

The Senator from Pennsylvania is now telling us of the letters he has and the half dozen he wants to read. I have one here that I have held for a day or two, and I want to present it now. It says.

FALLS, PA., August 6, 1913.

Senator MARTINE,
United States Senate, Washington, D. C.

DEAR SIR: I read with interest your—

The first paragraph amounts to nothing, but I will read it all—

I read with interest your discussion yesterday with Senator PENROSE regarding business conditions in Pennsylvania, and am surprised that our Senator should deliberately attempt to depress and ruin the business of his own State.

I have traveled Pennsylvania for 10 years and have never had the business I have had this spring season, and the last two weeks were the biggest of any two of the year. Other salesmen report the same, and the universal report of the merchants is the heaviest they have ever had, and that it is keeping up right now in the usual dull season.

I have heard of no "shutdowns" or rumored "shutdowns," but, on the contrary, that help is scarce and impossible to get.

In 1908, when the panic was on, we were told not to discuss hard times, not to talk the poor conditions of one town in another; but now, when all is going along better than ever, the business world is disgusted with the calamity howlers in Washington.

This town of New Castle, Pa., where I am at this writing, a steel and tin-plate town, was never more prosperous than now.

Yours, respectfully,

LEWIS EVITTS.

My friend said there was no name to the one I had here the other day, but this one is signed Lewis Evitts and it is from New Castle, Pa.

Mr. PENROSE. Will the Senator permit me—

Mr. MARTINE of New Jersey. Certainly.

Mr. PENROSE. I am glad this communication is signed.

Mr. MARTINE of New Jersey. It is better than yours was on Spreckels the other day.

Mr. PENROSE. I am not acquainted with the gentleman who has signed it, but I will investigate his character and standing and advise the Senator as to how much credit should be given to his communication.

I may state, however, in this connection that New Castle, in Lawrence County, is on the extreme western border of Pennsylvania. I do not pretend to say that this tariff legislation has seriously affected that section of the country yet.

The result of the agitation is most seriously and certainly definitely felt in the textile industries and in many of the metal industries in the eastern seaboard section of Pennsylvania and of the United States. I have already said that when you are talking about a territory some 400 miles in extent it seems hardly fair to quote a witness who is 400 miles from the point affected.

Mr. MARTINE of New Jersey. I realize—

Mr. PENROSE. How far this gentleman is an authority I do not know, but I will try to find out. It may be that the result of my investigation will indicate that the Senator would have been better off with an anonymous communication. He may find a Democrat hunting a post office.

Mr. MARTINE of New Jersey. I do not know whether there is a Democrat hunting a post office in Pennsylvania. That has not been the case in its past history under the good partisan management of the Senator. Owing to the great influence of the Senator from Pennsylvania, entirely commensurate with the magnificent area of his State, I still feel that the boundless world is his; but I want to know how he explains the Fall River business, how he can explain the way these iron mills are sending out machines, and all that amidst this picture of gloom and general prostration.

Mr. LIPPITT. When the Senator from New Jersey refers to the concern in Fall River, does he mean to emphasize the fact that it has been stopped for 15 weeks, or does he mean to emphasize the fact that it may start up for awhile?

Mr. MARTINE of New Jersey. I simply said that which the New York Tribune states. Oh, heavens, how you rolled the words, "the New York Tribune," as a sweet morsel under your tongue years ago. I have only been stating what the New York Tribune says, but for fear that the authority may not be just what the Senator from Pennsylvania [Mr. PENROSE] and the Senator from Rhode Island [Mr. LIPPITT] want, here is another sort of an adjunct to the Republican Party for a great many years, the New York Times. I send it to the desk and ask the Secretary to read the portion I have marked. It is on the effect of the tariff revision on the business outlook.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. MARTINE of New Jersey. I have had this matter for some time, and I would not have inflicted it on the Senate, but I declare I can not help it; it is too good since the Senator from Pennsylvania moved out with fresh evidences of prostration, degradation, misery, and woe.

The Secretary proceeded to read the article, and was interrupted by—

Mr. SIMMONS. I wish to ask the Senator from New Jersey if he will not consent to have the balance of the article printed in the Record without reading?

Mr. MARTINE of New Jersey. If it is the pleasure of the Senate, I am quite willing to do so. I have no desire to take up the time of the Senate. I realize as much as the Senator from North Carolina the necessity of moving on, but I did feel that there should be some antidote furnished for the poison used by our friend the Senator from Pennsylvania in holding up a picture of holy horror.

The matter referred to is as follows:

FACTS OF THE BUSINESS OUTLOOK.

Some think that Congress has done its best to kill prosperity and some think Congress has done its worst, which may be another way of saying the same thing. What those of the differing ways of thinking

ought to consider is not their differences of opinion, but the facts in the case. And the fact is that all records are broken for the facts of trade under such conditions as those now existing regarding legislation. We published yesterday a Chicago dispatch, quoting leading men of business and such bankers as Mr. Forgan, to the effect that business is good and improving, regardless of the money market and what Congress is doing or not doing. We published also the testimony of a representative of Claffin & Co. to the effect that there is no complaint of the buying for the fall season. It is the buyers' business to know what the quality of the selling will be. Goods are scarce, and buyers must take them while they can get them, because later on there will be greater scarcity, unless there is such activity in production as will cause the wage earners to rejoice.

There was published on Monday the official statement of the goods piled up in bonded warehouses awaiting release under the new rates of duty. There are \$106,000,000 worth, and calamity hunters may think that spells prostration of manufacture. It can only spell that for the present moment. Looking ahead, it spells corresponding activity. Materials of manufacture are not accumulated for fun nor to put into cold storage indefinitely. Those materials are imported to be turned into goods for sale, and the larger the quantity the larger the demand for labor and the stronger the testimony to the importers' belief that it is going to be worth while to make the materials into the finished goods.

Raw wool to the amount of 20,000,000 pounds is among these warehouse materials. That may or may not mean misery for the few producers of wool. It certainly means work for the makers of wool goods and lower prices for the wearer of the domestic product. The proof of this is the fall price lists. The American Woolen Co., the leading producer, is not reducing wages, but is reducing its prices by 10 per cent or more. A typical product is priced \$1.12½, or cheaper by 17½ cents. The United States Worsted Co. follows this lead by a reduction of 10 to 20 cents a yard. It is plain that there is to be domestic competition for the foreign goods, quite as surely as the lamented competition of the foreign with the domestic. There are \$3,000,000 of foreign linens waiting to "flood" this market. Buyers of linen will hardly bewail that fact, and the makers of the goods which will be sold to pay for the linens—since they will not be given to us—can see work and wages as plainly as the heads of households can see cheaper supplies of what they could hardly afford under the higher protective schedules.

It is true that it is possible to collect instances where weak domestic producers are taking advantage of the tariff agitation to make exculpatory explanation of their embarrassment. But that is not the general temper. Our efficient producers are going to take a great deal of beating before they succumb to the stress of meeting the foreign produce on their own ground. For example, here are the words of Mr. William M. Wood, president of the American Woolen Co., on his return from abroad:

"I understand that wool has finally been put on the free list. I can not say what the attitude of woolen manufacturers as a body will be, but for my part I will say that I will endeavor to run my factory in accordance with the terms of the law. We have the best equipped woolen mill in the world, and I see no reason why we should not be able to produce woolen fabrics as good as any produced elsewhere. The higher cost of labor in this country necessarily makes the cost of production higher, but I think even with free wool and a moderate tariff on the manufactured article of, say, 30 per cent to 40 per cent, we will be able to successfully compete with foreign manufacturers."

This is a survey of the most contentious part of the business outlook. When the survey is limited to existing conditions they seem even better. The Wall Street farmers are bewailing the crops, but the nearer the observer gets to the fields the better the prophecy. For example, the Chicago Continental & Commercial Bank has just made a crop examination for itself, and finds 9,000,000 bushels more of growing wheat than last year, a bumper crop, in fact, with 30,000,000 of last year's yield in elevators. "There are over and above the domestic need 170,000,000 bushels, and for the second consecutive year the United States becomes a heavy exporter of wheat." Only recent damage has prevented the growing corn crop from being a record. As it is, the prospect is for 2,800,000,000 bushels, against a 10-year average of 2,670,000,000. To this must be added old corn to a total of 400,000,000 bushels above last year's reserves in supply at this time. It is possible that a larger supply of corn might be a disguised blessing. Of hay there promises to be a billion dollars' worth, and hay is as important as hens in the farmers' economy. The bank thinks there will be a million more bales of cotton this year than last, or 14,700,000.

To glid this glowing prospect, it is only necessary to add that yesterday's report of foreign trade puts it at a trifle of \$4,275,000,000, or \$421,000,000 over the preceding year. Of the exports the farmers' share was \$181,693,263 against \$99,659,025 the year before. Yet the farmer outcries the manufacturer ruined by the wicked tariff reformers.

Mr. SMOOT. Mr. President, I listened to the speech of the Senator from New Jersey and the wonderful story he told about quinine with a good deal of pleasure. After he made that statement I ran back over the tariff acts to find out when quinine was put upon the dutiable list. I understood the Senator to say that it was done about 18 years ago.

Mr. MARTINE of New Jersey. I think 18 or 20 years ago.

Mr. SMOOT. I find that in the act of March 3, 1883, it was on the free list. I find that in the act of October 1, 1890, it was on the free list. I find that in the act of 1904 it was on the free list and in every act since that date. So I suppose the Senator must have been mistaken and he only imagined that he heard that cry.

Mr. MARTINE of New Jersey. No; the Senator will not deny that quinine was dutiable.

Mr. WILLIAMS. There is hardly a child in the South who does not know that about 1888 or 1889, somewhere along there, quinine, which was on the dutiable list, was placed on the free list. When that was done Powers, Weightman & Co. and all the other great manufacturers of quinine swore that you would ruin the entire quinine industry in the United States. Notwithstanding that, it was put on the free list, and it was put on the free list by a bill introduced by McKenzie, of Kentucky, who was known for that reason as Quinine McKenzie. Prior to that

time the price was \$4.84 an ounce, and some time after that it went down to eighty-odd cents an ounce.

Mr. MARTINE of New Jersey. And now it is 45 cents an ounce.

Mr. SMOOT. I do not take the word of the Senator from Mississippi nor of the Senator from New Jersey, nor do I want them to take my word. Here is the act of March 3, 1883, and it is on the free list, paragraph 2503, and here is the sulphate of quinine.

Mr. WILLIAMS. I may have gotten 1883 mixed up with 1888; but I remember—

Mr. MARTINE of New Jersey. I am frank to say that I remember the circumstance very well.

Mr. WILLIAMS. I understood the Senator to say that it was on the free list in 1833.

Mr. SMOOT. I did not make any such statement.

Mr. WILLIAMS. I thought he did say 1833 and followed it down and substantially denied that it had ever been taxed, that it always had been on the free list, as I understood him.

Mr. SMOOT. Mr. President, the Senator says that I said that quinine was free under the act of 1833. There was no such act in 1833. I never mentioned any such act. I mentioned the fact that the act of March 3, 1883—

Mr. WILLIAMS. Ah!

Mr. SMOOT. Then I mentioned the act of October 1, 1890, and stated that it had been free in every act since, and I know that I am right.

Mr. MARTINE of New Jersey. The Senator from Utah, I think, will not deny the fact that quinine was dutiable at a time about 18 or 20 years ago.

Mr. SMOOT. I have gone back to 1883 and it has been free ever since that.

Mr. MARTINE of New Jersey. I will not attempt to fix the date, but I recall the circumstance very well. The Senator from Mississippi referred to McKenzie. I remember very well having read that they called him "Quinine Jim" for years and years on account of his fight for free quinine. Whether it occurred just 18 or 20 years ago or 16 years ago I do not care, the facts are the same that the same picture of disaster was held up then that is held up now. I think the Senator from Massachusetts [Mr. LODGE] will remember the fact.

Mr. SIMMONS. I hope we may now proceed with the bill.

Mr. LODGE. Mr. President, I did not rise with any intent of engaging in the quinine controversy. Quinine has been on the free list ever since I can remember—

Mr. WILLIAMS. If the Senator from Massachusetts will pardon me just a moment—

Mr. LODGE. Ever since I can remember—I was going to finish the sentence—anything about tariff laws.

Mr. WILLIAMS. The Senator can certainly remember as far back as 1883.

Mr. LODGE. That was the first tariff—

Mr. WILLIAMS. Was the Senator in the House of Representatives at that time?

Mr. LODGE. No; I entered the House of Representatives in 1887.

Mr. WILLIAMS. It was shortly before you entered the House.

Mr. LODGE. I know about the tariff of 1883, because it was a Senate tariff that was substituted.

Mr. WILLIAMS. The Senator from New Jersey made a mistake in his dates, that is all.

Mr. LODGE. For 30 years and more it has been on the free list in the tariff law. I do not remember how long, and I think it is better to look at the statutes than to trust to memory.

The Fall River Iron Works, which is a very large establishment, operating under a charter nearly a hundred years old, were shut down for 15 weeks, which was a very serious blow to Fall River at the time. It was the public understanding—I have not made inquiry about it—that they were shut down on account of uncertainty in the outlook in the cotton industry owing to pending legislation and unwillingness to accumulate a great stock of goods. I had no idea it would remain continuously shut down, but a shutdown of 15 weeks of that great mill is a very serious thing to Fall River no matter for what purpose it was done.

Mr. President, I want to ask, before we leave the tariff portion of this bill, that I may have printed some letters which I meant to have printed yesterday when we were on the free list, but we took it up rather unexpectedly, and I omitted to ask then that they be printed. One is a brief letter in regard to the placing of blankets on the free list in paragraph 427½; another is in regard to tacks; and another relates to the

placing of sewing machines on the free list, which will do no harm to the great Singer organization, but will be severe upon all the independent companies. I shall not, however, offer amendments, because I know it is entirely useless and only takes the time of the Senate in needless votes; but I ask that these three statements be published in connection with my remarks.

The VICE PRESIDENT. Without objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

Hon. HENRY CABOT LODGE,

United States Senate, Washington, D. C.

DEAR SIR: As manufacturers and selling agents for blanket mills, we wish to protest against the following item going on the free list, Calendar 62, H. R. 3321 (p. 130, No. 4274):

"Blankets composed wholly or in chief value of wool, valued at less than 40 cents per pound."

This item, if placed on the free list, will do a great deal of harm, both to the manufacturer and mill employees.

The principal reason of objection is that we pay 60 to 100 per cent more wages here than is paid in Great Britain, as the following table will show:

Average full-time earnings 55.6 hours.

	United States, average weekly earnings.	Great Britain, average weekly earnings.
Woolsorters.....male..	\$12.38	\$7.22
Wool washers, scourers, driers.....do....	8.21	4.93
Card strippers and tenders.....do....	7.81	5.45
Wool spinners (mule).....do....	10.40	5.98
Warp dressers.....do....	12.94	6.53
Woolen weavers.....do....	10.63	6.21
Do.....female.....	10.54	3.83
Burlers.....do....	6.15	3.20
General laborers.....male..	8.21	4.74

These figures are quoted from the report of the Tariff Board, volume 3, page 286.

Now, if blankets, as quoted on page 130, No. 4274, should come in on the free list and we pay 60 to 100 per cent more for our labor than does Great Britain, as far as we can see, it would mean, if the manufacturer wants to retain his trade, that he would have to reduce the wages of his employees, and we would strongly urge upon your honorable body the crossing off of item No. 4274, on page 130, as blankets on Schedule I, page 82, which are cotton blankets, and Schedule K, page 88, which are wool blankets, rated at 25 per cent ad valorem, covers all kinds of blankets, and we trust you will use your influence against this item, namely:

"Blankets composed wholly or in chief value of wool, valued at less than 40 cents per pound."

Yours, very truly,

THOMAS KELLY & Co.

FAIRHAVEN, MASS., December 28, 1912.

Hon. HENRY CABOT LODGE,

United States Senate, Washington, D. C.

SIR: At a recent conference of the manufacturers of tacks and small nails relating to the proposed new tariff bill it was shown that any further reduction of the duty on this class of products would result in very great hardship to the manufacturers of this country, and in all probability in the importation of foreign goods to an extent which would put many of those exclusively engaged in that line out of business, or compel a reduction in wages, which does not seem desirable, feasible, or even possible.

It became evident that even in the tariff bill of 1909 an unjust discrimination was made against this class of products, and we were only saved from foreign importations under the existing duty because of the extremely low prices which have prevailed until very recently in the cost of raw material in this country and the almost destructive competition which has existed in our home trade.

We therefore appeal to your sense of justice and your known desire to be of service to your constituents in all proper ways to give us the benefit of such assistance as we feel sure you can render in insuring proper consideration being given to this class of product by those concerned in the revision of the tariff which is now being undertaken and upon which hearings will be held before the Ways and Means Committee on the 10th proximo.

Briefly stated, the facts as they apply to our industry are as follows: In the revision of 1909, notwithstanding the protests of all the manufacturers engaged in producing this class of goods, the duty upon them was reduced one-half, or from 12 cents per pound to five-eighths cent per pound on the smaller sizes, and from 1 1/2 cents per pound on the larger sizes to three-fourths cent per pound, while on the plate and sheets from which tacks and small nails are made, the duty of one-half cent per pound was retained (sec. 125, Schedule C), thus leaving only from one-eighth cent to one-fourth cent as protection to labor on the manufactured tacks, which is approximately 60 per cent of the material cost—the protection to labor being, therefore, only 11 per cent of the average labor cost, while the raw material is protected to 27 per cent of its total cost.

Surely this shows unjust discrimination, and it is further shown in the existing tariff by the duty which is carried on other manufactured articles involving a much smaller percentage of labor; such, for example, as rivets (sec. 165, Schedule C), which are given a protection of 14 cents per pound, or 52.7 per cent of the labor cost, while the rivet rods, from which these rivets are made, are protected only to the extent of three-tenths cent per pound.

Iron and steel wood screws, in section 167, Schedule C, are given a protection of from 8 cents to 12 cents per pound on the lengths which correspond to the lengths in which tacks are made—an average of 10 cents per pound protection on these sizes of iron and steel wood screws. The screw wire rods from which the screws are made pay

a duty of only three-tenths cent per pound under the provisions of section 133 of Schedule C, thus giving a protection of \$9.67 per 100 pounds to the labor making steel wood screws, or approximately 37 per cent.

These comparisons are made not for the purpose of trying to show that the other products referred to are unduly protected, but as a basis for an inquiry as to why the tack manufacturer should be the "goat." What the present views of the Ways and Means Committee may be in this connection we, of course, can not say, but assuming that the bill which passed the House of Representatives on January 29, 1912 (H. R. 18642), represents its views, a still further injustice would be done to the tack-making industry, as that act placed tacks upon the free list, while a duty of 15 per cent ad valorem is retained upon the raw material from which tacks are made.

Consular report issued by the Bureau of Manufactures, under date of June 19, 1912, gives the price of fine sheets in Germany on January 1, 1912, as from \$33.32 to \$34.51. Allowing the American differentials for sheets of heavier gauge—sheets gaging from 17 to 21 which are used in tack making—would make the price for such sheets \$29.32, as against the lowest price quoted in this country for the last 10 years, at least, of \$31. With tacks upon the free list the German tack manufacturer, buying his raw material at a price lower than it has been sold in this country under the severest competition, and with labor at little more than one-half the cost in this country, would only have the freight against him—approximately 10 cents per cubic foot from Antwerp to New York—or not to exceed \$2.75 per ton c. i. f.; while the American manufacturer will have, in trying to import his raw material, a duty of 15 per cent ad valorem (approximately \$4.65), the importer's profit—if only 5 per cent—of \$1.55, the freight and insurance of \$2.75, making a new handicap of \$6.20 per ton, even if it were possible for a small tack manufacturer in this country to keep himself supplied with this long-distance material, which could only be done in the event of importers carrying a stock in this country to meet his requirements, in which event, of course, the allowance made for the importer's profit would have to be largely increased; and the fact that such stocks would be carried in this country is so improbable that it is not worthy of consideration.

The German tack manufacturer would, therefore, have an advantage over the American manufacturer of \$6.20, plus the difference in labor, which, assuming the German labor to be 60 per cent of the American labor cost, would give the American tack manufacturer a further handicap of at least \$12 per ton, or a total of \$18.20 per ton—equal to 18 per cent—in the presence of which he could not continue to exist.

What is true of Germany is true of France and Belgium likewise, particularly the latter.

Tack plates and sheets are now being made in Canada, where again we are confronted with cheaper labor, and it is certain that the American market will receive the surplus products of the Canadian tack manufacturers in the event of tacks being placed on the free list unless the market is occupied with other foreign products, while the American manufacturers can not indulge in reprisals owing to the heavy Canadian duty.

In view of these facts, are we not entitled to better consideration, and will you not render us such assistance as you can in seeing that our business receives it?

Respectfully, yours,

ATLAS TACK CO.,

WM. F. DONOVAN, President.

The honorable the SENATE COMMITTEE ON FINANCE,

United States Senate, Washington, D. C.:

Referring to paragraph 197, Schedule C, Payne-Aldrich tariff, House of Representatives (the Underwood bill, No. 3321), Schedule C, paragraph 167, and free list, paragraph 451, now pending in the Senate:

SEWING MACHINES.

We would respectfully invite the attention of the committee to the following facts relating to sewing machines as an industry, the tariff rate and classification under the present law, and the proposed removal of duties and reclassification under the Underwood bill.

THE INDUSTRY.

Following the invention of the sewing machine and for years thereafter, while enjoying the protection of basic patents and the natural growing demand for a mechanical device which revolutionized so important a department of industrial and domestic life, the manufacture and marketing of sewing machines was admittedly a profitable business. This favorable condition was in a measure continued by tariff duties upon imports based upon the difference in the scale of wages paid by foreign manufacturers and that paid in this country. It was continued, too, by the fact that most foreign-made machines were for a time but crude imitations of American machines and by the further fact that the names of the first American inventors conferred prestige on the American machine in all foreign markets.

This is all ancient history, for the relation of which we beg your indulgence, but it is necessary for you to understand the basis for the wide misunderstanding of and misinformation regarding the industry. The popular belief that the business is vastly profitable, that American manufacturers are selling American-made machines in Europe cheaper than in America, or that American makers have any considerable trade in Europe is a legacy from a former generation.

The product of foreign sewing-machine manufacturers, especially those of Germany, in quality of material used, efficiency in skilled workmanship and finish is now equal to our own. Great Britain excepted, the markets of Europe are practically closed to us by tariff duties as high or higher than those of the United States under the present law, while the foreign manufacturer has a labor cost not more than 55 per cent of the cost of American manufacturers. Over an imaginary line on the north, Canada, with a duty of 30 per cent ad valorem, practically holds that market for her own capital and labor. By reason of low tariff duties and our early entrance into that market, South America affords us a somewhat limited foreign trade, but even in that field the product of the cheaper labor in German factories is, in competition with us, gradually decreasing the demand for American machines.

With the markets so nearly restricted to the confines of the United States, with constantly increasing cost of material, selling expense, and wage scale for labor, with competition in the home market forcing a lower selling price to consumers, which latter has reached a level quite inconsistent with reasonable profits, with substantially all patent protection eliminated and tariff duties already reduced one-third by the Payne-Aldrich law, we can not view the proposal of the Underwood bill to throw our home market, to which the home manufacturer is fairly entitled, open to the world without the gravest concern for the safety of our investment and the welfare of our operatives.

CLASSIFICATION.

We ask your attention to paragraph 197, Schedule C, of the present law, where sewing machines are classed with machine tools, printing presses, and other items bearing a duty of 30 per cent ad valorem. We are of the opinion that every item named in that rate of duty in the above paragraph enjoys some degree of protection from patents, except the sewing machine made for domestic use. The first two items named above are placed upon the dutiable list (par. 167, Schedule C, in the Underwood bill), while sewing machines are placed upon the free list (par. 451). Why do not sewing machines need the same degree of protection? Whatever value there may be in a "dumping clause" against a producing country, where lower costs of production prevail than in the country whose market is sought, is it entirely fair to deprive the one item which needs it most of whatever advantage might accrue?

It is said that sewing machines afford no appreciable revenue under the present law at 30 per cent ad valorem (\$21,000 in 1912). That revenue surely can not be increased under the Underwood bill, but it might be if the duty were not prohibitive and sewing machines restored to the dutiable list.

RECIPROCAL BASIS.

Speaking only for our own company (though we believe we express the views of all our home competitors in the industry with one exception), we submit to your honorable committee that we can not see any other than disastrous consequences to both ourselves and our employees if the proposed bill, unchanged, becomes a law. We wish not to seem unreasonable nor unmindful of the sense of obligation resting upon the majority in Congress to correct tariff abuses wherever found and to make a fair and satisfactory revision of the law, but we believe justice can only be done our industry and the views of low-tariff advocates reconciled by reciprocal adjustments with producing countries. We believe it worth your consideration to reflect that the world production of sewing machines has attained a balance in quality and workmanship that makes less difficult the abolishment of tariff advantage, and the United States might afford to make the first overture for its reciprocal abolition without destroying our home industry as a preliminary step. Free trade could only be fair or even tolerable with the freedom going as well as coming. This, we think, everyone must concede.

SEWING MACHINE COMPANIES.

The Singer Sewing Machine Co., as all know and agree, is the dominating force in the industry. It is thought to control at least 50 per cent of the American trade and a much larger proportion of the foreign trade. Aside from its factory in the United States it has even larger ones in Scotland, Germany, Russia, and Canada. Its foreign workmen and operatives constitute perhaps 75 per cent or greater of its mechanical force. It is for this reason that for all import or tariff purposes the company is practically regarded as a foreign company. It manufactures special machines for a great variety of uses by power as well as machines for domestic or family use. It is not, therefore, concerned, so far as we know, about tariffs by this or any other country. It is everywhere behind the tariff wall and secure.

INDEPENDENT COMPANIES.

There are seven independent companies, so called, manufacturing sewing machines in the United States, as follows:

National Sewing Machine Co., Belvidere, Ill.; capital, \$1,050,000. Incorporated under the laws of Illinois.

Free Sewing Machine Co., Chicago, Ill.; capital, \$832,000. Incorporated under the laws of Illinois.

Foley & Williams Manufacturing Co., Chicago, Ill.; capital, \$500,000. Incorporated under the laws of Illinois.

New Home Sewing Machine Co., Orange, Mass.; capital, \$3,000,000. Incorporated under the laws of Massachusetts.

Davis Sewing Machine Co., Dayton, Ohio; capital, \$1,200,000. Incorporated under the laws of Ohio.

Standard Sewing Machine Co., Cleveland, Ohio; capital, \$869,000. Incorporated under the laws of Ohio.

White Sewing Machine Co., Cleveland, Ohio; capital, \$1,098,000. Incorporated under the laws of Ohio.

These companies manufacture and market machines of a variety of grades and types, but their product is almost exclusively designed for domestic or family use. They are "independent" in the sense that they are all competitors one with the other, and also "independent" of and in no manner connected with the Singer Co. The combined capital of these companies is approximately \$8,500,000. They produce about 650,000 machines per annum. They employ about 6,500 operatives. Skilled labor is paid from \$3.50 to \$5 per day and unskilled labor from \$1.75 to \$2.50 per day. It is estimated that between 75 and 80 per cent of the cost of manufacture is labor cost. So far as our company is concerned, and we believe it may also be said of the six other independent companies, our books and any technical information of which we are possessed will be freely at the service of the committee, and we tender our assistance and cooperation as far as it may be desired by your committee for the purpose of arriving ultimately at a just and satisfactory adjustment of the tariff question as affecting our industry; and we ask that sewing machines be restored to the dutiable list in the Underwood bill, that a rate of duty be placed upon imports that will give some adequate protection against producing countries who have imposed prohibitive duties against us; also that this be done with or without a provision for reciprocal equality rates with producing countries, as the wisdom of the committee may determine.

Respectfully,

THE NEW HOME SEWING MACHINE CO.,
By JAMES M. RICHARDSON.

Mr. PENROSE. Mr. President, when the metal schedule was under consideration I asked to have paragraph 143, relating to umbrella and parasol ribs and stretchers, passed over. I did not persist in that request, and I believe the paragraph has been agreed to; but I desire, before we leave the dutiable part of this bill, in about three minutes, if the committee will permit me, to explain the unequal way in which this bill operates on umbrellas, merely as an illustration. Paragraph 143 provides:

Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, 35 per cent ad valorem.

A considerable reduction from the Payne rate.

The articles referred to in that paragraph, Mr. President, are the thin metal tubes and wires of an umbrella. To show how little the consumer will be benefited by the proposed reduction, I will state that those articles are furnished to the trade which assembles the umbrellas into the final covered form in which they reach the consumer, according to my recollection—I have not the figures here—anywhere from 4, 5, 6, 10, or 11 cents for the whole umbrella. Therefore these tubes and wires of delicate workmanship entering into the cost of the umbrella of ordinary use, which retails for \$1, \$1.50, or \$2, are furnished at from 5 to 10 cents.

There are about six small concerns—moderate-sized concerns—making these articles, scattered through Pennsylvania and New Jersey. They have had a hard time getting along. Some of them have been embarrassed financially and have got into the hands of receivers. The last information I had from them, about a month ago, was that they were working about half time. It is a story that will fall on callous ears, I suppose; but this particular article is made in Japan, and it will be absolutely impossible for the American manufacturers, at the American rate of wages, to stand up very long against the Japanese importation at that rate of duty. So much for the first article entering into an umbrella.

Then we come to paragraph 326, on "woven fabrics, in the piece or otherwise, of which silk is the component material of chief value," and so on, "45 per cent ad valorem."

That is a considerable duty levied on the silk, which is largely the principal element in the cost of an umbrella, for it is the cover of an umbrella. The frames are made in the eastern part of Pennsylvania and in New Jersey, as I have said. The silk is made in all the Eastern States, but notably in Pennsylvania and in New Jersey. Then, in other sections the actual umbrella is manufactured, which consists very largely in the assembling of the various parts of the umbrella, putting in the wire rods, and then covering the frame with the silk.

Now, see where the final manufacture is left under the devious course of these preliminaries in this bill. A correspondent says:

The main thought apparent in its construction is the lightening of the duties upon the raw materials essential to American industries without any lowering of the tariff upon the manufactured product commensurate with the proposed relief of the imported raw materials. In the exceptional case of the industry we represent, by what seems to us has been an oversight, this policy has been departed from, with the inevitable result—if the bill becomes operative—of a serious crippling if not total destruction of an important branch of industry representing millions of invested capital and active business and employing thousands of operatives.

The concern to which I now refer is located in Lancaster, Pa.:

The work of our factories is the assembling of the parts, i. e., buying the parts made by others, putting them together, and placing them on the market. Heretofore the duty on manufactured umbrellas and parasols has never been less than the duty on the component parts. From this historic fact, and because its continuance seemed to be entirely in line with the main purposes of the proposed new tariff system, no brief was filed nor appearance made on our behalf before the Ways and Means Committee.

As the bill stands (comparing Schedule N, par. 394, p. 97, with Schedule L, par. 326, p. 79) the duty on silk cloth and silk mixed cloth—the costliest component of our manufacture—is fixed at 45 per cent, while the duty on the manufactured article into which these enter is only 35 per cent—10 per cent less. The situation places the American manufacturer and workman entirely at the mercy of foreign competition, and permits the importation of the finished product at a lower rate of duty than the raw materials separate.

There is absolutely free and keen competition in the umbrella and parasol industry, and while it can doubtless meet foreign competition if the duty on the finished product is at least as great as the maximum of the parts, yet we can not survive with a duty of 45 per cent on silk cloth and only 35 per cent on the finished product.

Thus, Mr. President, a cheeseparing policy is adopted on umbrella frames, which will undoubtedly destroy six or eight moderate sized plants, and at the other end of the line by the failure to provide for adequate reductions on the silk the manufacturers of the finished umbrella or the parasol are likely to be unable to compete with the foreign manufacturers.

Mr. CUMMINS. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Chair understands this paragraph was passed over at the request of the Senator from Utah [Mr. SMOOT], made in behalf of the Senator from Pennsylvania [Mr. PENROSE]. The Chair desires to inquire whether the paragraph can now be taken up and disposed of?

Mr. SIMMONS. Mr. President, my understanding was that we adopted that paragraph. I understood the Senator from Pennsylvania agreed that it might be disposed of.

Mr. PENROSE. I withdrew my request, and simply brought the matter up before we proceeded to other parts of the bill.

Mr. SIMMONS. That is my understanding. Then, I ask that that paragraph be acted on now.

Mr. PENROSE. I think it has been acted on.

Mr. THOMAS. No; it has not.

Mr. PENROSE. Very well; let it be acted on now.

Mr. SIMMONS. I thought it had been acted on, but the presiding officer says otherwise. I should like to have it acted on now.

The SECRETARY. Page 96, paragraph 396—

Mr. SIMMONS and Mr. SMOOT. That is not the paragraph.

Mr. THOMAS. The paragraph is 143.

Mr. LODGE. The umbrella and parasol paragraph.

Mr. THOMAS. Schedule C, paragraph 143.

The VICE PRESIDENT. Paragraph 326 went over at the request of the Senator from Utah for the Senator from Pennsylvania.

Mr. SMOOT. No; Mr. President—

The VICE PRESIDENT. It has been read in connection with paragraph 143, which will now be read.

Mr. SMOOT. No, Mr. President; I asked that paragraph 326 go over, and said that I myself intended to offer an amendment to it. That is the broad silk paragraph, but paragraph 143 relates to umbrella and parasol ribs and stretchers. I requested that that be passed over on account of the Senator from Pennsylvania desiring to speak upon it; and, subsequently, I withdrew that request.

Mr. LODGE. That paragraph has now been disposed of.

Mr. SIMMONS. It is paragraph 143 on which I ask action now.

The VICE PRESIDENT. It has been read; there are no amendments to it.

Mr. CUMMINS. Mr. President, I offer an amendment, to be inserted in the bill immediately following paragraph 659.

The SECRETARY. On page 164, after line 5, it is proposed to insert the following—

The VICE PRESIDENT. The Chair will inquire of the Senator from Iowa if this is an amendment to the amendment proposed by his colleague [Mr. KENYON]?

Mr. CUMMINS. It is not.

The VICE PRESIDENT. But, nevertheless, it is an amendment proposed to follow paragraph 659.

Mr. CUMMINS. Is the amendment proposed by my colleague pending?

The VICE PRESIDENT. It has been referred to the committee. The Chair only made the statement in order that the record might be kept clear.

Mr. CUMMINS. This is another amendment to follow the last paragraph of the free list. I do not care whether it takes its place after the amendment proposed by my colleague or before it. That is entirely immaterial, because the two amendments do not cover the same subject at all.

The VICE PRESIDENT. The Secretary will prepare the record so that there will be no question about it. The amendment will be stated.

The SECRETARY. On page 164, after line 5, it is proposed to insert a new paragraph, as follows:

It shall be unlawful from and after January 1, 1914, for any common carrier to charge, collect, or receive a higher rate for the transportation of any of the articles or commodities hereinbefore mentioned, or of substantially similar articles and commodities having been grown, produced, or manufactured in the United States, over the same line in the same direction than it charges, collects, or receives for the transportation of such articles or commodities when imported into the United States from a foreign country; and all through rates between common carriers bringing such imported articles or commodities to this country and carriers transporting them into the interior are hereby declared to be unlawful.

No common carrier in conforming to the foregoing provision shall increase any rate without the approval of the Interstate Commerce Commission, entered after a full hearing upon an application for such increase.

Mr. SIMMONS. Mr. President, I ask the Senator from Iowa if he will not permit that amendment to be referred to the Finance Committee?

Mr. CUMMINS. I understand the Senator from North Carolina to suggest that the amendment be referred to the Committee on Finance.

Mr. SIMMONS. That was my suggestion.

Mr. CUMMINS. I do not intend to resist that suggestion. I am very anxious that the amendment shall be adopted, and I shall be very glad if the committee will carefully consider it. I submitted the amendment long ago, and it was formally referred to the Committee on Finance; but I assume that, in the great variety of work in which it has been engaged, this amendment has not challenged the committee's attention. I am quite willing that the amendment shall be so referred, simply saying that when the committee reports it or before the pending bill passes from consideration as in Committee of the Whole, I expect to discuss the matter at reasonable length.

The VICE PRESIDENT. The proposed amendment will be referred to the Committee on Finance.

Mr. SIMMONS. I ask that section 2, known as the income-tax section, be taken up, and that the Secretary read it.

Mr. WILLIAMS. Mr. President, that section having been taken up I want to call attention to the fact that the Senator from New York [Mr. Root] has offered an amendment, which is pending, in which he seeks to cure what he concedes to be a defect in the bill, to wit, the basing of the income tax upon the income of the year preceding the enactment of the income-tax law itself.

I hold in my hand, Mr. President, a letter from the Attorney General, transmitting a memorandum from the Department of Justice, being an opinion of the special assistant to the Attorney General. I also hold in my hand a memorandum prepared by Representative HULL, of Tennessee, who was for the major part the draftsman of the income-tax provision as it left the House; I also hold in my hand a very able opinion prepared at the request of the Finance Committee by the Senator from Tennessee [Mr. SHIELDS], all upon this subject, and demonstrating, as I conceive, that the position taken by the Senator from New York is untenable. I ask unanimous consent to insert them in the RECORD for the benefit of Senators, so that they may be read to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

THE INCOME TAX (S. DOC. 171).

Memorandum prepared by Representative HULL, of Tennessee, August 5, 1913.

The amendment proposed by Senator Root on July 18, 1913, is based upon the theory that the proposed income-tax law can not reach for taxation any income accruing prior to the date of its taking effect, which was required to be taxed under the rule of apportionment under the decision in the Pollock case, even though such income accrued subsequent to the ratification and promulgation of the income-tax amendment to the Constitution. The essence of this contention is that within the meaning of the proposed tax law the tax is limited to the particular income as a specific fund out of which the tax is to be taken, and also that such income becomes principal whenever received, and that principal, therefore, can only be reached for taxation by apportionment, notwithstanding the effect of the recent amendment and the usual method of levying and measuring income taxes by the rule of uniformity as embraced in the proposed law and in former laws and practices of the United States Government.

Prior to the Pollock decision Congress had exercised the broadest power to impose the tax on incomes by the rule of uniformity, from whatever source derived. The great question raised in the Pollock case did not go to the power of Congress to impose the tax, but to the question of whether the power had been exercised according to the method prescribed by the Constitution—that is to say, whether a power to tax, limited only by one exception and two qualifications, was being used according to the restrictions as to the method prescribed for its exercise. The Pollock decision held that only certain classes of incomes were excise taxes and as such leviable by the rule of uniformity, while certain other classes, viz, rent of real estate, and incomes derived from invested personality, were of such a nature that a tax laid upon the same constituted a direct tax, and which must fall under the rule of apportionment. Prior to this decision the policy of the Government and the decisions of the courts were to the effect that all taxes upon incomes being considered excise taxes might be levied under the rule of uniformity and might be measured by the income accruing during the preceding year or preceding years.

The income-tax act of August 5, 1861, provided that the tax should be assessed "upon the annual income for the year preceding the 1st of January, 1862," thus including the income that had accrued during the seven months next preceding the passage of the law. The act of July 14, 1862, required the tax to be imposed upon the income that had accrued during the previous six and one-half months of that year prior to the date of the passage of the act.

The English act of June 28, 1853, likewise applied to all income accruing from the 5th day of the preceding April.

In the case of *Stockdale v. Insurance Co.* (20 Wall., 331) the Supreme Court said:

"The right of Congress to have imposed this tax by a new statute, although the measure of it was governed by the income of the past years, can not be doubted; much less can it be doubted that it could impose such a tax on the income of the current year, though part of that year had elapsed when the statute was passed. The joint resolution of July 4, 1864, imposed a tax of 5 per cent on all income of the preceding year, although one tax on it had already been paid; and no one doubted the validity of the act or attempted to resist it."

The soundness of this language was later sustained in the case of *Patton v. Brady* (104 U. S., 698).

In the case of *Maine v. Grand Trunk Ry.* (142 U. S., 217-229) the Supreme Court suggested that income for one year might properly be taken for the measure of all future years.

Again—
"unless the Constitution prohibits retrospective legislation, the basis of the assessment of taxes may as lawfully be retrospective as the reverse; that is to say, it may as well have regard to benefits theretofore received as to those that may be assessed thereafter." (Cooley on Taxation, 3d Ed., 492.)

Retrospective legislation is not prohibited.

In *Drexel & Co. v. Commonwealth* (46 Pa. St., 31, at p. 40) the Supreme Court said:

"It is clearly constitutional as well as expedient in levying a tax upon profits or income to take as a measure of taxation the profits or income of the preceding year. To tax is legal, and to assume as a standard the transactions immediately prior is certainly not unreasonable."

Additional authorities might be cited to the same effect. As stated, these authorities only had in mind the imposition of an income tax as an excise or indirect tax by the rule of uniformity, whereas it should be borne in mind that under the Pollock decision incomes from rent of real estate and invested personality are direct taxes, and until the ratification of the recent amendment could only be levied by apportionment.

The recent amendment, however, provided that Congress might impose a tax on incomes without apportionment, whether considered as direct or indirect taxes. It is evident, therefore, that in so doing the rule of uniformity must govern. The question then arises as to whether Congress may thus impose a tax upon all incomes from whatever source derived, whether considered direct or indirect taxes, in the same manner in all essential respects that it had, previous to the Pollock decision, imposed the tax upon incomes as an excise and under the rule of uniformity. If so, it necessarily follows that the tax may be measured by all income accruing from and after the ratification of the constitutional amendment.

Does not the very nature and purpose of a tax on incomes accord with the foregoing view? In the broad and usual sense of tax laws the Government, for example, might impose a tax upon property according to its value by a direct and specific levy upon the property itself, and in concrete form, either real or personal; this would be done by apportionment; or if it was sought to impose a capitation tax, which is one upon the person solely, without any reference to his property, real or personal, this would be effected by apportionment, while, upon the other hand, a tax laid upon any business, or franchise, or employment, or income would fall under the rule of uniformity.

The Pollock decision held the income tax invalid not on the ground that income could become capital and escape the tax, but on account of its origin; that it was, in effect, a tax on realty and personality. The only proper inquiry in the light of the recent amendment, therefore, is not as to the *origin or disposition* of the income in question, but what amount of income accrued to a taxable individual during a given period. It must follow that the account of annual income required of a citizen is for the purpose solely of ascertaining what amount of tax ought to be imposed upon him in consequence of his having made profits and collected by the Government not necessarily out of the specific income in question, but from the general property of the taxpayer as well. (61 N. C. 87.)

This view refutes the theory both that income may become principal, and thereby escape taxation, and also the objection as to retrospective legislation.

In the language of the Supreme Court (8 Wall. 234):

"The tax is payable by the person because of his income, according to its amount and without reference to the way in which it was obtained."

The proposed measure would require no act of the citizen until the 1st of January next. It would assess and collect a tax off the individual during next year. Until the 1st day of January the citizen could not balance off against his gross profits his losses, expenses, etc., and ascertain his net income for the preceding year. Until the close of the year the citizen could not know whether his income would be absorbed by losses, expenses, etc., or otherwise disposed of without even being received, nor in fact could he know whether he would have any net income until he had balanced his receipts and expenditures after the end of the year. Within the meaning of the proposed tax the cumulative items of profit must necessarily remain in abeyance until the expenditures for the year are deducted therefrom at the end of the year before it could be known whether there was any sum remaining that would or could become capital.

The framers of the Constitution prescribed two great classes of taxes. The sole practical basis for this division related to the method of their imposition, viz, those that were to be apportioned were called direct taxes, while those to be levied by the rule of uniformity were called indirect taxes. No court has ever inquired whether a tax is direct or indirect except for the purpose of determining whether it shall be levied under the one or the other rule just stated. Income from real estate and invested personality is now as fully exposed to the taxing power of the Government under the rule of uniformity as is income from trades, professions, etc. The inquiry is not whether profits from any source are property, but are they income. If so, they are taxable.

The Pollock decision held that as to certain classes such profits were property and not income; but the recent amendment, in its necessary effect, revoked this doctrine and said they shall be treated as any other kind of income for the purpose of an income tax.

Under the proposed measure income is both the subject and the measurement of the tax. The recent amendment gives Congress the power to tax all classes of income without apportionment. Certainly, then, Congress may measure the tax by the same income. The Supreme Court has held that where the power to lay a tax exists it may be measured by the income from property *not in itself taxable*. (Flint v. Stone Tracy Co., 220 U. S., 107; U. S. Express Co. v. Minn., 223 U. S., 335.)

The constitutional amendment simply exempts the entire tax to which it relates from the rule of apportionment. It then becomes utterly immaterial to inquire whether the tax is direct or indirect or as to the origin or source of the income or its disposition—the only inquiry pertinent and necessary is, What amount of net income accrued to an individual during a given taxing period? The tax is thereupon measured by the same and collected out of his general property.

From any viewpoint it must be agreed that Congress would impose a tax with respect to the annual net income of the citizen, and the tax to be measured by such income, whether the same or parts thereof be considered property or otherwise. Had the recent amendment been a part of the Constitution when the Pollock case was decided there is no reason to suppose that even for the purpose of income taxation any class of income would have been held to be property in the taxing sense whatever its character or nature may have been considered in other senses. Before the recent amendment the direct tax was considered a tax in terms on property, real or personal, whereas all other taxes related to businesses, privileges, franchises, etc., though measured by different methods.

These latter taxes are taken from the general property of the citizen, just as the former, though not imposed in terms thereon. The recent amendment simply transferred certain categories of income from one of the great classes of taxes to the other, to all intents and purposes if not in name. This transfer makes all incomes conform to the tax-meaning definition of the same as prescribed by all the courts, text writers, commentators on the Constitution, and acts of Congress prior to the Pollock decision.

Income has been defined as "the gain which proceeds from labor, business, or property of any kind; the profits of commerce or business." (44 Pa. St. 347; 42 L. A. 428; 28 L. R. A., 48.)

Also, an income tax is defined as "a tax which relates to the product or income from property or from business pursuits." (60 Ga., 93; 30 S. W., 973.)

It is a tax upon a person in respect of his income imposed in consideration of the amount of his net profits.

"A tax on the yearly profits arising from property, professions, trades, and offices." (Black's Law Dictionary.)

"One which relates to the product or income from property or business pursuits." (97 Ky., 394; 30 S. W., 973.)

Under the general property laws of the States the taxable status of property, real and personal, relates to the date fixed by law for its assessment. The assessment, when later made, must fix its value as of this date. This may be any day during a taxable year. (141 Ind., 159; 109 Fed., 726.)

An income tax is assessed and collected during the year subsequent to the accrual of the income returned and by which the tax is measured. Under a tax imposed with respect to net incomes the citizen may be required to return for the purpose of the measurement of the tax either his income for the preceding year, or his average income for a designated number of preceding years, or his estimated income for the current year. That view is sustained by previous citations herein.

It therefore follows that Congress at least during any period of the present year may impose and collect a tax on all incomes accruing subsequent to the promulgation of the recent constitutional amendment, and it is strongly probable that the constitutional amendment had the effect to empower Congress to measure the tax by all income accruing from the 1st day of January last. The power to impose the tax has existed during the entire year, and there has been no impediment to its imposition under the rule of uniformity during most of the year, and under the weight of authority in the States, together with the construction placed upon the National Constitution by the Supreme Court in the Legal Tender and other cases, no reason appears why the tax now proposed could and should not be measured by the income accruing from the first of the year.

Such latter provision would provide for the doing of no act prior to December 31 next which would otherwise have been done by the citizen. It would undo nothing; it would neither take away nor impair any vested right. (4 Nev., 313.)

"The language of a constitutional amendment should be read in connection with the known condition of affairs out of which the occasion for its adoption may have arisen, and then construed if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the amendment was adopted." (Maxwell v. Dow, 176 U. S., 581.)

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 6, 1913.

HON. F. M. SIMMONS,
United States Senate.

MY DEAR SENATOR: Replying to your letter of July 30, in which you inclose an amendment offered by Senator Root to the income section of House bill 3321, together with his remarks at the time of its introduction, and asking for my views with reference to the Senator's contention, permit me to say:

I am sending you two separate memorandums, one which Congressman HULL very kindly prepared upon my request, and the other prepared by one of the assistants in the department. I hope they will answer your demands.

It seems to me that the Senator's proposition is not well founded. The practice in the past, the necessity for moving along practical lines with respect to tax matters, together with the other suggestions contained in the inclosed memorandums, are adequate to overthrow his contention.

With best wishes, faithfully, yours,

J. C. McREYNOLDS,
Attorney General.

RE MR. ROOT'S PROPOSAL TO AMEND INCOME-TAX LAW.

[Memorandum for the Attorney General by T. M. Gordon, July 31, 1913.]

MR. ROOT suggests that the income-tax law must be amended to operate only from the date of passage. His theory is that income, once accrued, becomes principal. Hence there can be no such thing as an "income tax" on past income. Such a tax is a tax on principal, a direct tax, still requiring apportionment, despite the fifteenth amendment. I do not agree with Mr. Root.

The whole question turns upon what the words "taxes upon incomes from whatever source derived" mean as used in the sixteenth amendment.

An income tax is *sui generis*. It is a legal fiction, a purely metaphysical conception, very difficult to define or classify. It seems to me, however, that it must be treated in a practical sort of way, and that the definition which Mr. Root's argument assumes builds up an unduly elaborate legal fiction, unwarranted by authority and very unfortunate in its results.

Of course Mr. Root can not have in mind that a tax to be an income tax must actually be collected, or even assessed, before income ceases to be income. Such a requirement would be wholly impossible to comply with. For example, such a requirement would render it improper to assess the tax upon income for the preceding year, as is done by this law, and as is the universal custom of income-tax laws both in this country and in England.

Apparently Mr. Root does assume, however, that a tax can not be a "tax upon income" unless the law levying the tax is in active operation at the precise instant that the income accrues, so that it may then seize upon the income *constructively*; i. e., in legal fiction. The law is conceived as a sort of invisible net interposed between the individual and his source of income. The Federal 1 per cent is caught, branded, and turned loose again, as it were, to be counted and collected at a later day by the assessor. Of course physical analogies can not express precisely how the legal fiction solves such difficulties as the fact that any individual's yearly income can not be known till the end of the year, or the situation of the merchant who may gain in one transaction and lose in the next; nevertheless it must be admitted that such a conception of a tax on income, though very refined and metaphysical, is intellectually possible.

I do not think, however, that usage, as evidenced by prior laws upon the subject and by judicial decisions, has ever restricted the meaning of the words to tax laws which might be conceived to operate in such a fashion.

I. First, as to the word "income," I do not think that word necessarily implies a specific fund from which the tax must be taken. A man who possessed no vested right to anything might properly say, "My present income is \$5,000 a year." If that is his "present income," why may he not be taxed upon it?

II. That leads to the significance of the word "upon." This word is used in such a wide variety of ways that it is very difficult to define exactly what we do mean when we say a tax "upon" anything. Taxes,

generally speaking, are really contributions from persons, who are classified for tax purposes with reference to various characteristics, as ownership of land, carrying on a certain kind of business, etc. The factor or factors with reference to which individuals are classified is usually said to be the thing "upon" which the tax is levied. (2) *Harvard Law Review*, pp. 41-42.) Thus Mr. Kennan, in his recent book on *Income Taxation*, defines an income tax as "a tax the amount of which is determined with reference to the income of the taxpayer," (p. 9). In other words, "upon" usually means "with reference to," or "based upon," or "measured by." And an income tax is a tax based upon income or measured by income, not carved out of a specific fund of income.

In this sense a tax can be "upon" a thing which a person no longer owns or a state of things which has now ceased to exist. As Mr. Cooley says (Cooley, *Taxation* (3d Ed.), pp. 492, 493, 494): "Unless the Constitution prohibits retrospective legislation the basis of an assessment of taxes may as lawfully be retrospective as the reverse; that is to say, it may as well have regard to benefits theretofore received as to those which may be assessed thereafter. (*Locke v. New Orleans*, 4 Wall., 172, p. 492.)"

Nor in apportioning the tax between individuals is there any valid objection to making it on consideration of a state of things that may now have come to an end; as where a tax is imposed on the extent of one's business for the preceding year instead of upon an estimate of the business for the year to come. (*Drexell v. Commonwealth*, 46 Pa. St., 31; *People v. Gold Co.*, 92 N. Y., 383.) One may be taxed upon property which he has long ceased to own when the tax is levied" (pp. 493-494).

Locke v. New Orleans (4 Wall., 172), cited supra, held a State statute imposing an additional tax on property according to the assessment for the previous year, and also according to the assessment for the year before that, but not exceeding the tax already imposed according to those assessments, was constitutional.

Drexell v. Commonwealth (46 Pa. St., 31), also relied on by Mr. Cooley, related to an income tax. The court said (p. 40):

"This act clearly intended to levy a tax of 3 per cent on the profits or income of the business and was not meant to tax capital. Profits must necessarily be the net profits of the business, and the Commonwealth was to receive of them 3 per cent. It was in fact a tax upon the income of the business in which the defendants were engaged. The English income tax and the United States income tax are based upon the incomes received in preceding years. The present United States income tax is laid upon the income of 1862, and the act of Congress of the 5th of August, 1861 (12 Stat. L., 309), expressly declares that 'the tax herein provided shall be assessed upon the annual income of the persons hereinafter named, for the year next preceding the 1st of January, 1862, and the said taxes, when so assessed and made public, shall become a lien upon the property or other sources of said income for the amount of the same, with the interest and other expenses of collection until paid.'"

"It is clearly therefore perfectly constitutional as well as expedient, in levying a tax upon profits or income, to take as the measure of taxation the profits or income of a preceding year. To tax is legal, and to assume as a standard the transactions immediately prior is certainly not unreasonable, particularly when we find it always adopted in exactly similar cases. The tax is graduated upon each individual upon his individual receipts."

In *People v. Gold Co.* (92 N. Y., 383) a tax upon the franchises of corporations, based upon dividends for the year preceding the passage of the law, was upheld.

"The fact that the amount of the tax may in some cases be fixed by reference to the business of the company during the year does not make the act retrospective. The burden it imposes is future and for future expenditures. It is competent for the legislature to adopt such method of valuing the franchises or property of corporations for the purpose of taxation as it deems proper" (pp. 390-391).

In *Glasgow v. Rouse* (43 Mo., 479) an additional tax on incomes, levied according to the assessment of the preceding year, was upheld. The court declared this to be "in entire harmony with the then existing revenue law, which provided that the taxes collected for any year should be based on an assessment made for the previous year" (p. 488).

III. As appears from the cases supra, the courts do not go through an elaborate fiction to prove that the income is still income at the time the tax attaches. An income tax is still an income tax whether it is levied on this year's income or last year's income or (as has actually been done in the case of professional incomes by the English income-tax statutes since earliest times) on the average income for a period of years.

Furthermore, every one of the earlier Federal income-tax statutes and every one of the English statutes that I have examined not only based each year's tax upon the income for the preceding year, but also based the tax for the first year upon income which had already accrued before the passage of the act. It is only fair to assume that the kind of income tax to which the sixteenth amendment refers is the kind of income tax which had been called an income tax in Federal statutes and levied and collected many times theretofore.

The Federal income-tax laws are as follows:

Act of August 5, 1861 (12 Stat., 292):

"The tax herein provided shall be assessed upon the annual income of the persons hereinafter named for the year next preceding the time for assessing said tax, to wit, the year next preceding the 1st of January, 1862." (12 Stat., 309, sec. 49.)

Act of July 1, 1862 (12 Stat., 473, 474):

"The duty herein provided for shall be assessed and collected upon the income for the year ending the 31st day of December next preceding the time for levying and collecting such duty; that is to say, on the 1st day of May, 1863, and in each year thereafter."

Act of June 30, 1864 (13 Stat., 223, 281, 283):

"And the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, or income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying such duty (p. 281, sec. 116). * * * Shall be levied on the 1st day of May" (p. 283, sec. 116).

Act of July 4, 1864 (13 Stat., 417):

"There shall be levied, assessed, and collected on the 1st day of October, 1864, a special income duty upon the gains, profits, or income for the year ending the 31st day of December next preceding the time herein named."

Act of March 2, 1867 (14 Stat., 471, 478, 480):

"And the tax herein provided for shall be assessed, collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying the tax (p. 478)."

"Provided, That the tax on incomes for the year 1866 shall be levied on the day this takes effect" (p. 480).

Act of July 14, 1870 (16 Stat., 256):

"The tax hereinbefore provided shall be assessed upon the gains, profits, and income for the year ending on the 31st day of December next preceding the time for levying and collecting said tax, and shall be levied on the 1st day of March, 1871."

Act of August 27, 1894 (28 Stat., 553, s. 27):

"Tax to be levied January 1, 1895, on income for the year ending December 31 next preceding time of levy" (s. 1 and s. 30).

English income-tax laws are as follows:

Act June 22, 1842 (5 and 6 Vict., c. 35): Taxed income from April 5, 1842.

Act June 28, 1853 (16 and 17 Vict., c. 34): Taxed income from April 5, 1853.

Since 1860 the English tax has been reenacted annually (16 Halsbury's Laws of England, 609). The act of April 29, 1910 (10 Edward VII and 1 Geo. V, c. 8, s. 65), is an example, which provides:

"(1) Income tax for the year beginning on the 6th day of April, 1909, shall be charged at the rate of 1s. 2d.

"(2) All such enactments as were in force on the 5th day of April, 1909, shall, subject to the provisions of this act, have full force and effect with respect to any duties of income tax hereby granted."

IV. The economic conception of an income tax is against Mr. Root's interpretation.

From the economist's point of view the income tax is a contribution by each individual, based upon his ability to pay, measured by his income. A man's income for the preceding year is the most natural measure of his ability. And, as we have seen above, all previous income-tax measures have been levied on that basis.

Nor would it make the tax a "capitation" tax to consider it in this way. "Capitation" taxes, in the constitutional sense, are poll taxes, levied upon all men equally, without regard to wealth or extrinsic circumstances. (Cooley, *Taxation* (3d Ed.), p. 28; *Hylton v. U. S.*, 3 Dall., 171; *Springer v. U. S.*, 102 U. S., 586; *Head Money cases*, 18 Fed., 135, 139; *Glasgow v. Rouse*, 43 Mo., 480.)

It is true that in *Pollock v. Farmers' Loan & Trust Co.* (158 U. S., 601) the court stated the economic theory and expressly refused to follow it to its logical conclusion in the case of income from property, insisting upon the necessity of considering also the source whence the income was derived. (See p. 629.) But that holding does not help Mr. Root's contention. The holding was that a tax upon the income of property is a tax upon the property itself, not because the income is property, but because the tax reaches back through the income to the source from which it springs. (Knowlton v. Moore, 179 U. S., 41, 82.) Therefore the sixteenth amendment, which was passed with the express purpose of escaping that decision, must be held to give power to levy a direct tax on property, at least that kind of a direct tax on property which is measured by its income. As was suggested above, if the sixteenth amendment is really designed to permit a tax on property measured by income, there is no reason why income already accrued may not be taken as the standard.

V. The usefulness of the tax as a war measure.

This was one of the reasons most persistently urged for the adoption of the sixteenth amendment. Mr. Root's interpretation would seriously impair its effectiveness, however. How could large amounts of money be raised with any degree of quickness if Congress must wait a year for income to accrue? And of course Mr. Root's objection would apply to an increase in the rate of taxation as well as to the original imposition of a tax. That this is a consideration of real substance is shown by the fact that the income tax of 1861, for instance, was aimed at income for the entire year of 1861, though passed on August 5 of that year. (12 Stat., 292.) And as the war proceeded it was found necessary to levy (act July 4, 1864) a special income tax on income for the whole year 1863. (13 Stat., 417.) It would be very unfortunate if the sixteenth amendment would not permit such a war measure, and for Congress to assent to such a construction by amending the law at this time would be a contemporaneous legislative interpretation of some weight if the question ever arose hereafter.

Faithfully,

THURLOW M. GORDON,
Special Assistant to the Attorney General.

AMENDMENT OFFERED BY MR. ROOT TO H. R. 3321, JULY 18, 1913.

Opinion of Hon. JOHN K. SHIELDS, Senator from Tennessee, furnished Finance Committee at request of the chairman of that committee.

The section of the bill imposing an income tax is in these words:

"A. Subdivision 1. That there shall be levied, assessed, collected, and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, a tax of 1 per centum per annum upon such income except as hereinafter provided; and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere."

Subdivision 2 merely provides for an additional tax upon larger incomes in all things as provided in subdivision 1. (Sec. 2, subdivs. 1 and 2, p. 165.)

Thus it plainly appears that the tax is imposed regardless of whether the income or property represented by it had its source in profits or gains from real and personal property or business, and includes them all.

The method provided for computing or assessing the tax makes no distinction on account of the source of the income, and is the same whether it arises from property or business. That portion of the bill providing for this, after allowing certain deductions, contains a provision in these words:

"The said tax shall be computed upon the remainder of said net income of each person subject thereto, accruing during each preceding calendar year ending December 31: Provided, however, That for the year ending December 31, 1913, said tax shall be computed on the net income accruing from March 1 to December 31, 1913, both dates inclusive, after deducting five-sixths only of the specific exemptions and deductions herein provided for." (Sec. 2, div. D, pp. 172-175.)

The amendment proposed by Mr. Root, July 18, 1913, is as follows:

"On page 172 strike out the word 'March,' and on page 173 all of line 1, and in line 2 the words 'both dates inclusive,' and insert in lieu thereof the words 'the passage of this act.'"

The object of this proposed amendment, or at least its effect, would be to reduce the measure of the tax imposed for the current year to incomes accruing after the passage of the bill.

The reasons advanced by Mr. Root in support of the amendment, as stated by him at the time it was proposed, are as follows:-

"I have introduced a brief amendment to the tariff bill, which I shall ask to have referred to the Committee on Finance; but I wanted to call the Senators' attention to the precise point of the amendment. It is an amendment to the provision that the income tax shall be computed on incomes accruing from March 1 to December 31, 1913.

"I think the provision will encounter very serious question. The change I propose is to have the income for the first year computed from the passage of the act, rather than from a fixed date—March 1, 1913.

"The reason why I think it would be wise to make the change is that all direct taxes must be apportioned unless they come within the amendment relating to the income tax. We can impose a tax upon incomes without apportioning it because of the amendment, but we can not impose any other direct tax without apportionment. When income is received it immediately becomes principal. The income that was received the 1st day of July of the present year, having been received, became principal, and no law hereafter can tax it without apportionment, any more than we can tax now the income that was received 10 years ago without apportionment.

"So if the bill becomes a law with the provision in it that has been reported from the committee you will find yourselves endeavoring in one sentence to tax income that comes under the amendment, and to tax past income, income received, reduced to possession, and turned into principal before the passage of the act, and that you can not do without apportionment.

"It is to avoid that difficulty, which I am sure is very serious, that I propose the amendment which I now ask to have referred to the Committee on Finance." (CONGRESSIONAL RECORD, p. 2788.)

The argument advanced to support the contention of the Senator is predicated solely upon the assumption that profits, dividends, and other moneys, constituting an income, when received, immediately become "principal," or, in other words, is incorporated into the corpus of the estate of the taxpayer, and therefore not subject to direct taxation without apportionment. This involves the further assumption that the tax imposed can only be collected out of the income of the taxpayer, or, in other words, that his general estate can not be subjected to its payment.

The question whether or not an income accrued immediately and automatically becomes principal or a part of the general estate of the owner, whether sound or unsound in economics or financial evolution, is not in my opinion material to the question involved.

But it is unsound. An income is defined to be: "That gain which proceeds from labor, business, property, or capital of any kind, as the produce of a farm, the rent of houses, the proceeds of professional business, or money or stock in funds, etc.; salary, especially the receipts of a private person or a corporation from property."

This is the natural and obvious sense of the term, and it is so used in the constitutional amendment and in this bill. The gain, profit, or acquisition constituting the income when it accrues and is ascertained becomes an entity and property as much as a farm, bonds, corporate stocks, or other property from which it may have had its source. That it may automatically immediately become incorporated into the estate of the owner or invested thereafter to yield an income, or is spent, given away, or consumed, does not destroy the property entity of the value it had when it accrued. The fact that the property existed and was owned by the taxpayer at one time is indestructible.

I suppose the objection of the Senator goes only to computations on incomes arising from property, real and personal, and not to those on incomes from business.

The question really presented for consideration is whether the provision of the bill for the tax for the current year is retroactive in its operation and imposes a liability for taxes before the enactment of the law, and is for this reason unconstitutional.

The constitutional amendment under which this tax in part is imposed without apportionment ordains:

"The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

It is well settled that— "The language of a constitutional amendment should be read in connection with the known condition of affairs out of which the occasion of its adoption may have arisen, and then construed, if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the amendment was adopted." (Maxwell v. Dow, 176 U. S., L. Ed., Book 18, p. 697.)

It is a part of the history of this country that much of the personal property owned by everyone, and the great accumulations of wealth in the hands of the few, had for years escaped taxation. They could not be taxed direct without apportionment, which was not deemed advisable. The income-tax law of 1894 was enacted to remedy this injustice and to make this property bear its just proportion of the expenses of the Government.

The Supreme Court of the United States held that tax, in so far as it was imposed upon incomes received from real estate and personal property, to be a direct property tax and, being levied without apportionment, unconstitutional. The tax upon incomes which arose from other sources, and upon which an excise tax could be imposed, was not held void for that reason, but the contrary conceded. (Pollock v. Farmers' Loan & Trust Co., 158 U. S., 618, 630; L. Ed., Book 39, 1119, 1123.)

The sixteenth amendment to the Constitution was proposed and adopted to authorize Congress to impose a tax like that of 1894, after which this is modeled, and which is proposed to be enacted under that power, in so far as it taxes incomes arising from real and personal property. Congress already had the power to impose a tax without apportionment on incomes arising from gains, profits, or other acquisitions in a business ordinarily called an excise tax. (Flint v. Stone Tracy Co., 220 U. S., 106; 55 L. Ed., 398.)

There are two grounds upon which, in my opinion, the tax for the current year can be sustained.

First. The Congress has general power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, unlimited save that duties, imposts, and excises shall be uniform throughout the United States, and no capitation or other direct tax shall be laid unless in proportion to the census or enumeration, directed to be taken decennially, nor on articles exported from other States. (Constitution, Art. I, secs. 8 and 9.)

The Constitution contains no provision prohibiting the Congress from imposing a tax upon property owned or business done by the taxpayer previous to the enactment of the law levying the tax. The general

rule is that the Congress, within constitutional limitations, has absolute power to determine the objects of taxation and the method of the assessment of the tax. (Cooley's Con. Lim., 737; Flint v. Stone Tracy Co., 220 U. S., 167; Weston v. City of Charleston, 2 Pet., 466.)

Therefore if the bill be construed to impose the tax for the current year on account of the ownership of incomes received—property owned and business done previous to the enactment of the law—it is within the power of Congress, without constitutional objection, and valid.

There is no constitutional prohibition of retroactive legislation which will affect this tax. (Black's Con. Law, 753; Cooley's Con. Lim., 529; Satterlee v. Matheson, 2 Pet., 380; Drehman v. Stifle, 8 Wall., 595.)

If the constitutional amendment changes or authorizes Congress to change the classification of a tax on incomes derived from property from that of a direct tax to that of an excise tax, and the tax here imposed is one of the latter class, then the provision for computing incomes before the enactment of the bill is clearly a mere method of assessment and not only allowable, but usually done in assessing excise taxes. The authorities authorizing this manner of assessment of excise taxes will be hereafter stated.

Second. The provision of the bill requiring incomes received by the taxpayer from all sources, from March 1, 1913, to be computed in ascertaining the tax to be paid for the current year is not the imposition of a retroactive tax, but the method of assessment of the tax imposed for that part of the current year after the enactment of the law, consisting in part of a property tax and in part of an excise tax, and is valid and constitutional.

It is immaterial what the tax is called. The courts will treat it according to its correct classification as ascertained by the legislative intent disclosed in the bill when construed in the light of its legislative and judicial history. I am inclined to think the tax imposed is a property tax in part and an excise tax in part. It is a property tax so far as imposed upon incomes accruing to the taxpayer from real and personal property, and an excise tax so far as laid upon incomes arising from all other sources. I do not think the constitutional amendment was intended to change the classification of the tax, but merely to allow it to be imposed without apportionment.

In so far as it is a property tax, it is imposed upon the taxpayer as the owner of so much property—that certain portion in value of his property which he acquired as an income from real and personal property—during certain periods for the current year, from March 1 to December 31, and thereafter annually. The extent of the property—the portion of the estate of the taxpayer upon which he is taxed—is thus measured by the income received during said periods, to be ascertained and fixed as in the bill prescribed. This, under the Pollock cases, is a direct tax, but it is now authorized, without apportionment, by the constitutional amendment under which it is proposed to be enacted.

It is an excise tax so far as it is imposed on incomes from all other sources, as has been decided by the Supreme Court in many cases.

There seems to be no valid objection to imposing the two classes of taxes in the same law. This was done in the act of 1894 and not considered objectionable. The court, referring to it in the Pollock cases, expressly stated that this point did not affect its decision. (158 U. S., 636; L. Ed., 1125.)

The Congress, within constitutional limitations, has plenary power to select the objects of taxation and the methods by which the tax imposed shall be levied, assessed, and collected. It may, with proper uniformity, tax all the property of the taxpayer or only a portion or a certain kind of it. It may impose an excise tax on all business, avocations, or on part of them. It also has almost unlimited power in providing for the selection of the property to be taxed, and all necessary machinery for the assessment of the same for taxation and for the collection of the tax. These principles are elementary. (Cooley's Con. Lim., 737, 739; Cooley's Taxation, vol. 1, 602-604.)

In the case of Flint v. Stone Tracy Co. (220 U. S., 167; 55 L. Ed., 420) it is said:

"We must not forget that the right to select the measure and objects of taxation devolves upon the Congress and not upon the courts, and such selections are valid unless constitutional limitations are overstepped."

All the authorities agree that the basis of an assessment for taxation may be retrospective. (Cooley on Taxation, vol. 1, p. 492.)

The same method, it is true, is here provided for assessing the property tax and the excise tax imposed, but I can see no objection to the bill on this account. It is equally applicable to both taxes and makes the machinery less complicated and easier of operation. Direct taxation by reason of the ownership of property and an excise tax upon business are merely different methods by which the same end is reached; that is, by which the taxpayer is made to contribute out of his property to the support of the Government.

As before stated, the provision of the bill requiring the computation of incomes received by taxpayers during the periods mentioned in the bill is merely the basis for the assessment of the tax, and it is well settled that incomes received before the law is passed may be considered in ascertaining the tax to be paid for the first year.

The excise cases decided by the Supreme Court of the United States sustain these conclusions. They are directly in point in so far as the property taxed arises from incomes from business subject to an excise tax and clearly analogous where the income arises from real and personal property, both of which are to be found in this bill.

The court has held in all these cases that the tax to be collected may be measured by the business done, the profits made, the dividends accrued, and the gains made for periods previous to the enactment of the law imposing the tax, in some other cases a part of the year, like the present law, and in others the year previous to that in which the law was enacted.

It is also held that where the basis fixed for the assessment is a percentage on the capital stock or business done by a corporation, and that in this way assets which are exempt from taxation and business not taxable are included in making the assessment, the validity of the tax imposed is not affected.

In Home Ins. Co. v. N. Y. (134 U. S., 594; 33 L. Ed., 1025) the tax in question was imposed upon the privilege of the complainant to do business as a corporation within the State and was measured by the extent of the dividends of the corporation of the current year upon the capital stock, some two million dollars of which were invested in bonds of the United States exempt from taxation. The tax was attacked because this mode of assessing the same included the value of exempt property. The court, in sustaining the tax, said:

"It is not a tax in terms upon the capital stock of the company, nor upon any bonds of the United States composing a part of the stock. The statute designates it a tax upon the 'corporate franchises or business' of the company, and reference is only made to its capital stock

and dividends for the purpose of determining the amount of the tax to be enacted each year. The validity of the tax can in no way be dependent upon the mode which the State may deem fit to adopt in fixing the amount for any year which it will exact for the franchise. No constitutional objection lies in the way of a legislative body prescribing any mode of measurement to determine the amount it will charge for the privilege it bestows."

The case of the State of Maine v. Grand Trunk Ry. Co. involves an excise tax levied by the State upon railroad corporations for the privilege of exercising their franchise within the State, the tax being fixed by a certain percentage of the transportation receipts of the company, including interstate and foreign commerce, for the previous year. The tax was assailed upon the ground that it was a burden upon interstate commerce and the business done in a former year. The court sustained the tax. In the opinion, among other things, it is said:

"The character of the tax or its validity is not to be determined by the mode adopted in fixing its amount for any specific period or the time of its payment. The whole field of inquiry into the extent of revenue from sources at the command of the corporation is open to the consideration of the State in determining what may be justly exacted for the privilege."

"And if the inquiry of the State as to the value of the privilege were limited to the receipts of certain past years instead of the year in which the tax is collected it is conceded that the validity of the tax would not be affected; and if not, we do not see how a reference to the results of any other year could affect its character. There is no levy by the statute on the receipts themselves, either in form or fact; they constitute, as stated above, simply the means of ascertaining the value of the privilege conferred."

In *Stockdale v. Atlantic Ins. Co.* (87 U. S., 341, 22 L. Ed., 350) an excise tax assessed upon dividends declared by the company previously was held to be valid. Mr. Justice Miller in his opinion said:

"The right of Congress to have imposed this tax by a new statute, although the measure of it was governed by the income of the past year, can not be doubted; much less can it be doubted that it could impose such a tax on the income of the current year, though part of that year had elapsed when the statute was passed. The joint resolution of July 4, 1864, imposed a tax of 5 per cent upon all incomes of the previous year, although one tax on it had already been paid, and no one doubted the validity of the tax or attempted to resist it."

Flint v. Stone Tracy Co. (220 U. S., 55 L. Ed., 410)—the corporation-tax case—is the latest excise-tax case. All the cases where excise taxes have been attacked, because in the measurement or assessment of the tax property nontaxable, and profits, incomes, and business accruing previous to the passage of the law, were included and valued, are reviewed, and it is there held that the Government may use these methods in measuring or assessing the tax imposed without affecting the validity of the tax.

I think the principle controlling all these cases is the same here involved, and sustains the tax proposed to be imposed.

There is nothing in the amendment requiring the tax to be paid or collected out of the specific moneys constituting the income accruing during said periods, and what the taxpayer does with the moneys constituting his income is immaterial. It can not have the effect to relieve him of the tax imposed upon him as the owner of property of its value. This tax, like all other taxes, is a debt due to the Government, and collectible out of any of the taxpayer's property that may be found. If the law was otherwise, the payment and collection of the tax would be dependent upon the ability of the taxpayer to dispose of his income before the authorities could seize it for the payment of his just contribution to the expenses of the Government.

The statutes of a majority, if not all, of the States provide that property shall be assessed against the owners upon some certain day of the year and that transfers after that shall not affect the assessment. The owner of the property upon the day of the assessment is liable for the tax thereon according to the assessment made, notwithstanding the general assembly, municipal council, or other taxing power may levy the tax on a subsequent day of the year. The property of the citizens taxed for that year is here measured by that which they own on the day fixed for the assessment, and which is made as of that day. These laws have never been questioned so far as I can find.

The provisions of this bill upon this question are not different from the income-tax laws of England and those heretofore enacted in this country.

The English income tax enacted June 28, 1853, provided that the same should be operative and effective from and after April 5, 1852, and of course included incomes accruing previous to its enactment.

The income tax imposed by Congress August 5, 1861, expressly provided that—

"the tax herein provided shall be assessed upon the annual incomes of the persons hereinafter named for the year next preceding the 1st of January, 1862, and the said taxes when so assessed and made public shall become a lien upon the property or other sources of said income for the amount of the same, with the interest and other expenses of collection until paid." (12 Stat. L., 309.)

Here the tax was imposed upon the incomes accruing between January 1, 1861, and August 5 of that year, the day of the enactment of the law.

The act of July 14, 1862, superseding the one above stated, provided for the assessment upon incomes received from and after January 1 of that year, or for a period of six months before the act was passed.

The income tax of 1894, enacted in August of that year, provided for the taxation of incomes from the beginning of the current year and was attacked upon this ground. The question was not decided in the cases which reached the Supreme Court of the United States, but it was held by the Supreme Court of the District of Columbia in the case of *Moore v. Miller*, decided January 23, 1895, that there was nothing in the objection. In that case Hagner, J., said:

"This provision is of the same character as those appearing in the former income acts of the United States."

"The first act, passed on the 5th of August, 1861, declared that from and after the 1st of January, 1862, there should be levied an income tax, which should be assessed in the first instance 'upon the annual income for the year preceding the 1st of January, 1862,' thus including in return the income that had accrued during the seven months next preceding the passage of the law."

"The act of the 14th of July, 1862, which superseded the first law, declared that the tax should be levied on the 1st of May, 1863, upon the income of the preceding year ending the 31st of December, 1862, including thereby the six months and a half of the year that had expired at the time the act was passed."

"The English act of 1853, passed on the 28th of June, 1853, declared that the income tax thereby established should be operative from and after the 5th day of the preceding April."

"No authority was quoted in support of this contention, and I have been unable to discover any if it exists."

"But the very point appears to have been decided the other way in 20 Wallace, 331 (*Stockdale v. Ins. Co.*), where Mr. Justice Miller said: 'The right of Congress to have imposed this tax by a new statute, although the measure of it was governed by the income of the past years, can not be doubted; much less can it be doubted that it could impose such a tax on the income of the current year, though part of that year had elapsed when the statute was passed. The joint resolution of July 4, 1864, imposed a tax of 5 per cent on all incomes of the previous year, although one tax on it had already been paid; and no one doubted the validity of the act or attempted to resist it.'"

In a Pennsylvania case, in which a tax in substance was imposed upon incomes, a similar question was presented and held not to affect the validity of the law:

"This act clearly intended to levy a tax of 3 per cent on the profits or income of the business, and was not meant to tax capital. Profits must necessarily be the net profits of the business, and the Commonwealth was to receive of them 3 per cent. It was in fact a tax upon the income of the business in which the defendants were engaged. The English income tax and the United States income tax are based upon the incomes received in preceding years. The present United States income tax is laid upon the income of 1862, and the act of Congress of the 5th of August, 1861 (12 Stat. L., 309), expressly declares that 'the tax herein provided shall be assessed upon the annual income of the persons hereinafter named, for the year next preceding the 1st of January, 1862, and the said taxes, when so assessed and made public, shall become a lien upon the property or other resources of said income for the amount of the same, with the interest and other expenses of collection until paid.'"

"It is clearly, therefore, perfectly constitutional, as well as expedient, in levying a tax upon profits or income, to take as the measure of taxation the profits or income of a preceding year. To tax is legal, and to assume as a standard the transactions immediately prior is certainly not unreasonable, particularly when we find it always adopted in exactly similar cases. The tax is graduated upon each individual upon his individual receipts."

The Wisconsin income tax law went into effect July 5, 1911, but provided for taxing all incomes received during that year. The act was attacked, among other grounds, upon the contention that it was retroactive and void under the constitution of that State. The court in disposing of this question said:

"One further objection we overrule here without comment, for the reason that it seems very unsubstantial, namely, the objection that the law is retroactive and void, because assessed on incomes received during the entire year 1911, while it did not go into effect until July 15 of that year, and also because it includes profits derived from the sale of property purchased at any time within three years previously." (Income Tax cases, 148 Wis., 456, 514.)

In *Wisconsin & M. R. Co. v. Powers* (191 U. S., 379; 48 L. Ed., 229) a statute was sustained which made the income of the railway company within the States, including interstate earnings, the prima facie measure of the value of the property within the State for the purpose of taxation. In the course of the opinion the court said:

"In form the tax is a tax on 'the property and business of such railroad corporation operated within the State,' computed upon certain percentages of gross income. The prima facie measure of the plaintiff's gross income is substantially that which was approved in *Maine v. Grand Trunk R. Co.*" (142 U. S., 217, 228.)

The statute of Minnesota, passed for revenue purposes in 1905, levied a property tax to be computed upon the gross receipts of corporations doing both domestic and interstate business, the last of which, of course, could not be taxed by the State, as such a tax would be a burden upon interstate commerce and in violation of the commerce clause of the Federal Constitution. The Supreme Court of the United States sustained this statute and upheld the tax. In the opinion delivered for the court by Mr. Justice Day it is said:

"Upon the whole we think the statute falls within that class where there has been an exercise in good faith of a legitimate taxing power, the measure of which taxation is in part the proceeds of interstate commerce, which could not in itself be taxed and does not fall within that class of statutes uniformly condemned in this court, which show a manifest attempt to burden the conduct of interstate commerce, such power, of course, being beyond the authority of the State." (Express Co. v. Minn., 223 U. S., 335.)

These two last cases seem to be directly in point. They involved statutes imposing property taxes, measured or assessed by methods which involved in part the computation of property and incomes not within the taxing power of the State. This was but an application of the general principle that the legislature has the power to prescribe any method of assessment of property for taxation that may be deemed wise and efficient and illustrates the important distinction between the subject of taxation and the method of assessment of taxation.

I think the amendment without merit and the provision of the bill called in question constitutional.

Mr. SUTHERLAND. Mr. President, I suggest to the Senator from Mississippi that it might be well to have these opinions printed also as a Senate document. The matter will be in better type and more readable if we have them printed in that way.

Mr. WILLIAMS. If that is desired, then I shall also ask that these opinions may be printed as a Senate document. I make that request.

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

Mr. BRISTOW. Mr. President, before we begin on the income-tax provision I should like to inquire of the chairman of the Finance Committee when he expects to return to the paragraphs that have been passed over? There must be 100 of them, and it seems to me we ought to know just when we are to take them up and finish them.

Mr. SIMMONS. I am sure that by the time we have finished the income-tax section and the administrative sections of the bill the committee will be through its consideration of the various matters that have been referred back to it. It was our plan then to begin at the beginning and take up each paragraph

and consider and determine the matters that have been passed over.

Mr. BRISTOW. The Senator desires first to take up the income-tax and the administrative features before he returns to the paragraphs that have been passed over?

Mr. SIMMONS. That is the plan I desire to follow.

Mr. BRISTOW. The reason I spoke of it was that I thought Senators ought to know about when those paragraphs will come up.

Mr. SIMMONS. I am very glad the Senator asked the question, so that I might make a general statement on the subject, because Senators are coming to me and asking me about the matter from time to time.

The reading of the bill was resumed, beginning on page 165, under the heading "Section II."

The next amendment of the Committee on Finance was, in Section II, subdivision 1, page 165, line 2, before the word "and," to insert "collected"; in line 7, after the word "income," to strike out "over and above \$4,000" and insert "except as hereinafter provided"; and in line 9, after the word "levied," to insert "collected," so as to make the paragraph read:

A. Subdivision 1. That there shall be levied, assessed, collected, and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, a tax of 1 per cent per annum upon such income, except as hereinafter provided; and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

The amendment was agreed to.

The Secretary proceeded to read subdivision 2, on page 165, and read down to line 20, as follows:

Subdivision 2. In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds \$20,000 and does not exceed \$50,000.

Mr. BORAH. Mr. President, I am not going to enter upon any extended discussion of this provision, but I suggest to the committee, or to the Senators having this part of the bill in charge, that it seems there ought to be a different arrangement and proportion with reference to the surtax.

The bill now reads:

One per cent per annum upon the amount by which the total net income exceeds \$20,000 and does not exceed \$50,000, and 2 per cent per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$100,000, and 3 per cent per annum upon the amount by which the total net income exceeds \$100,000.

If I were permitted to have my way, I would have the provision read as follows:

One per cent per annum upon the amount by which the total net income exceeds \$10,000 and does not exceed \$30,000, and 2 per cent per annum upon the amount by which the total net income exceeds \$30,000 and does not exceed \$50,000, and 3 per cent per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$100,000, and 4 per cent per annum upon the amount by which the total net income exceeds \$100,000.

I think we ought to bear in mind that which is proven to be well founded in experience, and that is that the man with a small income always pays more completely upon his income than the man with a large income. If a man has an income of \$5,000 a year, he will come closer to paying the tax upon \$5,000 a year than the man who has an income of \$40,000 a year. I presume that has been the experience of all countries with reference to this matter. Therefore, if we are going to reach proportionately the men with large incomes, it seems to me we must raise the grade of taxation more than is here specified.

I think I shall not offer the amendment formally, because I presume the matter has been thoroughly considered by the committee and the amendment would not prevail. But if it is the design of the committee to reach the man who pays \$50,000 as fully as the man who pays \$20,000, they will have to change the rate of tax from that which is found in the bill. Besides, I think a person who has an income of \$100,000 a year can well afford to pay a tax of 4 or 5 per cent upon that amount, and he will not suffer inconvenience in so doing, and it will not be so difficult for him to part with that amount of money as in the case of the man who pays the rate here proposed upon an income of \$10,000 or \$15,000 a year.

Mr. BRISTOW. Mr. President, if the Senator will yield for a moment, I desire to offer an amendment to this part of the bill. I have not the amendment prepared now, because I had no idea this part of the bill would be taken up this afternoon, and I do not wish to be foreclosed from offering the amendment in the morning.

Mr. SHIVELY. The Senator certainly will not be foreclosed. I do not propose to discuss at length the question raised by the

Senator from Idaho [Mr. BORAH]. There is a fiscal question involved here as well as an economic question. With us the fiscal question is of first moment.

The Senator from Idaho is evidently discussing this matter largely from the economic standpoint. There is a difficulty always confronting a body that has to pass upon the question of where an income tax should begin. In England it begins with an income of £160, about \$800. Here we have fixed it at \$3,000, or at nearly four times as high an amount.

It is difficult to grade an income tax on the theory on which the Senator from Idaho proceeds. Of course it requires about so much to sustain a family. While there are large differences as to the amount of income required in this station in life and that station in life, the question confronting us was a fiscal question, a question of raising sufficient income which, added to other income, will pay the expenses of government.

Mr. GALLINGER. If the Senator will permit me, the Senator suggested that we had fixed the minimum at four times that of Great Britain, or more than that. Has not the committee fixed it at \$3,000 by amendment?

Mr. WILLIAMS. It has fixed it at \$3,000 for a single man, and \$4,000 for a man with a family.

Mr. GALLINGER. So that it would be a little less than four times as much.

Mr. SHIVELY. The minimum would be a little less than four times as much.

Mr. GALLINGER. Precisely.

Mr. BORAH. I do not understand the difficulty in the fiscal proposition as applied to my amendment. It does not make any difference, except that it is calculated to raise more revenue. Senators on the other side may be assured that they will not have any surplus. Besides that, if there is going to be a remitting of taxes it can very well afford to be elsewhere than upon fortunes which bring in an income of \$100,000 a year.

I do not see where the difficulty arises as to the fiscal proposition. I realize perfectly how difficult it is to adjust an income tax in the first instance to all conditions, but I do not understand at this time where the difficulty arises with reference to this particular suggestion.

The Senator from Indiana [Mr. SHIVELY] has referred to the fact that England has an exemption of about \$800. That is true, but England also has a rebate which she allows up to \$3,500, and in addition to that England raises her revenue in an entirely different way proportionately from the way in which we raise ours.

According to the estimates made this year in the budget speech of Mr. Lloyd-George the customs income of that country this year will be £32,200,000, and the excise income £38,850,000. Those are the indirect taxes which fall most heavily upon the consumer. The direct taxes are as follows: Death duties, £26,760,000; land taxes and house duties, £2,230,000; income and surtax, £45,950,000.

We will raise about one-eighth of our income, according to this bill, from the income tax. The rest of it will be raised from taxation upon consumption. The English Government, on the other hand, raises practically one-half of its income from the income or direct tax system. So when we have adjusted the matter in accordance with the actual facts it will be found, in my judgment, that the English Government has quite as large an exemption as this Government will have even after we have adopted the suggestion I have made.

In addition to that, England has adopted the differentiation plan. That is to say, England distinguishes as to the sources of income. In addition to the exemptions to which I have referred, she provides for a lower rate for all earned incomes and a higher rate for all unearned incomes, or incomes over \$10,000. If the two bills are laid down side by side, it will be found, in my judgment, that we are giving no greater exemption than the English law does in its practical workings.

Mr. LODGE. If the Senator will permit me, I think the English additional tax to which he has referred goes on at £3,000, or \$15,000. I think it is £3,000, or \$15,000, in round numbers, in our money.

Mr. BORAH. The Senator may be correct. I thought it was £2,000, or \$10,000; but the Senator may be correct.

I think I shall offer the amendment, anyhow. I shall not take up the time of the Senate in discussing it, but I shall ask to have it passed upon. I will state the entire amendment, so that it will be in consecutive form.

After the word "exceeds" in line 19, page 165, I move to strike out all down to the period after the figures "\$100,000" in line 3, page 166, and to insert in lieu thereof the following:

Ten thousand dollars and does not exceed \$30,000, and 2 per cent per annum upon the amount by which the total net income exceeds \$30,000 and does not exceed \$50,000, and 3 per cent per annum upon the amount

by which the total net income exceeds \$50,000 and does not exceed \$100,000, and 4 per cent per annum upon the amount by which the total net income exceeds \$100,000.

Mr. LODGE. The Senator has read the amendment. It seems to me he has not got the proportion quite right. He makes a jump of 1 per cent from \$10,000 to \$30,000, then he makes a jump of 1 per cent from \$50,000 to \$100,000. The gap between \$50,000 and \$100,000 is a great deal bigger than the gap between \$10,000 and \$30,000.

Mr. BORAH. Yes; perhaps it would be better to make the correction suggested.

Mr. LODGE. I am not quarreling with the amount of tax the Senator imposes on the \$100,000 income or the \$50,000 income; but in dividing the \$100,000 it seems to me he makes his first increase too soon. I think it would better reach the same point and would be better proportioned if he divided more equally. From \$10,000 to \$30,000 he jumps once.

Mr. BORAH. And from \$30,000 to \$50,000.

Mr. LODGE. And from \$30,000 to \$50,000.

Mr. BORAH. And from \$50,000 to \$100,000.

Mr. LODGE. That is a jump of \$20,000 each time at first and then \$50,000. It is merely a question of proportion.

Mr. BORAH. I will take the suggestion.

Mr. LODGE. It seems to me the only way to distribute the rise before you get to \$100,000 is to distribute it every \$20,000, or whatever you divide on.

Mr. JONES. Why not jump from \$50,000 to \$75,000 and then from \$75,000 to \$100,000?

Mr. NORRIS. I should like to suggest to the Senator a jump from \$50,000 to \$75,000 at 4 per cent, or put another step in there, and then above \$100,000 make it 5 per cent instead of 4 per cent.

Mr. BRISTOW. Mr. President, while suggestions are being made, if the Senator will yield to me, I should like to suggest what I had in mind when I made the statement and expected to offer an amendment—1 per cent per annum upon the amount by which the total net income exceeds \$10,000, and that then we go up step by step, adding 1 per cent for each additional \$10,000 until we reach the maximum of \$100,000, making the total income tax 10 per cent on all over \$100,000. That does not have as large jump, and the man who is receiving \$100,000 a year can afford to pay \$10,000 a year tax to the Government just as well as the man who has an income of \$10,000 a year can afford to pay what this would impose upon him, and much better. It is not any greater hardship and would secure a more equitable adjustment.

I make the suggestion to the Senator. I should like to have him fix his amendment that way, and if he does not I should like to offer mine, because that comes more nearly meeting my judgment than anything which has yet been suggested.

Mr. BORAH. I think I shall ask to have the amendment voted on as I offer it, and perhaps when the Senator from Kansas offers his amendment we can get another chance to meet that proposition.

Mr. SHIVELY. Permit me to inquire of the Senator from Idaho if he has made an estimate of the amount of revenue that would be produced in the event his amendment is adopted.

Mr. BORAH. No, Mr. President, I have not; neither have I seen any estimate made by anyone else that was worth anything to anybody as a guide. The estimate which has been made, so far as I can ascertain, is purely speculative.

Mr. SHIVELY. Of course there will always be an element of uncertainty and speculation in putting in force an income tax. It has been estimated that the tax as provided in the bill when in full force will produce about \$100,000,000 annually. Of course the main purpose is to provide for the fiscal necessities of the Government, not to provide a system for the redistribution of property or a system with reference particularly to its economic effect. It is with more particular reference to raising the required means with which to pay the expenses of the Government, and on that basis this has been provided in the bill.

I hope we shall have a vote on the amendment.

Mr. BORAH. If the estimate which the committee has made with reference to the proposed income tax be even made with any degree of certainty or accuracy, then it would not be very difficult to tell what this rate would produce. But, Mr. President, even at the present time, after all the experience which has been had in regard to the income tax in other countries, it is the most uncertain tax with reference to estimates that there is. A few years ago when they changed the tax entirely in England, when Mr. Asquith introduced the differentiating feature, he estimated they would lose a certain amount, a very large amount. Instead of losing that amount they actually collected a very large amount in excess of what the tax had been the year before.

Therefore, I do not criticize or find fault with what I believe to be the purely speculative estimate of the committee, but I think it is purely speculative.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. WILLIAMS. Mr. President, this schedule constitutes to the extent to which it goes the introduction of an entirely new fiscal system. It is, so far as it goes, revolutionary of existing tax methods. The object of levying the tax, of course, is to provide a revenue, and in addition to that, to a large extent to relieve the backs and the stomachs of people of burdens under the present system and to place those burdens, as far as may be, upon the backs of those who are able to stand them, to begin a system at any rate, of taxing people according to their ability to pay and not according to their necessities.

Now, like every new thing, the best speed is made in the long run by going slowly at first. It is always the safest method to make your first effort as simple as you can and not complicate it with too many other things.

What we are doing with this income tax is a totally different thing from what we hope to do some day. We do not want to collect any more revenue than we need. The Senator from Idaho says it is largely speculation instead of calculation; but we have calculated as well as we could how much income tax we would need after the reduction of the duties upon consumption. Evidently his amendment would very much increase whatever sum we might attain. Having concluded that we had enough, we are not taxing the people's incomes even for fun, nor are we taxing them for the purpose of building up a system. The time may come, and I hope will come some day, when all taxes for the Government will be raised by taxing the citizens in proportion to their ability to pay. But the Senator knows as well as I do that we can not go at that sort of thing too quickly. We can not revolutionize things too rapidly. We must have some regard to existing conditions. In revising the tariff we have tried to have that in view. In the opinion of most of you on the other side of the Chamber, our attempt is awkward and approximate, and all that, while in our own opinion it is about as intelligent as anything you ever did on the subject.

Having accomplished that, we made up the difference that we need in revenue from the income tax. We think this will make it. We saw no use in either raising the rate or changing the point of demarcation so as to increase the amount of revenue, which is what would be the effect.

Now, the Senator says, and says very properly, that this income tax might be complicated so as to make it still fairer than it is in a way. For example, there might be a difference in exemptions, a difference in rates dependent upon the source of the income, whether it came from inherited estates, whether it came from bonds that were laid by, or whether it came from the compensation in the shape of salary or wage to the taxpayer; but we thought it well now to proceed slowly and cautiously and upon as simple grounds as we could inaugurate the system, and after awhile the American people will have people here to represent them who will perfect it, and as it is perfected the taxes upon consumption will dwindle more and more and the income tax will more and more take their place.

I hope for those reasons the amendment will not be adopted.

Mr. BRISTOW. Mr. President, the Senator from Mississippi speaks of the amount of revenue. It seems to me that this tax on incomes could be very properly increased and the tax on corporations abolished. It is a well-known fact that nine-tenths or more of the tax on corporations is simply passed on to the consumers. The corporation, in fact, does not pay it; it charges it up as an expense, and the public pays the tax.

Now, if you abolish the tax on corporations altogether and increase the tax on incomes on a graduated scale you will get a far more equitable system, it seems to me, than that proposed in the pending measure.

Mr. WILLIAMS. Then the result of the Senator's scheme would be to tax the individual citizen and leave the corporation untaxed. Now, whether the corporation can or can not pass on all this tax is a question. Of course it can pass some of it on, but the Senator will note that throughout the bill the so-called additional tax is not levied upon corporations at all. It is only the normal tax that corporations pay.

Mr. BRISTOW. I know, but—

Mr. WILLIAMS. So when you get above a certain amount this additional tax levied upon corporations is not a thing that would be subject to the objection made by the Senator. They pay merely the normal tax. To say that the great Steel Trust, merely because it may be that it can pass on the tax, shall pay nothing, strikes me as taking a position that the Senator will reconsider.

Mr. BRISTOW. My position so far as the corporation tax is concerned is the same that it was four years ago. I voted against a corporation tax then because I favored an income tax instead of a corporation tax. A stockholder in a corporation who holds only a thousand dollars' worth of stock pays just as much in proportion to what he has got as if he owned a million dollars' worth. I do not think it is an equitable or just system of taxation.

Then the Senator must know that these corporations simply charge up the corporation tax only as an expense which they incur in doing business, the same as any other expense, and it is charged to the people who consume their product or who utilize their facilities, whatever the character of the operation may be.

The income tax is a tax levied upon the income a man has, and if it is properly proportioned it rests far more equitably upon his ability to pay than the corporation tax possibly can.

Mr. WILLIAMS. There is no distinct corporation tax in this, if that is what the Senator means, except for a part of a year to continue the old tax. The taxes levied upon corporations here is simply an income tax, and a normal income tax at that.

Mr. BRISTOW. It continues the old tax. That is what I am objecting to.

Mr. WILLIAMS. We continue the old tax for a part of the year, during which we can not levy the new tax. Then after that time that part of the tax upon corporations becomes an income tax.

Mr. CUMMINS. Mr. President, I think it can not be disputed that we ought to limit our taxing power to the needs of the Government. It would be wrong and indefensible to collect \$200,000,000 if we needed but \$100,000,000.

I assume that the committee in making the estimate with regard to this phase of the law has some information as to the number of men who would pay 1 per cent upon incomes up to \$20,000, the number of men who would pay a tax upon incomes from \$20,000 to \$50,000, and from \$50,000 to \$100,000. It would, therefore, be a very easy problem to take the information which the committee undoubtedly has to limit the effect of the law in producing a revenue, even though a redistribution were made concerning the rate of taxation.

I intend to vote for the amendment proposed by the Senator from Idaho, but if it really becomes a serious matter that we shall receive too much money by so doing, then I would want some such adjustment as this: That on incomes up to \$20,000 only one-half of 1 per cent be levied, upon incomes from \$20,000 to \$50,000 three-quarters of 1 per cent, and go up in that way. But when you reach the high incomes, from \$50,000 on, then I think the rate proposed by the Senator from Idaho ought to be employed in order to put the burden of government where it belongs, even though upon the incomes below \$50,000 you reduce the rate of taxation.

There is no difficulty about that computation if the committee has an estimate of the number of men who are in possession of these various grades of incomes from \$3,000 to \$100,000 and above.

Therefore I hope the amendment proposed by the Senator from Idaho will be adopted, because it recognizes the right principle. Then, if we discover upon further investigation that it will bring too much money into the Treasury, let us reduce the rate upon the men of lesser income. In that way we will reduce the whole revenue and at the same time do full justice as between those who have the smaller incomes and the larger ones.

If it were not, Mr. President, for the fact that I think it is good public policy that a large number of people shall feel that they are contributing to the Government of which they are citizens, I would be in favor of raising the limit very much. I think it is a sound proposition that most of the people of the country ought to feel that they are contributing something to the maintenance of their Government in order to create a proper interest upon their part in the management or the conduct of their Government. If it were not for that, I would be in favor of increasing the limit proposed in the bill; but if, in order to levy a very fair and reasonable rate of taxation upon a man with an income of \$100,000 a year, it is essential that the man with an income of but \$3,000 shall pay one-half of 1 per cent, that is the arrangement which should be made. However, until proof is made in some way or other that the amendment proposed by the Senator from Idaho would raise more money than would be wise to put into the Treasury of the United States, I shall stand and vote for his amendment, but if the objection made to it is valid or has any foundation it is very easy to reduce the rate upon the lesser incomes.

Mr. BORAH. Mr. President, if we have any real fear of raising too much revenue, we can easily control that matter,

in my judgment, when we get over to the exemptions by raising the exemption as may seem necessary; but what I rose to do was to ask leave to modify my amendment in accordance with the suggestions of some Senators, and I will restate it.

I move to strike out all after the word "exceeds," in section 2, subdivision 2, page 165, line 19, down to and including the figures "\$100,000," on page 166, line 3, and in lieu thereof to insert:

Ten thousand dollars, and does not exceed \$30,000, and 2 per cent per annum upon the amount by which the total net income exceeds \$30,000 and does not exceed \$50,000, and 3 per cent per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$80,000, and 4 per cent per annum upon the amount by which the total net income exceeds \$80,000 and does not exceed \$100,000, and 5 per cent per annum upon the amount by which the total net income exceeds \$100,000.

I ask for the yeas and nays on the amendment, Mr. President. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair as on the former ballots and withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY] and therefore withhold my vote.

Mr. LEWIS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. GRONNA].

Mr. REED (when his name was called). I announce my pair with the senior Senator from Michigan [Mr. SMITH] and withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM] and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from Ohio [Mr. BURTON], and I therefore withhold my vote.

Mr. O'GORMAN (when Mr. THORNTON's name was called). The senior Senator from Louisiana [Mr. THORNTON] is unavoidably absent. If he were present he would vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. STEPHENSON].

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Virginia [Mr. MARTIN], and vote. I vote "nay."

Mr. KERN. I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. GALLINGER. I am requested to announce the pair existing between the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Ohio [Mr. POMERENE].

Mr. CHILTON. I transfer my pair with the Senator from Maryland [Mr. JACKSON] to the Senator from Arizona [Mr. ASHURST] and vote. I vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. He being absent, I withhold my vote.

Mr. POMERENE (after having voted in the negative). I cast my vote a moment ago without recalling the fact that I am paired with the Senator from Connecticut [Mr. BRANDEGEE]. That being the case, I withdraw my vote.

Mr. JAMES. My colleague [Mr. BRADLEY] is unavoidably detained from the Senate, but he has a general pair with the Senator from Indiana [Mr. KERN]. I will allow this announcement to stand for the day.

The result was announced—yeas 17, nays 47, as follows:

YEAS—17.

Borah	Cummins	Norris	Sterling
Brady	Jones	Page	Works
Bristow	Kenyon	Perkins	
Catron	McLean	Polindexter	
Clapp	Nelson	Sherman	

NAYS—47.

Bacon	James	Owen	Smith, Ga.
Bankhead	Johnson	Penrose	Smith, S. C.
Bryan	Kern	Pittman	Smoot
Cramer	Lane	Ransdell	Stone
Chilton	Lea	Robinson	Swanson
Clark, Wyo.	Lippitt	Root	Thompson
Fletcher	Lodge	Shafroth	Vardaman
Gallinger	Martine, N. J.	Sheppard	Walsh
Gore	Myers	Shields	Warren
Hitchcock	O'Gorman	Shively	Weeks
Hollis	Oliver	Simmons	Williams
Hughes	Overman	Smith, Ariz.	

NOT VOTING—31.

Ashurst	Culberson	Lewis	Smith, Mich.
Bradley	Dillingham	McCumber	Stephenson
Brandegee	du Pont	Martin, Va.	Sutherland
Burleigh	Fall	Newlands	Thomas
Burton	Goff	Pomerene	Thornton
Clarke, Ark.	Gronna	Reed	Tillman
Colt	Jackson	Saulsbury	Townsend
Crawford	La Follette	Smith, Md.	

So Mr. BORAH's amendment was rejected.

Mr. BRISTOW. Mr. President, as I have said, I desire to offer one or two amendments to subdivision 2, but I have not had time to prepare them since we took up the income-tax provision. I do not wish the section adopted until I can have an opportunity to offer the amendments. I will have them ready to-morrow morning.

Mr. WILLIAMS. I will make no objection to the Senator offering them to-morrow morning, and meanwhile we can proceed with the section.

Mr. BRISTOW. It is all right to proceed with the section, but I want an opportunity to offer the amendments to-morrow morning and have them voted on.

Mr. WILLIAMS. We agree that the Senator shall recur to that to-morrow morning for the purpose of offering the amendments.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in section 2, subdivision 2, page 166, line 5, after the word "applicable," to insert "and are not inconsistent with this subdivision of paragraph A"; and in line 10, after the word "his," to strike out "total" and insert "entire," so as to read:

Subdivision 2. In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds \$20,000 and does not exceed \$50,000, and 2 per cent per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$100,000, and 3 per cent per annum upon the amount by which the total net income exceeds \$100,000. All the provisions of this section relating to individuals who are to be chargeable with the normal income tax, so far as they are applicable and are not inconsistent with this subdivision of paragraph A, shall apply to the levy, assessment, and collection of the additional tax imposed under this section. Every person subject to this additional tax shall, for the purpose of its assessment and collection, make a personal return of his entire net income from all sources, corporate or otherwise, for the preceding calendar year.

The amendment was agreed to.

The next amendment was, in section 2, subdivision 2, page 166, line 12, after the word "year," to insert:

Under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. For the purpose of this additional tax, taxable income shall embrace the share of any taxable individual of the gains and profits of all companies, whether incorporated or partnership, who would be legally entitled to enforce the distribution or division of the same, if divided or distributed, whether divided or distributed or otherwise, and any such company, when requested by the Commissioner of Internal Revenue or any district collector of internal revenue, shall forward to him a correct statement of such profits and the names of the individuals who would be entitled to the same if distributed.

Mr. WILLIAMS. Mr. President, I ask, in behalf of the committee, that the amendment the Secretary has just read shall be recommitted to the committee. There is an amendment which the committee wants to propose to it.

Mr. ROOT. Mr. President, before the amendment goes back to the committee, I desire to ask that the committee consider the question whether it is possible that the gains and profits referred to in this provision can be regarded as the income of the individual stockholder when they are not divided or distributed. As I understand, this clause would have the effect of imposing an income tax on the aliquot share of each stockholder of a corporation in that part of the profits of the corporation for the year which might have been distributed but were not distributed.

Mr. WILLIAMS. Not precisely that; but such part of the income of the partnership or corporation as a partner or shareholder would have the legal right to force the distribution of.

Mr. ROOT. Not quite that, Mr. President.

Mr. WILLIAMS. That language, "if divided or distributed," is somewhat awkward, and for that very reason we want it to go back to the committee; but the object of the amendment was this: Here is a partnership, for example; the partners might make a very large amount of money, but they can effect an agreement whereby, instead of setting aside to each partner his income for that year, they allow it to go into the business, each partner to draw against the firm and make a showing of having no income at all from the partnership. Then, it was thought that for the purpose of obtaining revenue a corporation might now and then pass up a portion of its profits to surplus or otherwise refrain from distributing them. The clause, as here written, we wish to amend, because we do not think that it clearly accomplishes the purpose which we had in view; but what I have stated was the purpose we had in our mind.

Mr. ROOT. Mr. President, I understand that, but the clause is very blind.

Mr. WILLIAMS. And for that reason we put in the words "legally entitled to enforce the distribution."

Mr. ROOT. But taking it altogether, particularly considering the concluding words, I think it does aim to tax as income of the stockholder the profits of the corporation which are not divided. The concluding words are that the company "shall forward to the Commissioner of Internal Revenue a correct statement of such profits and the names of the individuals who would be entitled to the same if distributed."

I understand the law to be—I think it is the law in all of our States—that no stockholder has a right to demand a dividend from the profits of a corporation against the judgment of the directors or trustees of the corporation.

Mr. WILLIAMS. Then, in that case, it would not be legally enforceable.

Mr. ROOT. But there are no words here which impose such a limitation. The tax is to be imposed upon the individual stockholders' share of the profits when they are not distributed. It is the share he would have if they were distributed. It seems quite clear to me that that is not his income; he does not get it; he has no right to get it by law. He may sell his stock, and when those profits come to be divided in future years they would go to the purchaser. He may die, and those profits would go to any person who happened to have acquired the stock after his decease. It can not by any possibility, in accordance with our existing law, be regarded as income of the stockholder until the directors of the corporation have declared a dividend on it.

Mr. WILLIAMS. There is no doubt about that.

Mr. ROOT. And if you wish to reach the surplus profits of a corporation which ought to be divided, but are not divided, you must do it by taxing them as income of the corporation, not as income of the individual stockholder, because the moment you tax the interest of the individual stockholder in those profits you are taxing the interest represented by his stock—that is to say, you are taxing his principal and not his income.

Mr. BORAH. Mr. President—

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

Mr. ROOT. Certainly.

Mr. BORAH. I wish to say to the Senator from New York—

Mr. WILLIAMS. Just one word, if the Senator from Idaho will pardon me. I do not think the Senator from New York has paid quite sufficient attention to the phrase "who would be legally entitled to enforce the distribution or division of the same." However, we want to amend the clause so as to make it mean more clearly what we want it to mean.

Mr. BORAH. Mr. President, I have spent considerable time upon this clause, and so far I have been unable to determine, as a legal proposition, what it means. I entirely agree with the Senator from New York [Mr. Root] that until the directors declare a dividend it is not the property of the stockholders, and it could not be their income.

Mr. WILLIAMS. I suppose nobody ever disputed that legal proposition.

Mr. BORAH. I am very glad to have the Senator from Mississippi indorse it, because that makes it absolutely correct. This clause says:

For the purpose of this additional tax, taxable income shall embrace the share of any taxable individual of the gains and profits of all companies, whether incorporated or partnership, who would be legally entitled to enforce the distribution or division of the same, if divided or distributed.

While the Senator from Mississippi seems to think some of these propositions are indisputable, I should like to know what that means. To me, as a legal proposition, it is difficult to unravel. The language is "legally entitled to enforce." A stockholder is not legally entitled to enforce it until the board of directors have declared a dividend.

Mr. HUGHES. Would it not be possible that a dividend might be declared and not paid?

Mr. BORAH. Yes; that would be possible, but that would not meet this situation.

Mr. HUGHES. Then he would be entitled to enforce payment of the dividend at the hands of the corporation, and we ought to tax him on it.

Mr. BORAH. Yes; but it says "whether divided or distributed or otherwise."

Mr. ROOT. That is to say, this is to be taxed as income against a person who would be entitled to sue for it if it were divided, although it is not divided.

Mr. BORAH. Yes; but the difficulty is that if it is not divided he is not entitled to sue for it. Until the board of

directors have declared a dividend, a stockholder is not entitled to sue for his dividend.

Mr. ROOT. That is the foundation of my proposition.

Mr. BORAH. Exactly; and I agree perfectly with the Senator in regard to that; but, on the other hand, if that is taken out, then the question which will be submitted to the committee is, How are you going to avoid these large estates incorporating and availing themselves solely of the corporation tax and entirely escaping the payment of an income tax?

Mr. ROOT. By taxing the income of the corporation.

Mr. BORAH. Yes; you tax the corporation 1 per cent upon its net profits or earnings, and then you would get but the 1 per cent. The very difficulty which I presume this amendment was adopted to meet is the fact that they might incorporate, pay the 1 per cent upon their net earnings, and entirely escape the graduated tax or surtax. If there is not some way to meet that, that is precisely what may happen.

So it seems to me that as a legal proposition this language is somewhat involved and complex; and while the committee is readjusting the language it must take into consideration the fact that unless there is some provision by which to reach this kind of an income, it will entirely escape under the corporation tax.

Mr. WILLIAMS. Mr. President, has the request of the committee been put to the Senate?

The VICE PRESIDENT. To what portion of the paragraph does the Senator refer?

Mr. WILLIAMS. The clause beginning "For the purpose of this additional tax, taxable income shall embrace," and so forth, going down to the end of that amendment, should be sent back to the committee, and the rest agreed to.

The VICE PRESIDENT. The question is on agreeing to the portion of the committee amendment above line 14, page 166.

The portion of the amendment above line 14 was agreed to.

The VICE PRESIDENT. The remainder of the paragraph goes back to the committee.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in subdivision B, page 167, line 13, after the word "by," to insert the word "gift," so as to read:

B. That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any lawful business carried on for gain or profit, or gains or profits and income derived from any source whatever, including the income from but not the value of property acquired by gift, bequest, devise, or descent.

Mr. CUMMINS. Mr. President, I do not rise to question the amendment immediately before us, but I should like a little information on the general principle involved in this paragraph.

If I understand this aright, if I have a farm and sell it for a thousand dollars, the money I would receive as the purchase price of the farm would be accounted as income; but if anyone were to give me a thousand dollars during the year, or if I were to receive it by bequest, devise, or descent, that would not be accounted as income.

Surely there must be some reason for that; and I should like to know the difference in principle between money I would receive from a sale of property I own and money I would receive by gift, devise, or bequest. If the one is income, why is not the other?

I may be wrong about my initial proposition, and if I am I should be very glad to be corrected; but if I am right about it, then I very much object to the exclusion of gifts and bequests.

Mr. SHIVELY. Mr. President, if I understand the Senator correctly, he is inquiring, for the purpose of illustrating what he has in mind, whether the price of a piece of land sold during the year would be regarded as income. My answer is that it would not be. The price of that land would be principal.

Mr. CUMMINS. Then, Mr. President, if that be true, the paragraph will have to be rewritten.

Mr. WILLIAMS. If the Senator will pardon me, I think I can tell him where he is making the mistake. He has gotten hold of the words "or sales or dealings in property, whether real or personal." He has forgotten to note that prior to that, and modifying and limiting it, is this language:

The net income of a taxable person shall include gains, profits, and incomes derived from—

Then there follow, later on, the words:

Sales or dealings in property—

As well as various other things. So it refers only to gain, profits, and income derived from these things.

Mr. CUMMINS. Yes.

Mr. WILLIAMS. In other words, if a man during the year had bought a piece of property for \$10,000 and sold it for \$12,000, he would be taxable upon the \$2,000.

Mr. CUMMINS. I do not so read it, Mr. President. It is said that—

The net income of a taxable person shall include gains, profits, and income.

And it does not define income as gains and profits, but it makes them all substantive—

gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property.

Mr. WILLIAMS. Why, of course. But for that a real estate dealer would escape with all of his profits during the year.

Mr. CUMMINS. It seems to me, in view of the language, that the amount received from the sale of property during a year would be regarded as income received during the year.

Suppose I had a piece of property for which I had paid \$950 some time before and I sold it during the year for \$1,000, does the Senator from Mississippi say that only \$50 of that would be income?

Mr. WILLIAMS. The Senator seems to attach to the word "income" a meaning that is not attachable to it in this connection. "Income" means the net gains or profits. He seems to think that the word "income" is a broader word than "gains or profits derived from any source whatever."

Mr. CUMMINS. What is it used for?

Mr. WILLIAMS. A man's taxable income means his gains and profits during the year. Those gains and profits or income derived from any business of any description are taxed. If a man is engaged in dealing in horses, if he buys horses and sells horses and makes a profit or an income out of that dealing, he must pay a tax upon the income.

I do not know that I exactly catch the Senator's point. But if I do catch it, he seems to have in mind the idea that the word "income" means receipts of every sort. The income within the contemplation of a tax law does not mean that. It means net income, and is so defined in the bill. That means profits or gains.

Mr. CUMMINS. The Senator from Mississippi must certainly understand what I am trying to say. If applied to a general business, in which purchases and sales take place and gains and profits are reckoned, I can very well understand that the Senator from Mississippi is right, under the language of this bill. But suppose 10 years ago I had bought a horse for \$900, and this year I had sold him for \$1,000, what would I do in the way of making a return?

Mr. WILLIAMS. I will tell the Senator precisely what he would do.

Mr. CUMMINS. I mean, what would other men do?

Mr. WILLIAMS. I know; but what I mean is precisely what the Senator would do, or precisely what he ought to do. He bought the horse 10 years ago and sold him this year for a thousand dollars. That thousand dollars is a part of the Senator's receipts for this year, and being a part of his receipts, that much will go in as part of his receipts, and from it would be deducted his disbursements and his exemptions and various other things.

Mr. CUMMINS. Would the price I paid for the horse originally be deducted?

Mr. WILLIAMS. No, because it was not a part of the transactions in that year; but if the Senator turned around and bought another horse that year, it would be deducted.

Mr. CUMMINS. Mr. President, the answer of the Senator from Mississippi has disclosed very clearly the weakness that I have been attempting to point out. This provision, in the form in which it appears, is utterly unworkable. It would involve chaos among the people of this country if returns were attempted to be made in the way suggested by the Senator from Mississippi.

I have no amendment that will meet the emergency, because I did not dream that we would enter upon the consideration of the income-tax provision to-day. I only have to suggest that the sort of thing involved in the homely illustration of the purchase and sale of a horse—an instance which might not occur very often—would occur thousand of times every day in the sale of other kinds of property.

Mr. GALLINGER. Particularly real estate.

Mr. CUMMINS. Yes; by men who are not engaged in what is known generally as a vocation, but who do have occasion to buy and sell property from time to time.

Mr. BRISTOW. Mr. President, I desire to ask a question, and see if I have this matter clear in my mind. As I understood the question of the Senator from Iowa, it was, if he bought a horse 10 years ago for \$100—

Mr. CUMMINS. Nine hundred dollars.

Mr. BRISTOW. And sold it this year for a thousand dollars, whether or not that thousand dollars would be counted as a part of his income for this year, regardless of what he paid for the horse 10 years ago. Is that correct?

Mr. WILLIAMS. No; I did not say that. It would be a part of his gross receipts for the year, of course, but it may not necessarily be a part of his net receipts, and therefore not a part of his income that is taxable.

Mr. CUMMINS. But I asked the Senator from Mississippi specifically whether, in the case I put, the price that was originally paid for the horse could be deducted from the price received.

Mr. WILLIAMS. The price paid 10 years ago? No; of course not. How could it? When a man puts in his return for his income of the previous year in order to be taxed he puts down everything he has received and everything he has paid out, subject to the exemptions and limitations otherwise provided in the bill. Necessarily that is so. To answer the Senator, I want to read the precise language of the provision.

Mr. ROOT. May I make a suggestion to the Senator from Mississippi? That necessarily implies something which is quite impossible, and that is that the Senator from Iowa would sell a worthless horse. [Laughter.]

Mr. CUMMINS. In these days of automobiles most horses are of little value.

Mr. WILLIAMS. Here is the language, and I think if it read this way and the words "and income" are left out it never would have struck the gentlemen as unobjectionable in any respect:

That, subject only to such exemptions and deductions as are herein-after allowed, the net income of a taxable person shall include gains, profits, and income—

Now leave out the word "income," the repetition of which has confused—

derived from salaries, wages, or compensation—

Gains and profits now—

derived from salaries, wages, or compensation—

For what?

for personal service of whatever kind and in whatever form paid, or from—

What else?

professions, vocations, businesses, trade, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property—

And, then, again—

also from interest, rent, dividends, securities.

There is not the slightest lack of clearness in it, to my mind, unless it grows out of putting a double definition upon the word "income," and I see no objection to striking out the word "income," if you want to strike it out.

Mr. GALLINGER. Mr. President, it is evident that this income-tax provision will not be settled to-day, and 6 o'clock has arrived. I suggest that we either have an executive session or adjourn.

Mr. WILLIAMS. I have no objection to that, if the Senator will wait until this paragraph is read and finished.

Mr. CUMMINS. I hope the paragraph will be passed over until I can have an opportunity to present an amendment to it, because, when it is taken in connection with the subsequent paragraph prescribing the deductions that may be made from the income, the point that I have endeavored to make clear will be manifest. I ask that the paragraph may go over until to-morrow.

EXECUTIVE SESSION.

Mr. KERN. 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 45 minutes spent in executive session the doors were reopened and (at 6 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 27, 1913, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 26, 1913.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. George B. Landenberger to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Herndon B. Kelly to be a lieutenant in the Navy from the 1st day of July, 1913.

The following-named citizens to be second lieutenants in the Marine Corps from the 20th day of August, 1913, to fill vacancies:

Henry L. Larsen, a citizen of Colorado.

John C. Foster, United States Navy.

William H. Rupertus, a citizen of the District of Columbia.
James L. Underhill, a citizen of California.
Louis E. Fagan, jr., a citizen of Pennsylvania.
Keller E. Rockey, a citizen of Pennsylvania.
Bryan C. Murchison, a citizen of South Carolina.
Egbert T. Lloyd, a citizen of the District of Columbia.
Allen H. Turnage, a citizen of North Carolina.
George W. Hamilton, a citizen of New York.
Louis M. Bourne, jr., a citizen of North Carolina.
George L. Davis, a citizen of New Jersey.
David H. Miller, a citizen of New Jersey.
Matthew H. Kingman, a citizen of Iowa.

POSTMASTERS.

TEXAS.

Lon Davis to be postmaster at Sealy, Tex., in place of W. F. Viereck. Incumbent's commission expired April 15, 1913.

W. T. Hall to be postmaster at La Porte, Tex., in place of Manly B. McNitt. Incumbent's commission expired July 30, 1913.

VIRGINIA.

Byrd Anderson to be postmaster at Blacksburg, Va., in place of Lulu O. Hoge. Incumbent's commission expired December 13, 1909.

WEST VIRGINIA.

J. L. Butcher to be postmaster at Holden, W. Va., in place of William J. Crutcher. Incumbent's commission expired June 9, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate August 26, 1913.

POSTMASTER.

KANSAS.

Sophia M. Dickerson, Gypsum.

HOUSE OF REPRESENTATIVES.

Tuesday, August 26, 1913.

The House met at 12 o'clock noon.

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

We bless Thee, infinite Spirit, our heavenly Father, that Thou art ever working in and through Thy children with persistent energy and power, moving them upward and onward to larger life and nobler achievements in both the material and spiritual fields of endeavor; and we most fervently pray that, though we are dull of apprehension and prone to wander from the paths of rectitude and duty, Thou wilt continue Thy work, chiding us when we go wrong, encouraging us when we go right, that we may be faithful and profitable servants both to will and to do of Thy good pleasure; that Thy plans and purposes may be fulfilled in us, to the honor and glory of Thy holy name. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, August 22, 1913, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2065. An act to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2065. An act to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. MARTIN, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

JOINT SESSION OF THE HOUSE AND SENATE TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] sends a resolution to the Clerk's desk. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 16.

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 27th of August, 1913, at 12.45 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. UNDERWOOD. Mr. Speaker, the President has advised me that he desires to communicate a message to Congress tomorrow. I offer this resolution to carry out his request.

Mr. MANN. Mr. Speaker, I take it from the statement of the gentleman from Alabama [Mr. UNDERWOOD] that the President does not intend to communicate any message on the Mexican situation to the Congress to-day?

Mr. UNDERWOOD. No. I will say to the gentleman from Illinois that the President first desired to communicate with Congress to-day, but subsequent telegrams from Mexico required some changes, and he desires to address the joint assembly of the House and Senate to-morrow.

Mr. MANN. I thought that the reading of the resolution ought to be loud enough to reach even the galleries.

The SPEAKER. If this resolution passes, the President will address the joint assembly of the House and Senate to-morrow instead of to-day. The question is on agreeing to the resolution.

The resolution was agreed to.

JOINT REPUBLICAN CAUCUS.

The SPEAKER. The Chair lays before the House a rather unusual document, but under the circumstances he thinks it ought to be read. The Clerk will report it.

The Clerk read as follows:

WASHINGTON, D. C., August 26, 1913.

DEAR SIR: The joint Republican caucus will meet this evening in the conference room, third floor, House Office Building, instead of in the Chamber of the House of Representatives.

JACOB H. GALLINGER,
Chairman Senate Caucus.
WILLIAM S. GREENE,
Chairman House Caucus.

JUDGE EMORY SPEER.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I ask the Clerk to report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 234.

Whereas on the 16th day of August, 1913, the Attorney General of the United States transmitted to the Committee on the Judiciary of the House of Representatives a report of a special examiner duly designated by the Attorney General to investigate various charges of alleged misconduct of Emory Speer, a United States district judge for the southern district of Georgia, which charges had been brought to the attention of the Department of Justice; and Whereas the charges embodied in said report are accompanied by exhibits and affidavits and are of such grave nature as to warrant further investigation: Therefore be it

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized to inquire into and concerning the official conduct of Emory Speer, United States district judge for the southern district of Georgia, touching his conduct in regard to the matters and things set forth in said report; and further to inquire whether said judge has been guilty of any misbehavior for which he should be impeached and report to the House of Representatives the conclusions of the committee in respect thereto, with appropriate recommendations; and said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer if necessary, and to appoint and send a subcommittee whenever and wherever it may be necessary to take testimony for the use of said committee; the said subcommittee, while so employed, shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee and the process and orders of said subcommittee and shall attend the sittings of the same as ordered and as directed thereby, and that the expense of such investigation shall be paid out of the contingent fund of the House; that said Committee on the Judiciary, or subcommittee thereof, shall have power to sit during the sessions of this House or in vacation.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, it seems to me there ought to be something before the House in the way of information before the House orders an investigation upon which the possible impeachment of anybody may be predicated.

Mr. CLAYTON. Mr. Speaker, I can perhaps give the gentleman the information he desires. It was my purpose to make a statement to the House before the gentleman interposed his reservation of an objection. I am very glad he did so, and I ask the indulgence of the House, so that I may make the statement.

The preamble to the resolution recites the manner of the getting before the Committee on the Judiciary of certain charges relating to the conduct of Judge Speer, of Georgia. The committee took the report of the examiner and the exhibits and made an examination of the papers and the charges. The action of the committee was unanimous in finding that the charges were of so grave a nature, and that there was enough

evidence in support of the charges, to warrant the committee in making a further examination into the facts touching these charges.

The committee are without authority to make this investigation, and therefore I am instructed by the committee to bring this resolution to the House authorizing the committee to investigate the facts in this case, and after such investigation has been made to report the conclusions of the committee with an appropriate recommendation to this House.

I may say that not only the members of the Judiciary Committee but other Members of this House have given the subject matter of this resolution very patient and careful consideration. The members of the Judiciary Committee and the others who have investigated this matter reached the conclusion—that is, that the charges are apparently well enough supported and are of such a character that an investigation ought to be made. They also reached another conclusion. No member of the committee, and so far as I know at this time no Member of the House, felt willing to impeach the judge in his responsible place at this time, for the reason that no member of the committee or other Member of this House has had the opportunity of talking with or examining the witnesses who it is said will be relied upon to support these charges. We did not feel authorized to impeach the judge unless we had better knowledge of the accusations brought against him.

Mr. MURDOCK. Will the gentleman yield right there?

Mr. CLAYTON. With pleasure.

Mr. MURDOCK. This is the third occasion upon which I have seen this sort of proceeding started in the House. The gentleman will remember that when the impeachment proceedings were inaugurated against Judge Swayne the first step was taken by Mr. Lamar, a Congressman from Florida, who rose in this House and in his individual representative capacity impeached the judge.

Mr. CLAYTON. That is correct.

Mr. MURDOCK. He gave the specific charges which he alleged against the judge.

In the case of Judge Archbald, my recollection is that a resolution was introduced by a Member of the House.

Mr. CLAYTON. Yes.

Mr. MURDOCK. Giving the charges.

Mr. CLAYTON. The resolution in the Archbald case was a resolution calling for information. It did not make charges.

Mr. MURDOCK. I thought it made charges.

Mr. CLAYTON. No.

Mr. MURDOCK. In this case the House at the present time has no knowledge of the allegations, and the origin of this proceeding, as I understand the gentleman, is with the Attorney General, and he bases his complaint upon the report of a special agent who has investigated the conduct of the judge. Is that correct?

Mr. CLAYTON. I would not state it exactly as the gentleman has stated it.

Mr. MURDOCK. I wish the gentleman would explain what the difference is.

Mr. CLAYTON. Yes; with pleasure. Shall I make the explanation now?

Mr. MURDOCK. I wish the gentleman would do so, in view of the fact that when the Swayne impeachment was begun in the House the assertion was made that any individual Member of the House had a right to rise up and begin impeachment proceedings.

Mr. CLAYTON. That is correct.

Mr. MURDOCK. The origin of this proceeding does not seem to be in the House, but in a department of the Government, and it seems to me that is materially different.

Mr. CLAYTON. Mr. Speaker, I think my recollection is not at fault either as to the Swayne case or as to the Archbald case. As the House knows, I took part in both those cases.

In the Swayne case Mr. Lamar, a Representative from the State of Florida, arose in his place on this floor and impeached Judge Charles Swayne, United States judge of the northern district of Florida, of high crimes and misdemeanors, and offered the usual and appropriate resolutions which gave the Committee on the Judiciary jurisdiction of the subject matter and authorized it to proceed with the investigation of Judge Swayne's conduct. Accompanying this charge was a memorial from the State Legislature of Florida preferring certain charges against Judge Swayne and asking for his impeachment.

The Archbald case originated in this way: The Department of Justice, under Mr. Wickersham, had made an investigation of the conduct of Judge Archbald. That investigation grew out of these facts: One W. P. Boland, of Scranton, Pa., had a case before the Interstate Commerce Commission, and my recollection is that he complained that certain railroads in Pennsylvania had discriminated against him in the shipment of his coal

or the product of his washery. He had his case before the Interstate Commerce Commission. Incidentally, in talking about that case before Commissioner Meyer—and, I believe, others of the Interstate Commerce Commission connected with it—he made complaint against Judge Archbald which reflected upon his official conduct and involved his personal and judicial integrity as well.

The commissioner went to the President, who was then Mr. Taft, and told him of the complaint. I need not state all of the details of that complaint, but the President directed the Attorney General to make an investigation of these charges against the judge. The Attorney General called Mr. Boland and Commissioner Meyer, Mr. Cockrill, clerk of Commissioner Meyer, and Mr. E. J. Williams, who was afterwards in the Archbald case denominated the star witness, as well as other witnesses, before him. He made a personal investigation himself. He then designated a special commissioner, who went to Pennsylvania to investigate the official conduct of Judge Archbald, not only touching that particular matter complained of by Mr. Boland, but his conduct in reference to his dealings and his business transactions with railroads and subsidiary corporations in Pennsylvania.

That report, I believe, had been completed, but the Attorney General had not yet submitted it either to Congress or the President. The matter became public through the newspapers. At that time Mr. Norris, then a Representative in this House and now one of the Senators from the State of Nebraska, introduced a resolution of inquiry asking the Attorney General if an investigation had been made concerning the official conduct of Judge Archbald and if a report had been made. That resolution was referred to the Committee on the Judiciary, and the committee was then unanimously of the opinion that it was proper and reported it back to the House, and it was agreed to and transmitted to the President.

The Attorney General, I presume after conference with the President, turned it over to the President. As to that precise matter I do not remember, but, at any rate, the President replied to that communication and transmitted the report with all the accompanying evidence, documentary and otherwise, to the House and to the Judiciary Committee. In his reply to the House the President said, in effect, that he deemed it advisable on account of the nature of the case, involving the official conduct of the judge, not desiring to prejudice the case, not desiring to give undue publicity to the matter until it had been properly sifted to see whether there was any merit in it or not, he had transmitted under separate cover to the Judiciary Committee the said report and accompanying documents, and therefore the whole report being in possession of a committee of the House would be in the possession of the House itself and the House could do with it as it saw proper.

The House left it to the committee after an appropriate resolution similarly empowering that committee to investigate the charges. The House did not ask that that report be made public. The House did not demand that any statement of its contents be laid before the House other than what the President had said and what the resolution imported, but left it to the committee as the President suggested, as the wiser proper course, and then adopted a resolution to investigate similar to the one I have offered to-day.

Mr. DYER. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. DYER. I understand the whole difference between the two procedures is that in one instance the House called on the Attorney General for the information he had of the Archbald case, and in this case he has transmitted to the Judiciary Committee the information he has.

Mr. CLAYTON. That is the difference between the two cases.

Mr. DYER. And this investigation has been made by the Department of Justice in answer to complaints that have, perhaps, been made for the year past?

Mr. CLAYTON. Yes; and similar to the course of conduct pursued by Attorney General Wickersham in the Archbald case.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. CLAYTON. Now, Mr. Speaker, just one moment, if the gentleman will indulge me. The committee thought that this matter ought to be investigated, to the end that if Judge Speer is not guilty of the wrongful conduct alleged against him a committee of this House and the House itself ought to vindicate one of the judges of our country.

Mr. DYER. Mr. Speaker—

Mr. CLAYTON. In just one moment—and further, that if the committee, after having made the investigation fully, as it would be empowered to do under this resolution now pending, reached the conclusion that Judge Speer should be impeached

and be removed from office this committee owed it to the public and the House owed it to the public to take that course. Now I will yield to my colleague on the committee.

Mr. DYER. Mr. Speaker, I was going to ask the gentleman if he would not state, if he feels it is proper to do so, that the Committee on the Judiciary, from what information they have from so far investigating and examining these reports have open minds upon this matter and no opinion has been formed by any member of the committee upon the charges alleged.

Mr. CLAYTON. That is absolutely correct, and I may say, more than that, several members of the committee, speaking for themselves personally, have expressed the hope that this judge is not guilty of the things alleged against him, but we thought it was fair to the public and fair to the judge, inasmuch as so much has been said in the public press that the judge's usefulness would be impaired unless this investigation is made and that public confidence in him would be well-nigh destroyed unless after investigation this committee and the House saw proper to vindicate him against these charges; and they are of the opinion that if these charges are true the judge ought to be removed from office as being an unfit judicial officer.

Mr. HARDWICK. Will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. HARDWICK. I just want to direct the attention of the chairman of the committee to the fact that in the Hanford case, and that is the last case we had, we pursued practically this method, that instead of beginning with the high-privileged resolution of impeachment—

Mr. CLAYTON. No; the gentleman is mistaken. Mr. Berger, of Wisconsin, arose in his place on this floor and in the usual formal way impeached Judge Hanford, and then offered a resolution similar to this.

Mr. HARDWICK. But the resolution we adopted was similar to this—

Mr. CLAYTON. Was similar to this.

Mr. HARDWICK. Exactly; there is no difference at all.

Mr. CLAYTON. And so was the resolution in the Archbald case and the Swayne case.

Mr. HARDWICK. If the gentleman will yield further, while undoubtedly it would be a matter of the highest constitutional privilege for any Member of this House to rise in his place and introduce a resolution impeaching any Federal judge—

Mr. CLAYTON. Undoubtedly.

Mr. HARDWICK (continuing). Still, it is a matter entirely within the province of the House and a matter entirely in accord with some of the precedents, at least, that the House shall proceed in this preliminary way before taking so grave a step.

Mr. WEBB. Mr. Speaker—

Mr. MURDOCK. Mr. Speaker, will the gentleman yield right there to me?

The SPEAKER. To whom does the gentleman yield?

Mr. CLAYTON. To the gentleman from Kansas first, and then to the gentleman from North Carolina.

Mr. MURDOCK. Then this case does differ materially from the other two cases in this, that in the Archbald case and in the Swayne case the House and the public were in possession of most of the charges. In this case neither the House nor the public know what the charges against Judge Speer are.

Mr. CLAYTON. No; the gentleman is not entirely accurate in that. The House and the country know just as much about the charges involved in this case as the House and country knew of the charges involved in the Archbald case at the time of the adoption of a resolution in that case similar to this.

Mr. MURDOCK. Now, my understanding is—

Mr. CLAYTON (continuing). Or in the Hanford case, for that matter.

Mr. MURDOCK. As the gentleman will remember, in the Swayne case Congressman Lamar, of Florida, rose in the House and gave specifically the charges against Judge Swayne.

Mr. CLAYTON. The gentleman is incorrect about that. All the specific charges he gave in the Swayne case, in my recollection, was a memorial from the State Legislature of Florida, which was general in its nature.

Mr. HARDWICK. Just a memorial.

Mr. CLAYTON. It was rather general in its nature, and did not purport to be articles of impeachment.

Mr. MURDOCK. Are the hearings of the Judiciary Committee in any proceedings of this kind secret?

Mr. CLAYTON. Until the committee resolves to make the investigation, they are secret, but when investigation is ordered the hearings are open.

Mr. MURDOCK. As they were in both former cases?

Mr. CLAYTON. In both cases; and I happen to have been one of the three of the subcommittee in the Swayne case. Mr. Henry W. Palmer, who served here with distinction—now gone

to his reward, and blessed be his memory—and Mr. Gillette, of California, afterwards governor, and myself were appointed a special subcommittee to go to Florida. We took most of the testimony in that case in Florida, but we took some here in Washington, and the investigation was always open, as likewise under this resolution it will be open, and just as it was in the Archbald case. The reason why it has not stated these charges and the reason why the committee kept them in rather a confidential nature was because they did not want to do anything that might hurt the judge or prejudice his case; but when the investigation is ordered by the House the taking of the testimony will be in the open and the proceedings of the committee in the open, but at the conclusion of the taking of the testimony the committee will doubtless have an executive session and to consider whether the charges are sustained or not, and if articles of impeachment shall be reported to consider a draft of the charges of impeachment; or, as has been done in a number of cases in years gone by against several judges, whom I could but will not mention, as I do not care to revive an unpleasant or an unjust matter in the career of those judges, the committee may vindicate the judge. Therefore I think that up to this time, with all the publicity that has been given the matter and with justice to the judge and to the public—

Mr. MURDOCK. There is nothing in the step which the gentleman takes to-day which precludes an individual Member of Congress rising in his place and impeaching the judge?

Mr. CLAYTON. Nothing. Any Member can do it as soon as I take my seat, if he wishes to do so.

Mr. WEBB. I would like to suggest, Mr. Speaker, that the course which the Judiciary Committee is asking now to pursue in this case is on all fours with what the House did in the impeachment of Judge Wilfley, the United States judge in China. Mr. Waldo, of New York, I remember—

Mr. CLAYTON. I am glad the gentleman has called my attention to that. He and I were both on the committee at the time. Members may not know it, but we have a United States court in China, and Judge Wilfley was sought to be impeached some years ago, but was not impeached by the committee.

Mr. WEBB. I was going to suggest that Mr. Waldo rose on the floor and impeached him, and that, on the motion of Mr. PAYNE, the House sent it to the Judiciary Committee to investigate the charges and report whether a prima facie case was made out or not. The charges were made. They were investigated by a full committee, and the full committee reported against impeachment.

Mr. TOWNER. As I understand it, when an individual offers an impeachment, he offers at the same time a resolution that the Judiciary Committee make the investigation that is contemplated by this resolution? That is correct, is it not?

Mr. CLAYTON. That is usually the course.

Mr. TOWNER. Yes. I desire to call attention to this fact, that in such a case as that the preliminary information rests only with the individual, and the resolution which makes the inquiry rests presumably upon his individual knowledge. In this case the resolution of inquiry is made upon a preliminary investigation by the Committee on the Judiciary, and therefore a much wider and broader scope is afforded and a better foundation for the action is laid. I desire to commend this as a preferable method, because when a committee like the Committee on the Judiciary of this House shall make a preliminary investigation and then shall say to the House, "It is sufficient to warrant an investigation by its committee, that ought to proceed as such investigations do," it seems to me the House is entirely warranted in giving the committee that power of investigation.

Mr. MANN. Mr. Speaker, I do not remember whether an impeachment proceeding has ever been commenced in any way without some one on the floor making a charge. Certainly the custom has been for a Member of the House, on his responsibility as a Member, to present some charges in the House, and upon those an investigation has been based heretofore. That was the case in the Hanford matter, where Representative Berger presented charges, and the committee was authorized to investigate those charges. I think that has been the custom. Whether any other precedent has been set or not I do not know.

Even on the suggestion of so great a committee as the Committee on the Judiciary, for the members of which I entertain profound respect, I doubt the propriety of the House, without having any charges before it, without having any knowledge presented to it, authorizing any committee to enter upon an investigation the only purpose of which is to commence impeachment proceedings.

This matter is brought up without previous notice, so far as I know. The gentleman from Alabama [Mr. CLAYTON] states that the country at large has practically the same information

as the committee. Possibly he did not mean that quite that way, because I take it that the committee has the information that was secured by the Attorney General.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. I have read the publications in the newspapers, and I have seen no charge yet made in the public press worthy of investigation. I do not know whether such charge may have been made and escaped my attention.

Mr. CLAYTON. Does the gentleman think that I ought to tell him what these charges are at this time?

Mr. MANN. I think the House ought to be informed as to what the charges are.

Mr. CLAYTON. Very well, Mr. Speaker; much as I regret to have to do it—

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman from Illinois will he object to having unanimous consent to call this matter up to-morrow after the President has delivered his message?

Mr. MANN. I think probably not, although I would not want to say now.

Mr. BARTLETT. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. Yes; I will withhold the objection for the present.

Mr. CLAYTON. Yes. I want to say one thing in reply to the gentleman from Illinois [Mr. MANN]. He has correctly stated that in a number of cases the usual practice obtaining in cases of impeachment is for a Member to rise in his place and impeach the judge and offer an appropriate resolution. But there is a case exactly in point with this, with one slight difference—but in all essential particulars exactly like this—and that is the case of Judge Archbald. There the Attorney General made an investigation of the conduct of that judge, and made his report to the President, and that report was transmitted to the Committee on the Judiciary in response to a resolution of inquiry, and no charge of impeachment had been made on the floor until the committee had considered the matter and brought in the articles of impeachment. So I may say that except that here the papers were transmitted to the Committee on the Judiciary without being responsive to a resolution, whereas in the Archbald case they were transmitted in response to a resolution of inquiry, that constitutes the distinguishing feature between this case and the Archbald case, and the only distinguishing feature.

Mr. MANN. If my recollection is correct, Mr. NORRIS made a speech on that subject before the resolution of inquiry was presented to the House. I may be mistaken about that.

Mr. CLAYTON. He might have made a statement; I will not undertake to say he did not, but I do not recall that he made any statement.

Mr. MANN. I would not wish the gentleman from Alabama [Mr. CLAYTON] or anyone else to think that in my opinion it is necessary for the House to have some Member rise and present charges before the House can act. Of course, the House has full power in reference to making an investigation in regard to impeachment proceedings and in acting upon any reason that is presented.

Mr. BARTLETT. Will the gentleman permit me?

Mr. MANN. Certainly. I reserve the right to object.

Mr. BARTLETT. I merely want to call the attention of the gentleman from Illinois to the fact that so far as I can ascertain this investigation grew out of the fact that in the trial of a case in the United States court in Macon, Ga., a party in that case wrote a letter to the judge in which he made certain allegations of improper conduct not only in that case but in many other cases which was made public in the press. That case became celebrated by reason of the fact that the judge had the party arraigned before him for contempt of court; and that contempt case was tried and those charges by the party to the suit against the judge not only with reference to that case but numbers of other cases became a part of the records of that court, and, of course, a matter of which the Department of Justice took cognizance. The Department of Justice was compelled to assign another judge and another district attorney to try the case. In that way these matters became known not only to the press and to the public but spread upon the records of the court. An investigation was had by the Department of Justice through one of its special examiners, and that examiner has reported to the Department of Justice concerning those matters, the report being accompanied by numerous statements of lawyers and prominent citizens and extracts from the records

of the court. Whether those charges will be sustained or not I am not prepared to say. The charges are most serious. They affect the judge in every way. They affect his capacity to try cases temperamentally. They seriously affect his administration of justice in the court. They charge favoritism, despotism, tyranny, oppression, and maladministration. I do not know from the testimony or from any other source whether the charges are true or not, but I want to say to my friend from Illinois [Mr. MANN] that he could do this judge no greater harm and no greater injury than by attempting to impede or stop an investigation to ascertain the truth or falsity of these charges. It is not for me now to determine or even to express an opinion as to whether the charges are sustained by the proofs submitted by the Department of Justice, but these charges have reached a stage where justice to the people of that district, and above all justice to the judge against whom these charges are made, requires and demands an investigation at the hands of this House.

It should not be necessary for any member of the Judiciary Committee or any other Member of the House to be compelled to rise in his place and proceed to so harsh a proceeding as to "impeach" the judge in order to have an investigation as to the truth or falsity of these charges, because the judge should not be impeached until it shall be at least reasonably certain that he has violated the law and been guilty of some misdemeanor or misconduct justifying impeachment. But I repeat that any friend of the judge does him no good service, but does him serious harm, by standing in the way of permitting the broad, clear light of publicity to shine and beat upon his actions and his decisions from the time he entered upon this honorable office down to the present day. The people have become restless about judges of the Federal courts, and there is but one way in which we can preserve the honor, the integrity, and the supremacy of the law, and that is by compelling judges, like all other officials, to stand with their conduct open to the broad, white light of publicity and of truth. [Applause.] If you do not want to see judges recalled, if you do not want the socialistic disposition of the time to demand that decisions shall be submitted to the test of a popular vote, then you ought to be careful, aye, you ought to be quick to permit charges made by reputable citizens against the conduct of those who wear the ermine to be investigated. No judge does himself justice, no judge conserves the honor of the bench who would, by an appeal to any friend or acquaintance, stay the fullest investigation of his conduct from the day he donned the ermine until this good hour.

Mr. Speaker, I hope that no gentleman in this House will be so unjust to the people of that district, so unjust to that distinguished judge, as to prevent a speedy, impartial, full, white-light investigation of his conduct, so that if he has been unjustly accused he shall come forth fully vindicated, freed from suspicion and freed from suspicion of these charges; but unfortunately the charges, many of which are most serious, affecting the honor and integrity of the judge, are made, and these people, who say they have been tyrannized over, oppressed, and unjustly treated by the judge, should have an opportunity to be heard.

Mr. Speaker, "Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world. All things in heaven and earth do her homage—the very least as feeling her care and the greatest as not exempted from her power." The judge is the minister of the law, and the seat he occupies and his ermine should be pure and spotless; no upright and impartial judge can afford to stop or stay or hinder any investigation into his judicial integrity when it is assaulted. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I presume the gentleman from Georgia is thoroughly familiar with all of the charges made against this judge. Possibly he has communicated with the Department of Justice concerning the investigation which has been made.

Mr. BARTLETT. I have not.

Mr. MANN. It was so reported in the newspapers.

Mr. BARTLETT. Only one-third of what you see in the newspapers is true and two-thirds not true.

Mr. MANN. We are asked to make an investigation based on what the newspapers said, and perhaps we ought to investigate as to whether the gentleman from Georgia has been to the Department of Justice. I am willing to take his denial, but the gentleman himself would not be willing to do that. I can see no reason for acting on this resolution to-day.

Mr. CLAYTON. Mr. Speaker, of course the gentleman from Illinois is familiar with the rules of the House. I have had occasion to examine the precedents contained in the third volume of Hinds' Precedents, and while the question as to whether it is a privileged resolution or not is doubtful, I think the weight of authority is that it is not privileged. I reached

that conclusion, and I may state frankly to the House that that was the conclusion of the present distinguished occupant of the chair. Some Speakers have ruled to the contrary, but the weight of authority and the reason in support of that weight is against its being privileged.

Now, there are two ways to have this resolution made privileged so that it can come before the House—one is by a special rule and the other is the usual way, by a Member impeaching the judge on the floor of the House.

Now, I ask the gentleman from Illinois, in view of all the circumstances, if he would not be willing that this resolution be called up to-morrow after the President has delivered his message to Congress and be then considered and no objection thereto be made?

Mr. MANN. I stated to the gentleman from Alabama a while ago that I might be willing to agree to that to-morrow, but I was not willing to agree to it to-day.

The SPEAKER. Is there objection?

Mr. MANN. For the present I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 16.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 27th day of August, 1913, at 12 o'clock and 45 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

CONTESTED-ELECTION CASE.

Mr. POST. Mr. Speaker, I call up for consideration the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 231.

Resolved, That William J. MacDonald was duly elected a Representative from the twelfth congressional district of Michigan to the Sixty-third Congress, and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?

Mr. POST. It is; yes, sir.

Mr. RUCKER. Mr. Speaker, I think this matter should be discussed some before the vote is taken on it. I presume the gentleman from Ohio desires to make some remarks.

Mr. POST. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. POST. Am I entitled to an hour?

The SPEAKER. Yes; and if the previous question is not ordered any Member who can get recognition is entitled to an hour.

Mr. RUCKER. I should like some time.

Mr. POST. I will yield to the gentleman.

Mr. RUCKER. I want to hear the gentleman from Ohio first, and then I want to be recognized in my own right.

Mr. POST. I will say to the gentleman that I will not ask for the previous question.

The SPEAKER. Is the gentleman from Missouri [Mr. RUCKER] a member of this committee?

Mr. RUCKER. No, sir; but I am a Member of the House.

The SPEAKER. The Chair wanted to know in reference to recognition. The practice is that if any member of the committee desires recognition, he is entitled to it in preference to any other Member.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Where a committee makes a unanimous report and a member of the committee takes the floor in favor of sustaining it, is not a Member who is opposed to it entitled first thereafter to recognition?

The SPEAKER. Yes; that is true.

Mr. MURDOCK. Mr. Speaker, the gentleman from Ohio [Mr. Post] has the floor in his own right for one hour?

The SPEAKER. Yes.

Mr. MURDOCK. And he has the right at any time to move the previous question?

The SPEAKER. Yes.

Mr. MURDOCK. Now, the gentleman from Ohio has said that he will yield of his time to the gentleman from Missouri [Mr. RUCKER]. Does not that provide for the other proposition?

The SPEAKER. But the gentleman from Missouri said he wanted to be recognized in his own right. Of course, he has to take his chance of the gentleman from Ohio moving the previous question.

Mr. RUCKER. Mr. Speaker, I would like to know if I can not arrange with the gentleman from Ohio as to a limit of time for debate upon this question.

The SPEAKER. The gentleman from Ohio will give his attention to the gentleman from Missouri.

Mr. RUCKER. I would suggest the House give unanimous consent to an hour on a side, one half to be controlled by the gentleman from Ohio and the other by myself.

Mr. POST. We have that right under the rule. I will not move the previous question.

Mr. HAY. I would like to ask the gentleman from Missouri if he is opposed to the resolution?

Mr. RUCKER. Yes; I am opposed to it.

Mr. MANN. Why not make it less than an hour on a side, in order to accommodate your side of the House?

The SPEAKER. What is the desire of the gentleman from Ohio?

Mr. POST. An hour on a side.

The SPEAKER. The gentleman from Ohio asks unanimous consent that two hours' debate be allowed, one half the time to be controlled by himself and I suppose the other half by the gentleman from Missouri, as he seems to be the only one who wants to be heard. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask if the gentlemen can not agree to get along with less than two hours' time. We want to finish up the currency bill.

Mr. RUCKER. This is an important matter.

Mr. UNDERWOOD. If this is a unanimous report—

Mr. MANN. Make it three-quarters of an hour on a side.

Mr. RUCKER. Three-quarters of an hour will be satisfactory so far as I am concerned; I probably will not use that much.

The SPEAKER. The gentleman from Ohio asks unanimous consent that debate be an hour and a half, 45 minutes to a side, he to control 45 minutes and the gentleman from Missouri the other 45 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. POST. Mr. Speaker, this case is the contested-election case of William J. MacDonald against Hon. H. Olin Young. The case arises from the twelfth congressional district of the State of Michigan. There were four candidates for Congress in that district at the last general election in 1912. Mr. Young was the candidate on the Republican ticket and Mr. MacDonald was the candidate on the National Progressive ticket, but Mr. Young having resigned his seat we have not anything to contend with except the question of whether or not Mr. MacDonald under the evidence he produced before the committee is entitled to a seat in the House. Now, I do not care to take up time in the discussion of this question, because the committee was unanimous in its report that Mr. MacDonald was entitled to a seat under the evidence he had produced before the committee. In the State of Michigan they have a primary act. That primary act provided that a person in order to be entitled to be a recipient of votes must enroll or register before officers provided for that purpose his party affiliations, and it was contended in the hearing of the case that because of that Mr. MacDonald at the time of the primary and at the time of the general election was not qualified to be the recipient of votes. Now, I do not care to discuss the question more than to say the committee found that there was nothing in that contention. In other words, we found that the provisions of the primary act if applicable to the general law superadded a qualification to the qualifications requisite for a Member of this House, which the Legislature of the State of Michigan was not authorized to do. Now, when Congress convened in extraordinary session Mr. Young appeared at the bar of the House and was sworn in. I might state prior to that, however, that it was generally understood in the district, until the State board of canvassers of the State of Michigan had canvassed the vote—that is, on the 10th of December—that Mr. MacDonald was elected. Everybody conceded his election up to that time. There were 15 counties in the district, and in all the counties in the district except one county, Ontonagon County, Mr. MacDonald's name was printed upon the ballot under the designation of "William J. McDonald."

In Ontonagon County it was printed on the ballot as "Sheldon William J. McDonald." The committee thinks this was purely a mistake, and it occurred in this way: Under the law of Michigan it is the duty of the chairman and secretary of the committees to certify the entire ticket to the commissioners of election for the purpose of enabling them to print and to prepare the ballot. This was done in every county of the district, but afterwards it was discovered that this certificate spelled the name as "McDonald," when, in fact, his name was "MacDonald." When this was discovered the secretary of the National Progressive Party of the State committee telegraphed to the clerk of each board of county commissioners a dispatch something like this:

The name of the candidate for Congress is spelled William J. MacDonald correct.

The receiver of the telegram in Ontonagon County misinterpreted or misinterpreted the characters which stand for the word "Sheldon" and the word "spelled" and interpreted the telegram to read "Sheldon William J. McDonald." And in that county his name appeared upon the ballot under that designation. Now, Mr. MacDonald received in 14 of the counties 17,975 votes. In Ontonagon County there was cast for the Progressive candidates on the Progressive ticket 458 votes, and the election commissioners in canvassing the vote in Ontonagon County canvassed the vote for the candidate for Congress under the name of "Sheldon William J. McDonald," so the State board of canvassers when they canvassed the entire district on the 10th day of December canvassed the 14 counties under the name of "William J. MacDonald," and in Ontonagon County they canvassed the vote as 458 votes cast for "Sheldon William J. McDonald," and issued the certificate of election to Mr. Young, notwithstanding the fact that everybody up to that time had conceded the election of Mr. MacDonald. Your committee has found that the board of canvassers should have treated the word "Sheldon" as mere surplusage. They contended that under the laws of the State of Michigan that they were bound by and could not look beyond the face of the ballot to determine the intention of the voters. But this House, by a long line of precedents, has established the rule that we can go behind the face of the ballot and we can take into consideration the circumstances surrounding the election, and if we find that a ballot has been improperly printed, we have the right to make that correction. And for that reason we say that Mr. MacDonald is fairly entitled to the 458 votes cast for him in Ontonagon County. It was a mistake pure and simple. It was a mistake simply in printing the name upon the ballot. Now, I do not care to say anything further on that question. Allowing the votes that were cast for the National Progressive ticket in the twelfth congressional district of Michigan, he would have a clear plurality of 243 votes, and we think, beyond question, on those propositions he is entitled to a seat in this House.

Mr. MURDOCK. Will the gentleman yield?

The SPEAKER. Will the gentleman from Ohio yield to the gentleman from Kansas?

Mr. POST. Yes.

Mr. MURDOCK. Did not the committee also find in its investigations that there was no question at all of the intention of the voters in that county, by reason of the fact that the same number of votes that William J. MacDonald received was the number received by other Progressive candidates for office?

Mr. POST. You will find that in the report. Mr. MacDonald, under the name of "Sheldon William J. McDonald," in Ontonagon County received the same number of votes practically that the presidential electors and State officers received whose names appeared on the National Progressive ticket in that county.

Mr. Young made a speech in this House on the 10th day of May, at the time he resigned his seat, and he conceded upon the floor of the House that it was the intention of the electors who cast the 458 votes in Ontonagon County to cast them for the candidate for Congress on the National Progressive ticket.

Now, there was another question which I understand that some gentlemen wished to be heard upon, and it is this: On the 26th of October, 1912, Mr. MacDonald filed his account with the Clerk of this House of his expenses up to that time, which were incurred in his campaign. He was also required by the Federal statute to file his account after the election, but he filed no account until the 13th day of April, 1913. Subsequent to the 13th day of April, 1913, he filed an additional account. Now, some question is made as to his neglect in filing within the time prescribed by law this account which the statute requires should be filed subsequent to the day of election.

The statute was enacted in the year 1910. It was amended in the year 1912. The statute, to my mind—and I am not speaking for the committee in this respect—is mandatory by its very terms. I think it is mandatory upon a candidate for Congress to file these accounts that are required to be filed by the statute. The law not only requires the candidate to file an account of all the sources of his campaign funds, but excluding advertising and postage and telegrams and telephone expenses and personal expenses, it also requires him to file an account of all disbursements made by him.

But I want to call the attention of the House to this significant fact, that the statute is a penal statute. The statute does not go to the qualifications of a Member of the House, and the view that your committee has taken of that is this, that where there has been neglect, through a mere omission to file an account, not purposely to conceal bribery or fraud or to cover up an unfair election, it should not deprive a Member of a seat in this House.

I may say the statute is highly penal. It provides a penalty of a thousand dollars fine as a maximum, with one year in the penitentiary as the maximum of imprisonment. But we do not think that because the statute is a penal statute and because it does not go to any of the qualifications required by a Member of Congress ground would be afforded for refusing a seat. But beyond that we think that if the neglect or omission to file an account was done purposely, was done for the express purpose of covering up an unfair and an unjust election, to cover up bribery or fraud in an election, then this House has a perfect right to take into consideration the failure, either by omission or willful neglect, to file an account.

Now, there is another proposition touching upon this question. The Federal statute requires that within a certain time the contestant shall file notice upon the contestee of the grounds upon which he is going to rest or base his contest. The statute provides that the contestee shall file an answer to that notice, and in that answer he shall either affirm or deny the allegations in the notice, and by way of countercharge set up any new matter.

Now, in this case, in making up the issues that were made up between the contestant and the contestee, the question of the omission or neglect to file this expense account was not made an issue, but if you will examine the records of the case you will find that testimony was taken upon this proposition, and taken without objection, that being the reason why the committee considered the question. But what I want to point out to the House is this, that by the decisions of this House in contested-election cases the House has uniformly held that its Committees on Elections must confine their consideration to the issues joined between the contestant and the contestee, and in this case there was no issue made of the question of the neglect or omission to file an expense account. Notwithstanding that, we did consider the question.

Now I yield, Mr. Speaker, to the gentleman from Missouri [Mr. RUCKER].

Mr. FRENCH. If the gentleman from Missouri prefers to speak now, I can wait. I am favorable to the proposition.

Mr. POST. Mr. Speaker, I reserve the remainder of my time. How much time have I consumed?

The SPEAKER pro tempore (Mr. MURRAY of Oklahoma). The gentleman has consumed 15 minutes.

[Mr. RUCKER addressed the House. See Appendix.]

Mr. MANN. That provision of the law has nothing to do with the filing of the account. You do not have to include expenditures for printing under that section. That is a provision for the purpose of specifically covering the \$5,000 limitation.

Mr. MURDOCK. Will the gentleman explain that and clear up that point?

Mr. MANN. I will if I have time.

Mr. MURDOCK. I hope the gentleman may have the time. When the gentleman makes the assertion that a thing is not covered by the law, which we all understand is covered by the law, I should like to know the reason.

Mr. MANN. I think everybody understands. There is a provision that certain expenses shall not be covered by the section. That is a provision in order to permit you to expend \$5,000, plus the printing.

The SPEAKER. Will the gentleman from Illinois suspend to allow the Chair to ask a question?

Mr. MANN. Certainly.

The SPEAKER. What did the gentleman from Missouri [Mr. RUCKER] intend to do with his remaining 13 minutes?

Mr. MANN. The gentleman yielded some time to me.

Mr. RUCKER. I yield to the gentleman from Illinois such time as he wants out of my 13 minutes.

The SPEAKER. The Chair only wanted to keep the time straight.

Mr. MANN. I do not want the 13 minutes.

When the Missouri case was before the House in the last Congress, the Democratic side of the House insisted that the gentleman from Missouri, who was a contestee, had violated the State law with reference to the amount of money to be expended. The Republican side of the House insisted that he had not violated the law, but, as I understand, both sides of the House practically agreed that if he had violated the law he would not have been entitled to his seat. Now, since I have been a Member of this House I have heard a great deal about campaign publicity. I have never been extremely enthusiastic over the laws that have been passed upon the subject, because I have feared that they might be onerous to men who would endeavor to obey the law, but would not trouble those who did not care to obey it. It is proposed to-day to wipe the publicity law off the map. Why should anybody obey it? Here is a man who deliberately violates the law and is unquestionably subject

to a criminal prosecution, but nobody wants to prosecute him criminally. There never has been a criminal prosecution under this publicity law; and when in the last Congress a report came in from a committee designed to call the attention of the Attorney General to the matter so that he might investigate and see whether the law had been violated, it was laid on the table by the House.

What is the publicity law for? Is it to have gentlemen publish their expenditures and their receipts, or only those gentlemen who are honest enough to do it?

Mr. RAKER. Will the gentleman yield right there?

Mr. MANN. Well, that depends.

Mr. RAKER. Just for a question. Is it not a fact that in addition to the expenditures, he must set out the fact that he has made no promise or agreement of any kind for any office?

Mr. MANN. Oh, yes. The law says that he can not make a promise, and then requires him to say, if he did make one, that he had made it. If he makes a promise he violates the law, and if he does not say that he has made it he violates the law.

I do not propose to criticize the committee in reference to its report—

Mr. POST. Will the gentleman yield? If Congress had intended—

Mr. MANN. Let me discuss that.

Mr. POST. I want to put a question to you. If Congress had intended to make a failure to comply with this act a disqualification for membership in this House, would it not have put into section 10, in addition to the \$1,000 fine and the one year's imprisonment, the statement that upon conviction the party should be ineligible to hold his office?

Mr. MANN. I do not think so, because I doubt whether Congress has that power. The Constitution of the United States fixes the eligibility of a Member of this House; but the House, not Congress, determines whether the Member is duly elected or not. The Senate has nothing to do with that.

Mr. HELM. Will the gentleman yield?

Mr. MANN. I should like to make a consecutive statement first, and then if I have a moment I will yield. I do not propose to criticize the committee for their report.

Mr. RUCKER. Will the gentleman yield to me for just one moment?

Mr. MANN. Certainly; as the gentleman has offered to yield me time.

Mr. RUCKER. I have a suspicion that somebody, euphoni-ously called a Bull Mooser, has looked up my campaign expenditures and has them here on the floor. I would be glad if he would present them.

Mr. MURDOCK. The gentleman is not alluding to me.

Mr. RUCKER. Not at all.

Mr. MURDOCK. I have not looked up the gentleman at all.

Mr. RUCKER. I am sure the gentleman has not.

Mr. MANN. Mr. Speaker, I do not propose to criticize the committee for having made the report that it has made. I am inclined to think that if I had been a member of the committee I would have taken the same view that the committee have taken. And yet the situation is this: Here was a contest between a Progressive and a Republican. The Republican resigned. The only question now is whether the Progressive will be admitted to the floor as a Member. The Democratic Party, without a two-thirds majority in this House, would have met the question between a Progressive and a Republican without bias, and certainly it is in a position to-day to do so when there is no contest between anybody. All sides of the House, I think, can meet this question without bias except the gentlemen who follow my distinguished friend from Kansas. They have a right to be biased in his favor, and ought to be. But the House is setting a precedent. If the House determines in this case that a failure to file the statement required by the law concerning expenditures and receipts is not a disqualification, I hope in the future when partisan feeling is running high neither side will turn some one out because he has failed to file a statement of his expenditures and receipts. I hope the distinguished gentleman from Kansas and other distinguished gentlemen of this House will cease to keep agitating the air about the filing of campaign expenses and about publicity of receipts and expenditures. The only way you can enforce the law is for the House or the Senate to refuse to seat a man or to keep him in his seat for a violation of it.

You can not try cases like this before a petit jury and obtain a conviction once in a thousand times. When the House determines that it proposes to seat a Member regardless of his compliance with the law, it determines that the publicity of campaign expenses is good to talk about, but is not worth doing anything about, and that applies especially to our Progressive friends. I yield back the balance of my time.

Mr. FRENCH rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FRENCH. Being a member of the committee in favor of the proposition, I want to obtain some time from the chairman.

Mr. POST. I will yield to the gentleman, but I agreed to yield first to the gentleman from Georgia [Mr. CRISP] five minutes.

Mr. RUCKER. How much time, Mr. Speaker, remains on my side?

The SPEAKER. The gentleman has three minutes.

Mr. POST. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, in the language of a former New York statesman, I am a Democrat, so that I approach this contest between a standpat Republican and a Progressive without any bias in favor of either. From my school of political economy I think the country would be best off if they could kill off each other. [Laughter.]

But seriously, Mr. Speaker, there are only three points in this case. As an American Representative I have endeavored earnestly and fairly to consider the testimony in the case and try so far as it was within my power to arrive at a fair and just and equitable verdict for the people residing in the twelfth congressional district of Michigan.

Now, my good friend, the chairman of the Committee on Election of President and Vice President, Mr. RUCKER—and I have the honor to be on that committee and it will be my pleasure to cooperate and aid him in any way possible to strengthen the campaign-publicity act, to insure and guarantee pure elections—has based his speech solely on the failure of the contestant in this case to file a statement, as required by law. I agree that the law is mandatory and should be obeyed. Mr. RUCKER by his ability has taken away the mind of the House from the facts of the case, and that is the one reason that induced me to make these remarks, because I want to call the attention of the House to the whole case and not let it go off and decide the case on that one bald proposition.

There are three propositions in this case. It is contended that Mr. MacDonald was not legally nominated under the primary law and not eligible to become the nominee of the Progressive Party for Congress in that district. The second point is that there were 458 votes intended by the voters to be cast for Mr. MacDonald in Ontonagon County, and the third question that has arisen, not by notice of contest, not by any of the pleadings in this case, but has arisen subsequent to the resigning of Mr. Young, is that Mr. MacDonald did not file an expense account, as required by law.

Now, as to the first point, as to the nomination. It is contended that because Mr. MacDonald was registered as a Republican it was impossible for the voters of that district to vote for him for Congress on any other ticket than the Republican ticket. I do not think there is any question in the minds of the Members of the House, who have given it any consideration, that this contention is absurd. It would be superadding to the qualifications required by the Constitution of the United States for a citizen to become a Congressman. The Constitution simply requires a man to be 25 years old, seven years a citizen in this country, and an inhabitant of the State to be represented. This contention would require that a citizen, possessing the qualifications required by the Constitution, should also possess the additional qualification that he was registered as a member of some certain political party. This is repugnant to the Federal Constitution and can not be upheld. It would deprive the qualified voters of their inalienable right to vote for the man of their choice, qualified under the Constitution to become their Representative. Such a contention is repugnant to the Constitution and I will dismiss it without further remarks. But as to the facts in this case: One Mr. Rogers was nominated in the regular primary held under the laws of Michigan as the Progressive candidate for Congress. Mr. Rogers had been declared the nominee of the Progressive Party and had received from the secretary of state of Michigan a certificate that he was the duly elected nominee of the Progressive Party for Congress in that district. He resigned. Then the Progressive Party in convention nominated Mr. MacDonald as its candidate. Mr. Rogers sent a declination of his nomination to every county in the district and supported and recognized Mr. MacDonald as the nominee of the party. The chairman and secretary of the State central committee of the Progressive Party of Michigan and the chairman and secretary of the congressional committee recognized Mr. MacDonald as the nominee of the party. All of the election officers of the State of Michigan in every county in the district recognized Mr. MacDonald as the Progressive nominee for Congress in that district, and his name appeared on the ballot as the Progressive candidate in every county of

the district save in one, Ontonagon County, and there his name appeared with the word "Sheldon" affixed in front of it. I believe, speaking for myself, that Mr. MacDonald's nomination was legal.

The laws of the State of Michigan gave the managers, voters, and everyone interested a remedy to have Mr. MacDonald's name stricken from the ballot if improperly thereon. They should have gone to the court and had his name stricken from the ballot, and if they failed to do that it is certainly inequitable to allow them to complain after the election. But beyond this, Mr. Young—and I wish to commend his course in this House; he is an honorable, high-toned man—did not want any office to which he was not elected by the people—

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

Mr. POST. I yield the gentleman five minutes additional.

Mr. CRISP. The Republican Assistant Attorney General endeavored to have Mr. MacDonald's name stricken from the ticket, but Mr. Young opposed this and sent a notice to all the voters of the district, saying that though Mr. MacDonald's nomination was not regular, he believed in the people ruling, and he asked all the election managers to leave his name on the ticket and let the people decide between them. This course was pursued in every county of the district, but in Ontonagon County William J. MacDonald's name was placed on the ticket, not in the Progressive column, but in a separate column, printed in small type. On the Progressive ticket also appeared the name Sheldon William J. McDonald. "Sheldon," which was surplusage, was a mistake by the election clerk, caused by misreading a telegram received by reading the word "spelled" for "Sheldon." There was no such person as Sheldon William J. McDonald. There were 458 votes cast in Ontonagon County for all the Progressive candidates, and Sheldon William J. McDonald received in that precinct the same number of votes that all the other Progressive candidates received—458 votes. Now, the canvassing board of the State of Michigan, when they went to consolidate the vote, gave Mr. MacDonald 17,975 in all of the other counties of the district, not counting any votes for him in Ontonagon County. They gave Mr. Young 18,190 votes, and they threw out and did not count for MacDonald the 458 votes in Ontonagon County; and they issued the certificate of election to Mr. Young. Mr. MacDonald went to the Supreme Court of Michigan and asked for a mandamus to require this election board to recanvass the vote and count those 458 votes for him.

The supreme court refused to entertain the writ, giving no reason for their refusal to act on the matter, but simply refusing to take jurisdiction. One of the judges, in the public press of Michigan, gave out a signed statement that the reason they did not take cognizance of the case was because they had nothing to do with it; that Congress and Congress alone was the sole and exclusive judge of the qualification of election of its Members. There is no dispute as to the facts in this case.

Mr. Speaker, in my opinion no one should be permitted to trifle with the people. If Mr. MacDonald was not legally nominated, the interested parties should have appealed to the courts to exclude his name. This was not done, and, in my judgment, all persons are now estopped from contesting Mr. MacDonald's nomination.

No one questions but that the 458 votes in Ontonagon County were intended by the voters to be cast for William J. MacDonald, and Mr. Young, in his place on the floor of this House, conceded as much, and said that he believed that any equitable forum, seeking to be just and do right, would count those votes for MacDonald, and if they did MacDonald would have a majority of 243 votes, and therefore he, Mr. Young, did not care to hold the seat under such terms, knowing a plurality of the people in his district voted against him, and therefore he resigned.

Now, gentlemen, those are the facts in this case. We have a government of the people and by the people, and it has been an inspiration to all the world, but if you by technicalities take steps to thwart the will of the people when honestly, fairly, and impartially expressed at election and to deny them the Representative that they have honestly and fairly chosen you will bring contempt upon law and order, and will do more to destroy our glorious Government than all else you can do. I believe in the people's rule, and a plurality of the electors of the twelfth Michigan district having voted for Mr. MacDonald, he is entitled to represent them, and I shall vote to seat him. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. CRISP. I would like to discuss the third proposition, failure to file statement of campaign expenses, but as the time is so limited and others on the committee desire to speak I will not ask further time. •

Mr. POST. Mr. Speaker, I yield five minutes to my colleague on the committee [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, the gentlemen who have preceded me in commenting upon the facts in the case have stated them so accurately that I need not dwell upon them. Touching, however, the question of whether or not MacDonald's name had the right to go upon the petition, touching the question again of whether or not we have a right to count the vote of Ontonagon County for William J. MacDonald, touching the right of procedure of the congressional committee in nominating MacDonald, I have not the slightest doubt that all three of those propositions are abundantly sustained by the precedents that have been made by this House along the line that has been suggested by the gentlemen who have just preceded me.

There is another question upon which the greatest interest seems to have turned this afternoon and to which I want to refer, and that is the question of the failure of the contestant to file his election statements prior to and subsequent to the election in the manner prescribed by law.

The fact of the business is that if you will examine the section of the law to which the gentleman from Illinois [Mr. MANN] has called attention and examine the statement that was filed on October 26 by the gentleman—the contestant in this case—I think you will be abundantly assured that even the disclosures made in that affidavit were surplusage and need not to have been made at all. More than that, the contestant at the end of that statement says that he was to no other expense. The fact of the business is, and it came to the attention of the committee, the contestant was the district attorney in his district. Immediately following the election he had to appear in court for the trial of some 50 cases, or disposition of them, that were upon the calendar. He did not know that he overlooked the filing of these expense accounts. He had been placed upon the ticket only about one month prior to the election.

Mr. MANN. Will the gentleman yield?

Mr. FRENCH. I will yield.

Mr. MANN. Does the gentleman think that the fact that the man is a criminal prosecutor excuses him from obeying the law?

Mr. FRENCH. On the contrary, I think that very fact ought to be further notice to him that he should see to it that he comply with the law. But let us consider the facts further in connection with this case. It seems that when the gentleman's attention was called to his delinquency, on April 21, 1913, he filed a supplemental affidavit, on April 24 another one, and endeavored in them to support or amplify the affidavit filed on October 26, and to file an affidavit that would take the place of the one that ought to have been filed 30 days following the election.

Mr. COX. Will the gentleman yield to a question right there?

Mr. FRENCH. Yes, sir.

Mr. COX. What affidavit did he make, if anything, as to whether or not he made any promises?

Mr. FRENCH. I will say to the gentleman that that question was not raised in the hearings at all.

Mr. COX. But that is a part of the law.

Mr. FRENCH. I have no doubt that the committee would have been glad to have gone into that question, and I can only speak as one member of the committee. That was a question that was not called to the attention of the committee at all, but I have no doubt that the committee, if it had been called to its attention, or even now, if the matter were to be referred to the committee, as could be done by the Congress, would inquire into and report to this House. That question was never before the committee. However, going back to the question of campaign expenses, the gentleman, when his attention was called to the matter, did try to correct the record that had been made.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. I yield.

Mr. MANN. Were not these last statements filed upon the forms?

Mr. FRENCH. I am not sure whether they were or not. One of them was not. Whether the third one was or not I do not know.

Mr. RUCKER. It was not.

Mr. MANN. I was speaking of the question of promises. If he filed an affidavit upon one of the forms, to that extent he covered the promises, probably.

Mr. RUCKER. He did file one of them on the form on the 23d day of April. Let me ask the gentleman a question.

The SPEAKER. Does the gentleman from Idaho yield?

Mr. FRENCH. I yield.

Mr. RUCKER. Does the gentleman think the statement covering \$120 expended for newspaper publication complies with the law?

Mr. FRENCH. I would say that it does; but if the gentleman says it does not, I would not contest it with him.

Mr. RUCKER. Does not the law require the items to be given in detail?

Mr. FRENCH. Yes.

Mr. RUCKER. Does not the gentleman understand that this \$120 was one item, and no more?

Mr. FRENCH. That is my understanding.

Mr. RUCKER. That is one item only; \$120 for newspaper publication.

Mr. FRENCH. That is what I understand is set forth in the statement.

Mr. Speaker, can I have a few minutes more?

Mr. POST. I am sorry, Mr. Speaker, that I can not yield the gentleman more time.

Mr. FRENCH. Then, Mr. Speaker, I will ask leave to amplify and extend my remarks as to the record in this case.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. POST. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. HELM].

The SPEAKER. The gentleman from Kentucky [Mr. HELM] is recognized for one minute.

Mr. HELM. Mr. Speaker, if I can not demonstrate to you and the Members of the House in one minute that Mr. MacDonald is entitled to his seat, I can not demonstrate it at all. The election was held. The Democratic candidate does not claim that he was elected. Mr. Young, the Republican candidate, states he was not elected. Mr. MacDonald has proven that he was elected, and he was elected. [Applause.]

Now we come back to the proposition of the gentleman from Missouri [Mr. RUCKER]: The campaign publicity law defines clearly and fully the acts that constitute the offense. It fixes the degree of punishment with certainty. That degree of punishment must be uniform and must rest upon every citizen of the United States equally and alike.

A man is elected, like Mr. MacDonald; you undertake to penalize him further by depriving him of his seat. According to the gentleman from Missouri, he would establish one degree of punishment for him and a less degree for the defeated candidate. What are you going to do to the man who was a candidate and was not elected and has failed to file the required statement? Do you think the Congress of the United States had it in its mind to saddle an additional penalty on the man who was elected and allow the one who was defeated to go free of all punishment? [Applause.]

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. HELM. No; I have got only one minute. [Laughter.] This law has to be equal and uniform. You are punishing one man with one degree of punishment and another man with another degree of punishment, and Congress was never so stupid and farcical as to undertake to put such a statute as that upon the books. [Applause.]

Mr. MANN. The gentleman from Kentucky voted for that law at the last Congress.

Mr. POST. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] is recognized for three minutes.

Mr. CRAMTON. Mr. Speaker, as I understand the purpose of this publicity law, it has been to place strictly the rule of our Government in the hands of the people rather than in the hands of corruption.

Now, it seems to me that in this case as there is no suggestion, no evidence of corruption or fraud, or anything whatever to show that the will of the people has been defeated by the improper use of money, to say that this man, elected by 20,000 votes of his district, shall not take his seat because, forsooth, he failed to file his statement on a particular day, as specified in the act, would be defeating the very purpose of the act.

Now, I have not anything more to say, Mr. Speaker, on the merits of this question further than to make this statement: That when the distinguished gentleman from Michigan, Mr. Young, addressed the House with reference to his resignation as a Member of this House I was not in this Chamber. I have, however, read his remarks with the care and interest which they deserve. I have little more to say with reference to them than to acknowledge that I was one of the "three Representatives from Michigan" who "voted for the resolution of the gentleman from Illinois" which proposed the seating of Mr. MacDonald at the opening of this session. While I did not feel then that the resolution in question was properly offered at that time, inasmuch as the membership of the House in general could not be satisfactorily informed as to the merits of the controversy without some investigation by the House, still I felt myself fully and reliably informed and prepared to vote then, and I did vote

then in accordance with my ideas of the demands of justice. That my vote at that time was in accordance with justice is substantiated by the admission of Mr. Young that "it was the intention of those 458 electors to vote for the candidate of the National Progressive Party," by the unanimous action of the Elections Committee, composed of members of three parties, and by the apparent intention of the House itself to seat Mr. MacDonald.

With further reference to Mr. Young's remarks, I only desire to say that, while it is not therein directly so stated, it seems to me to have been the intended inference that I was one of those who had "joined in baiting the supreme court," and perhaps also had engaged in unfriendly attack upon Mr. Young.

Neither inference would be true or just. Whatever may be my opinion as to the wisdom of the action of the State board of canvassers, I have always believed that the Supreme Court of Michigan took the only course it legally could take in deciding Mr. MacDonald's mandamus application. It declines to pass upon the merits of the contest for the reason that jurisdiction in Congress. Not only have I not "joined in baiting," but I have approved and do approve of that decision.

Not having been honored with the personal acquaintance of either of the parties to this contest prior to the opening of this session I have had no personal animus and I have not joined in any unfriendly attacks Mr. Young may feel have been made upon him. My only public statement heretofore on this case or the parties to it was that which I gave to the Detroit Journal in response to the inquiry of its editor, which statement was published in that paper about the middle of March last and which I now give to this House as my reason for believing Mr. MacDonald should be given the seat in question:

Under the facts as I now understand them I shall certainly vote to seat MacDonald. There appears to me to be no question but what he was fairly chosen by the voters of his district, and their choice should control. I believe my vote should be guided by principles of justice rather than by partisanship; further I believe no party can live or build itself by partisanship at the expense of justice.

Mr. POST. Mr. Speaker, has the gentleman from Missouri [Mr. RUCKER] any further time?

The SPEAKER. The gentleman from Missouri has three minutes.

Mr. POST. Will he use that three minutes now?

Mr. RUCKER. Mr. Speaker—

Mr. KELLEY of Michigan. Mr. Speaker—

The SPEAKER. The gentleman from Missouri has the floor.

Mr. RUCKER. The gentleman from Kansas [Mr. MURDOCK] said I did not have the right to it.

Mr. MURDOCK. I thought the gentleman had exhausted his time. I am always glad to hear from the gentleman from Missouri.

[Mr. RUCKER addressed the House. See Appendix.]

Mr. POST. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, my reason for speaking is simply to resent the imputation that this Elections Committee in considering this matter has been guilty of negligence, and that this man whom you will probably seat in this body is a criminal. I fear that the gentleman from Missouri, who drew the law, is too proud of his child, and for that reason in trying to protect it forgets more important features connected with it.

Let me say to the gentleman from Illinois that he fails to understand the power that prevents the seating of a man who fails to carry out the provisions of that law.

Mr. MANN. Will the gentleman yield?

Mr. FREAR. No; I have not the time. Four years ago there was filed with me as the proper officer in my State four sworn statements of gentlemen who ran for the same office, and whose expenditures aggregated \$190,000. They were trying to secure a seat at the other side of the Capitol. It was claimed at that time by candidates that the law was simply a dead letter; that men would not obey it; yet every one of the items in those statements was put down carefully, and it took many pages to show that nearly \$200,000 was spent by these four candidates, all seeking a seat in the United States Senate. Why? Because there were four candidates and three were watching the other one; every man, supposing he was going to get it, was interested in complying with the law. In other words, the law will be enforced by candidates themselves through fear of a disqualification should they fail to obey the law.

Two years later over \$100,000 was expended in trying to defeat the senior Senator from the same State. The same particularity was shown in furnishing every item as required by that law, which now limits such expenditures. Why? Because it was known that unless they filed it accurately they were subject to the criminal laws of the State, and these laws are sup-

ported by public sentiment. If you would enforce this law, put it in proper form; disqualify a man who willfully refuses to comply with its provisions; then you are in a position to say that the law means something. You may say it is not constitutional to seek disqualification. But you are claiming that this is a criminal law; and if so, then men who neglect to file statements are criminals and unfitted to sit in this House. I am afraid, Mr. Speaker, that the true purpose of the law has not been carefully considered. The spirit of the law is to require publicity of election expenditures, to prevent corruption and buying of elections. We have such laws in the various States, and the sentiment in their favor is spreading throughout the country to-day. The criticism here offered is technical and does not affect the merits of the question. The men on this committee who favor a rigid corrupt-practices act and have ever been ready to recognize its growing importance are not willing to say that a man in far-off Michigan, who knew nothing about the law, whose opponent was seated by the State board, should be disqualified because, with no thought of evasion, he neglected for a few days to file his statement. We should not forget the fundamental principles of the publicity law, which are not to impose hardships upon candidates or to prevent men from becoming candidates, but rather to compel a limitation of expenses to reasonable limits and, so far as we may be able, to prevent corruption through improper expenditures, to punish willful concealment or fraud, but not unintentional oversight, as was undeniably the case with Mr. MacDonald. [Applause.]

Mr. POST. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, first I want to commend the committee for its fairness and for its dispatch, and particularly to commend it for dispatch because of the circumstances. William J. MacDonald, the contestant, has come to a seat in Congress with much delay and considerable difficulty, more difficulty than most of us have, and we all of us have more or less trouble in reaching here.

Mr. MacDonald first got upon the ballot. He believed himself upon the ballot safely and securely until a very few days before the election. Then an antagonistic attorney general, or deputy attorney general, ruled that under the decision of the supreme court MacDonald's name should come off the ballot, and the election boards in various counties were warned to take his name off the ballot. In one precinct the election board did put pasters over the name of MacDonald, and did deprive him of the votes he was entitled to in that precinct. Everyone who runs for Congress knows that any unusual element of doubt such as that introduced into a campaign in the closing hours is a detriment to the man against whom it is directed.

The proposition that an attorney general made that sort of a charge and that then issued that kind of instruction was against MacDonald's chances, but the election board kept his name upon these ballots. His opponent, Mr. Young, issued a statement in which he said he did not believe that MacDonald was entitled to run, but believed the people should rule, and he wanted MacDonald to make the race. Young did not believe MacDonald could be elected. MacDonald was elected. After he was elected there was at first no dispute about his right to the seat. But a little later it was discovered that in one of the counties his name had appeared on the ballot not as William J. MacDonald but with the affix "Sheldon William J. McDonald."

The origin of that mistake everyone here knows. Therefore the certificate of election was issued, not to the man elected, MacDonald, but to Young. MacDonald appealed to the court and the court refused him relief. MacDonald, the man who did not have the certificate, and Young, the man who did have it, came before Congress in the opening days of this session. The fact of the business was that at that time Congress, the judge of the qualifications of its own Members, with this data available, could have refused to seat Mr. Young and could have seated Mr. MacDonald. The House refused to do that. It seated Mr. Young. The rightfully elected Member of this House was excluded from his seat. What did he do? He did the regular thing. He filed a contest and he pressed that contest before the Committee on Elections. What now happened? Mr. Young, who was not entitled to a seat in this House, rose before the House and vacated the seat which had been given him. That would seem to have settled this matter. The Democratic candidate did not claim the seat and the Republican candidate said he was not entitled to it. The man who had received a majority of the votes in that district, the Progressive, was asking for it. The House did not grant him the seat. He went through the ordinary course of procedure. He went before the Committee on Elections and pressed his case. Against whom? It has never been very clear in my mind who. Mr. Young was out of the contest; he was no longer contesting this seat. No one apparently

was disputing the right of Mr. MacDonald to the seat in Congress, but Mr. MacDonald, following the forms of the House, following the exact letter of the law, filed his contest for the seat and his brief; an answer was made by the attorney originally retained by Mr. Young, and full time was given for the answer. A supplemental brief was filed by Mr. MacDonald, full hearing was had, and this committee unanimously, made up of members of all three parties, decided that Mr. MacDonald was entitled to his seat. No one here doubts it, and I do not think that anyone here ought to vote against seating him. Now, I want to get to the other proposition—about the gentleman from Missouri and this publicity law. I have a crow to pick with the gentleman from Missouri. He caused me personally trouble. His law is an evolution.

The first publicity law of which I have knowledge was that which was passed and approved on June 19, 1910. Subsequent to that another publicity law was passed, that of August 11, 1911. Those two laws grew out of yet another—an earlier law. This House, in order to inform its Members, printed all three of these publicity laws in a little pamphlet, and they were sent to each Member of the former Congress. I carried one during my campaign. I filed my election expenses before the primary, after the primary, and I filed them before election and then after election. When the time for the filing of the last account approached, I found myself in the city of Chicago with a blank form prepared by the gentleman from Illinois and with the law of the gentleman from Missouri. I sat down to read it, not as a lawyer, but as a newspaper man. I tried not to find the law in it, but the sense in it.

Mr. RUCKER. Will the gentleman yield?

Mr. MURDOCK. If the gentleman will permit me to complete this.

Mr. RUCKER. Just a moment. If the gentleman had been here instead of making a Chautauqua campaign, he could have amended that law.

Mr. MURDOCK. As a matter of fact, it was after election day last fall, and I was on my way to Washington from a Chautauqua lecture at the time, but there is nothing in the Constitution that prevents a man from delivering a Chautauqua lecture or trying to live on a wage under \$12,000 a year. I read the law, and the law said expressly that I must make that affidavit as regards my expenditures before a notary in my district. I was 700 miles away from home. I was on my way to Washington. I pay fare, and fare makes quite a hole in the pocket of even a Chautauqua lecturer. I wanted to be sure. I sent a telephone message to the office of the source of all technical information, the gentleman from Illinois [Mr. MANN], in Chicago. Unfortunately Mr. MANN was not there, but one of his very well-informed secretaries told me that it was necessary for me to make my affidavit before a notary in my district. I hiked for home at the rate of 2 cents a mile. I made my affidavit before a notary and came to Washington, and found what not 5 per cent of the membership of the last Congress knew, and I doubt very much whether 5 per cent of the present Congress knows—

Mr. MANN. More than 5 per cent of those who were then here knew—

Mr. MURDOCK. Well, I doubt whether those here knew.

Mr. MANN. The House was very full when that was passed.

Mr. MURDOCK. I found that the law had been further amended, so that hereafter a Member making this affidavit as to expenditure might make his affidavit before a notary in the District of Columbia, and I had my long trip for nothing. Now, I strongly hope that when the gentleman from Missouri further perfects his publicity law that he will add—

The SPEAKER. The time of the gentleman has expired.

Mr. MURDOCK. Can I have time to say that I hope the gentleman from Michigan, Mr. MacDonald, will be seated?

Mr. POST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. POST] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are several extensions which have been asked for upon this side of the House about matters that are shortly to come up, and until those are considered and allowed there will be no extension of remarks in the RECORD on matters which are passed.

The SPEAKER. Is there objection?

Mr. MANN. For the present, I object.

Mr. KELLEY of Michigan. Mr. Speaker, I had a few remarks I wanted to make on this subject, too.

The SPEAKER. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. I shall not object to anybody on this side of the House extending their remarks.

The SPEAKER. Is there objection?

Mr. MURDOCK. Will the gentleman allow me to complete my sentence in the RECORD?

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks solely on the proposition of the campaign-publicity act. When I had the floor I could not reach it.

The SPEAKER. The gentleman from Michigan [Mr. KELLEY] and the gentleman from Georgia [Mr. CRISP] ask leave to extend their remarks in the RECORD on this case. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. MANN] to open his heart and allow these gentlemen who have spoken on this proposition, or who are on the committee, to extend their remarks in the RECORD.

Mr. MANN. I would like to have my colleague, Mr. BRITTEN, extend his remarks in the RECORD on a matter of great importance that is coming before the House, and to have my colleague, Mr. MCKENZIE, to extend his remarks on a matter of great importance shortly coming before the House, and the gentleman from Minnesota, Mr. SMITH, to extend his remarks on a matter shortly coming before the House of great importance, and until those consents are granted there will be none granted to that side of the House.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I have no objection whatever to their extending their remarks in the RECORD. If the gentlemen ask it now, they may be able to obtain their consent. I think when gentlemen desire to extend their remarks in the RECORD on matters of legislation pending in Congress it is proper that they should do so.

Mr. BRITTEN. Mr. Speaker, I hope that my colleague [Mr. MANN] will withdraw his objections so far as I am concerned.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The question is on agreeing to the resolution.

Mr. POST. Mr. Speaker, on that question I demand the yeas and nays.

Mr. KELLEY of Michigan. Mr. Speaker—

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

Mr. KELLEY of Michigan. I understand there was no objection to my request?

The SPEAKER. All of these requests were put together, and the gentleman from Illinois [Mr. MANN] objected to the whole batch of them. The question now is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RUCKER. Division, Mr. Speaker.

The House proceeded to divide.

Mr. RUCKER (while the House was dividing). Mr. Speaker, I withdraw the request for a division.

Mr. ADAMSON. Mr. Speaker, I object.

Mr. BOOHER. I renew the request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri [Mr. BOOHER] renews the request for a division.

The House again divided; and there were—ayes 175, noes 3.

Mr. RUCKER. Mr. Speaker, in order that my distinguished colleague and personal friend from Missouri [Mr. BOOHER] may have the chance to go on record, I demand a roll call.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Five gentlemen have arisen in the affirmative—not a sufficient number, and the resolution is agreed to. The gentleman from Michigan [Mr. MACDONALD] will come forward and be sworn in.

SWEARING IN A MEMBER.

Mr. MACDONALD appeared at the bar of the House and took the oath of office.

INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. HENRY. Mr. Speaker, I present a privileged resolution from the Committee on Rules, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 235 (H. Rept. 61).

Resolved, That upon the adoption of this order the House shall at once resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6382) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, and the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

poses, the Committee on Appropriations being hereby discharged from the consideration of said bill S. 1620; that the bill shall be read and the chairman recognize Members to offer amendments to the bill S. 1620, allowable under the rule of the House, and amendments so offered shall be considered as pending. That there be one hour of general debate, or so much thereof as may be required, to be divided equally between those favoring and those opposing the said bill. That at the expiration of this time the committee shall rise and report the said bill H. R. 6382 with the recommendation that it be laid upon the table and the bill S. 1620, with the recommendation that it be considered by the House, the previous question being hereby considered as ordered upon said bill S. 1620 and all amendments to final passage, and the House shall proceed to vote without intervening motion upon the amendments, if any, and the bill to final passage, except one amendment to recommit, as provided by Rule XVI, paragraph 4.

Mr. MANN. Mr. Speaker, I reserve a point of order upon the resolution, unless the Clerk reported it incorrectly. It is rather long, and I really did not understand what it proposes to do. Will the gentleman from Texas [Mr. HENRY] tell us?

Mr. HENRY. All right. I will explain it in a few words. Of course, we have no desire to shut off any discussion. This is in regard to a bill that has passed the Senate, I believe unanimously, in reference to appointing delegates to the alcoholic liquor conference in Milan, Italy. The Committee on Foreign Affairs has reported favorably, and by unanimous vote, a similar bill to the House.

Mr. MANN. They have reported House bill 6382?

Mr. HENRY. Yes; and this was only to bring before the House for consideration the subject matter of the two bills in order that it may be disposed of to-day, because if it is not done it will be too late to dispose of it in two or three days from now. The resolution states the case as it is.

Mr. MANN. There is a Senate bill pending in the Committee on Appropriations, is there not?

Mr. HENRY. There is a Senate bill pending on the Speaker's desk.

Mr. MANN. I supposed from the reading of the resolution that the Senate bill was pending before the Committee on Appropriations.

Mr. HENRY. It is.

The SPEAKER. The gentleman from Texas [Mr. HENRY] makes a mistake about it. It is not on the Speaker's table.

Mr. HENRY. I corrected that, Mr. Speaker.

Mr. MANN. I notice the resolution provides that there should be only one intervening amendment, and that was the amendment to recommit. Is that the way it reads?

The SPEAKER. The Clerk will report the resolution again. Half of the Members could not hear it.

Mr. MANN. Of course, there should be a motion to recommit, not an amendment.

Mr. HENRY. There will be no disposition to cut off amendments. It provides for amendments.

Mr. MANN. It says "amendment to recommit." It should be "motion to recommit."

The SPEAKER. The Chair will take cognizance of that. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill (H. R. 6382) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. FLOOD of Virginia. The rule provides that this bill shall be laid on the table, and that the Committee on Appropriations shall be discharged from the further consideration of Senate bill 1620, and then the House automatically, under the rule, goes into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1620. That is what this rule provides.

The SPEAKER. There are two bills covered by the rule.

Mr. FLOOD of Virginia. Yes. The rule provides that the House bill shall be laid on the table and the Senate bill be considered.

The SPEAKER. Under the rule the House will resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Illinois [Mr. FOSTER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, with Mr. FOSTER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$4,500 to defray the expenses of delegates, to be designated by the President of the United States, to the Fourteenth International Congress on Alcoholism, at Milan, Italy, September, 1913, including secretarial and stenographic work and transcription of reports.

Mr. SABATH. Mr. Chairman, may I inquire whether the Clerk has read the Senate bill or the House bill?

The CHAIRMAN. The Clerk has read the Senate bill.

Mr. SABATH. What is the desire of the gentleman in charge of the bill?

Mr. FLOOD of Virginia. The desire of the Committee on Foreign Affairs is to have the Senate bill pass. It was for that reason that they requested the Committee on Rules to bring in this rule.

Mr. Chairman, bills in exactly the same verbiage were introduced in the House and Senate. The bill as it passed the Senate cut down the appropriation from \$6,850 to \$4,500 and struck out the latter part of the bill, which provided for an invitation being extended to this congress to meet here two years from now. That bill passed the Senate.

The House committee in reporting the House bill reduced the amount of the appropriation from \$6,850 to \$5,250, and the provision extending an invitation to this congress to meet in this country in 1915 was left in the bill. Now, we wanted to take up the Senate bill and pass it, so that the delay in passing the Senate may be avoided. This congress convenes on September 23, and if these delegates are to be appointed they must have time to make their arrangements to go to the congress and reach Milan, Italy, by that date, so their appointment will have to take place very soon.

Mr. SABATH. May I inquire of the gentleman whether such delegations have been appointed by our Government to all the different congresses held on this subject?

Mr. FLOOD of Virginia. Not to all of them, Mr. Chairman. This is the fourteenth congress. I do not know to how many congresses delegates have been appointed. Certainly they were appointed by this Government and their expenses paid to the last congress, the one held in 1911 at The Hague.

Mr. SABATH. And their expenses paid?

Mr. FLOOD of Virginia. Yes.

Mr. SABATH. May I ask what the expenses were?

Mr. FLOOD of Virginia. I think they were about \$5,500, though I am not absolutely certain. That was about the amount.

Mr. SABATH. Can the gentleman give any reasons why we should pay the expenses of these delegates to that congress?

Mr. FLOOD of Virginia. Yes. This congress is a great institution and is accomplishing much good.

The International Congress on Alcoholism was organized in 1885 at a meeting held at Antwerp, and is the successor of an international philanthropic congress which was organized in 1856. Thirteen congresses have been held, as follows:

Congress.	Place.	Time.	Congress.	Place.	Time.
First.....	Antwerp.....	1885	Eighth.....	Vienna.....	1901
Second.....	Zurich.....	1887	Ninth.....	Bremen.....	1903
Third.....	Christiania.....	1890	Tenth.....	Budapest.....	1905
Fourth.....	The Hague.....	1893	Eleventh.....	Stockholm.....	1907
Fifth.....	Basel.....	1895	Twelfth.....	London.....	1909
Sixth.....	Brussels.....	1897	Thirteenth.....	The Hague.....	1911
Seventh.....	Paris.....	1899			

SCOPE AND PURPOSE OF THE CONGRESS.

The scope and purpose of the congress were well set forth in the note of invitation from Her Majesty's Government requesting the participation of the United States. A translation of this note reads:

ROYAL LEGATION OF THE NETHERLANDS,
Washington, April 15, 1911.

Mr. SECRETARY OF STATE:

I have the honor to apprise your excellency that an International Congress for the Repression of Alcoholism will be held from the 11th to the 16th of September next at the Kurhaus, Scheveningen, near The Hague, in the Netherlands.

The questions to be discussed relate to:

A. The State and alcoholism.

(1) Legislation

(2) The consumption of alcohol in the colonies.

(3) The attitude of the courts toward alcoholics, and particularly the application of restraint and conditional sentence.

(4) The juridical, political, and economic causes which make it the duty of the Governments and parliaments to repress alcoholism.

B. Society and alcoholism.

(1) Questions of organization.

(2) Indirect repression of alcoholism; that is to say, by improving the workmen's homes.

(3) The treatment of alcoholics in sanitariums, asylums, and the like.

(4) Medical problems bearing on the subject.

By order of the Queen's Government I have the honor to invite the Government of the United States to send official representatives to the congress. I venture to have recourse to your excellency's good offices to that end.

Be pleased to accept, Mr. Secretary of State, the renewed assurance of my highest consideration.

His Excellency Mr. PH. C. KNOX.

Secretary of State for the United States.

J. LOUDON.

The congress is a great assemblage of scientists, publicists, jurists, statesmen, and prominent workers in the world-wide

fight against the evils of alcoholism. The discussions are protected by the strictest neutrality of politics, religion, and by a free interchange of opinions concerning the methods for combating this evil.

The adherents to the moderate use of alcohol, or of the total abstinence and prohibition, as well as those advocating various forms for regulating the traffic in alcoholics, are allowed equal rights in the congress.

The discussions embraced not only the physical conditions usually understood from the term "alcoholism," but embraced all forms of the evils, social, medical, and economic, and the various remedies for dealing with the evils, educational, legislative, and other methods.

The periodical mingling of representatives of the various governments to consider the evils of alcoholism and the progress of the many methods of dealing with them, can not fail to produce a broader vision and lead to better methods in treating these evils.

The congress has received the sanction of the foreign governments where sessions have been held, and our Government having participated in past years by official delegations ought not to take a backward step at this time by failing to appoint delegates to the congress at Milan.

Participation in these congresses does not bind the governments represented or the individuals to any form or system of control which may be advocated, but tend only to the dissemination of knowledge concerning the various methods which have been tried. The facts brought out are given publicity so that they are obtainable by all who desire them, and even those connected with the liquor trade can profit by them, and if desired can take what they claim to be the fallacious arguments or theories and adopt them or prove the truth concerning them, especially so because of the class of men who largely compose the congress, especially from foreign countries.

Unquestionably these international gatherings tend to promote a fraternal spirit among the various peoples, and the commingling in conference for the general good help to bring about the desired universal peace.

Congress has heretofore made appropriation paying the expenses of these delegates, and it should do so again. We have also made appropriations for paying the expenses of delegates to other international congresses, such as the International Conference on Maritime Law, which meets in Belgium this year.

The questions discussed at these conferences are the various methods for regulating and controlling the manufacture and sale of intoxicating liquors, the general welfare of society and the preservation of its manhood, the happiness of women and children, the prosperity of commerce, the preservation of wealth, the strengthening of law and order, and every man, regardless of his position on the question of prohibition, should favor this conference, and I hope the vote on this bill will be unanimous. [Applause.]

Mr. SABATH. Will the gentleman yield for another question?

Mr. FLOOD of Virginia. Yes.

Mr. SABATH. Do I understand that people of all views are represented in this congress?

Mr. FLOOD of Virginia. That is my understanding, and the reports of the discussions show that such is the case.

Mr. SABATH. I was informed a few days ago that at one time a certain delegation appointed by the President was refused the opportunity to participate in the deliberations of this congress because some of those delegates had pronounced views against prohibition. Does the gentleman know whether that is true or not?

Mr. FLOOD of Virginia. Does the gentleman mean that they were refused participation?

Mr. SABATH. They were refused admission and participation in the congress.

Mr. FLOOD of Virginia. What congress was that?

Mr. SABATH. I do not know; I only ask for information whether that is true or not.

Mr. FLOOD of Virginia. I never heard of it, and do not think it can be true, for the reason that if you read the reports you will find that there are delegates in the congress who represent every shade of opinion in this world-wide movement to control the sale and use of alcohol.

Mr. SABATH. I admit that I have not read all the reports of the conventions.

Mr. GALLAGHER. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. GALLAGHER. Are the reports of the proceedings of these conventions printed by the Government?

Mr. FLOOD of Virginia. No; not a complete stenographic report; but there is a report made by the delegates of this Government to the Secretary of State, and the President transmits them to Congress, and that report is printed.

Mr. GALLAGHER. The proceedings of the convention are not printed?

Mr. FLOOD of Virginia. Not by our Government.

Mr. CONRY. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. CONRY. Why is it that the proceedings of the convention are not printed?

Mr. FLOOD of Virginia. They are printed; but I meant, in answer to the gentleman from Illinois, to say that they are not printed at the expense of our Government. They are printed by the congress, and in several languages.

Mr. CONRY. What is the use of sending delegates at the expense of this Government to a convention for deliberations if the proceedings are not printed and circulated by the Government for the benefit of the congress and the people of the United States?

Mr. FLOOD of Virginia. A report of the deliberations is printed by the congress. A very full and complete report is made by our delegates to this Government, and if you will take the trouble to read the report you will see that it is very valuable.

Mr. CONRY. As I understand it, the actual business or transactions of the convention are not published, but what is published is the report by the representatives of this Government. Is that the situation?

Mr. FLOOD of Virginia. That is the situation, so far as our Government is concerned, but the congress itself prints a full report of its proceedings.

Mr. COX. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. COX. How many delegates are usually appointed?

Mr. FLOOD of Virginia. The Secretary of State intends to appoint as many as he can with this appropriation of \$4,500. Probably there would be not over nine.

Mr. COX. How much would it cost each delegate?

Mr. FLOOD of Virginia. I should say not under \$500.

Mr. COX. Are the delegates required to make an itemized report of the individual expenses to the Secretary of State?

Mr. FLOOD of Virginia. Yes; the expenses are paid for on vouchers.

Mr. COX. And they are filed with the Secretary of State?

Mr. FLOOD of Virginia. Yes.

Mr. TOWNER. Mr. Chairman, I think gentlemen have a wrong idea if they believe that there will be no report of the convention published by this Government. That is not what was meant by the chairman of the committee. The report of the commissioner is a report of the transactions of the society. It is not the official report and not the full stenographic report, but it consists of a report of the transactions by our delegates of the particular things that they deem will be of importance or interest to the American people, so that there is a report, and it is in fact a report of the proceedings of the convention.

Mr. FLOOD of Virginia. The gentleman is correct. What I meant was that there was not a full stenographic report of all the proceedings printed by the Government. There is a report made to the Secretary of State by our delegates.

Mr. GALLAGHER. I would like to ask the gentleman from Virginia if he has any opinion to give the House about how many delegates would go if their expenses were not paid?

Mr. FLOOD of Virginia. I think the gentlemen who would be named would be men of small financial ability, and I do not think we could get a full representation if their expenses were not paid, and that is one reason why I am in favor of paying the expenses.

Mr. GALLAGHER. And that is one reason why I am opposed to paying the expenses.

Mr. COX. How many of these conventions have been held in this country?

Mr. FLOOD of Virginia. There has been no meeting in this country. There was a suggestion that the congress be invited to meet here in 1915, and a provision for that was incorporated in the bill; but some objection was raised to it and it was stricken out in the Senate.

Mr. COX. And the Senate bill carries no such provision?

Mr. FLOOD of Virginia. No.

Mr. COX. And it is not the gentleman's intention to offer an amendment?

Mr. FLOOD of Virginia. No. I want the Senate bill passed without a change so that it will not have to go back to the Senate.

Mr. BARKLEY. Would not the congress meet here without an invitation?

Mr. FLOOD of Virginia. The congress would hardly meet in this country unless an invitation was extended by the Government.

Mr. BARKLEY. Does the gentleman mean that the invitation would have to come through Congress?

Mr. FLOOD of Virginia. It would have to come through Congress, because Congress would have to make financial provision for it, and then it has to come through Congress anyhow.

Mr. KELLY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. I will.

Mr. KELLY of Pennsylvania. Mr. Chairman, this measure is one of great importance to the Nation, far greater than perhaps appears on the surface. It means that the National Government takes cognizance of the fact that alcoholism is an evil of most serious kind and is sending a delegation representing the United States to a congress organized for the purpose of dealing with the evil. It means that the Government established to promote the welfare of the people recognizes the evil of alcoholism, which is so fruitful a cause of disease and degeneracy, pauperism, and crime.

Science has recognized that fact for years, and at the recent International Congress of Medicine, held in London, a large part of the time was occupied with discussions of alcoholism and the best methods of coping with it.

Many of the liquor dealers of this country deplore alcoholism, and declare that it is an unqualified evil. In the current number of Bonforts Wine and Spirit Circular, an official organ of the liquor trade, is an article which is proof of that fact. The writer is T. M. Gilmore, president of the National Model License League of this country. He goes so far as to condemn the treating habit, and recommends the substitution of cafés for saloons in his desire to prevent the evil of alcoholism, which he recognizes as a menace even to the liquor business.

Alcoholism is a disease which degenerates body and mind. It must be treated as a disease both from the standpoint of prevention and cure. That being true, it follows that it can only be treated successfully by being fairly faced and fully discussed.

The disease must be studied and understood, and the only way to do that is to secure the united results of the investigations made by scientists and others. That is the whole purpose of this Congress against alcoholism which is to be held next month in Milan, Italy. The invitation sent to this Nation states that the questions to be discussed relate to the State and alcoholism and society and alcoholism, and these two topics cover all aspects of the question.

The great European nations are to be represented by those who have made a special study of alcoholism, and the discussions will be the last word of science and medicine and statesmanship on this disease so dangerous to the individual and the Nation.

It surely can not be justly said that the appropriation carried in this bill should prevent its passage. The Government spends vast sums every year to study diseases among animals and trees and plants. It is a justifiable expense, but how much more justifiable it is to expend money to deal with one of the greatest evils and most insidious diseases that inflicts mankind, one that not only injures this generation of American citizens but robs future generations of their heritage of being well born.

No more businesslike use of the public funds could be made than to study the evils of alcoholism so that they may be dealt with sanely and effectively. It is always considered good business to spend one dollar to thereby save two, and in this case the amount to be saved is incalculable.

I sincerely hope that this measure will be passed. [Applause.]

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Was there a division of time?

The CHAIRMAN. There was a division of time, one-half in favor of the bill and one-half against it.

Mr. MANN. Yes; but how does the gentleman from Virginia [Mr. Flood] control the time?

Mr. FLOOD of Virginia. I assume that I control one-half of the time in favor of the bill.

The CHAIRMAN. The Chair takes it that the gentleman from Virginia [Mr. Flood] would control 30 minutes and some one opposed to the bill would control the other 30 minutes.

Mr. FLOOD of Virginia. How much time have I consumed?

The CHAIRMAN. The gentleman from Virginia has consumed 13 minutes.

Mr. FLOOD of Virginia. I yield 10 minutes to the gentleman from Alabama [Mr. Hobson].

Mr. HOBSON. Mr. Chairman, the amount called for in the bill is small. Its purposes to cooperate in an international movement to coordinate the agencies of all nations in the fight against alcoholism are meritorious.

Information is the great need of the peoples of the world on this vital question. Each such congress as this one advances that much further the information of the world. Two fundamental facts have already been established that place this question in the front of all the great problems of the world justly demanding the cooperation of all nations in seeking the solution. The first great fact is that alcohol is not a natural substance, but that every drop of it has come out of the body of a germ, the ferment germ, and when fermentation is going on germs are carrying on their life processes, devouring the glucose or sugary substance as their food and throwing off alcohol as their excretions, their toxin. Alcohol is thus a toxic poison, and, like the toxin of the diphtheria bacillus, is a poison to all protoplasm, all living tissue. There is a second great fact now established. Take the formula for belladonna, the formula for morphia, the formula for strychnine, and the formula for alcohol. They are all low oxide derivatives of hydrocarbons, and all partake of this characteristic, that each one has an affinity for certain particular tissue. For instance, strychnine has an affinity for the spinal cord, causing death by convulsions or spasms.

They have discovered and established beyond peradventure that alcohol has an affinity for the cells in the line of any creature's evolution, no matter what that line is. Every type and every species is developing or evolving along some particular line. You take a flower that is developing along the line of color and mix alcohol in the water with which you water it and this color will fade. You bring up a dog as an alcoholic and by the time he is grown he will howl like a wolf. You put him back about 6,000 years. Take an Indian and let the fire water come down regularly and you will put him on the warpath; and you will turn a black man into a cannibal. A highly civilized man is put down toward the semicivilized and even to the level of the semisavage and the brute.

Now, whenever this reversion of the evolutionary process of nature sets in, when degeneracy sets in, nature proceeds to exterminate, and she adopts two methods which are very plain and simple. The first is to shorten the life of the individual, and the second is to blight the offspring of that individual. The amount of the shortening of life has now been practically established from the records of the great life insurance companies.

I will not undertake to go into detail, because I have not the time. But take, for instance, a young man at the age of 20, and if he lives the life of a total abstainer, he will live to the average age of 65½ years. Some over and some under, but that is the average. If he is on the books of the insurance companies as a moderate drinker, he will die at the age of 51. The shortening of life due to the degeneracy from that much drinking will be 14 years on the average. If at the age of 20 he is a heavy drinker and remains such, he will die at the average age of 35. He has only 15 years to live. It will take 30 years out of his life.

Now for the second method by which nature exterminates. Nature is not going to have the earth inherited by degeneracy. Its tendency is to produce higher forms, and when parents degenerate themselves, nature blights their offspring. You can take a fruit tree—a young tree would be better and more scientific. It is bearing; mix alcohol with water and water that tree with the liquid and it will go to seed; the fruit will fall untimely.

You can take a pair of domestic animals, a pair of puppies, for instance, and give them a little ration of alcohol every day in their food—not enough to get them drunk, but just a little ration in their food—and when they are grown and you mate them there will be a phenomena never heard of before. The mother will have ill and sufferings and miscarriages, and sometimes she dies in birth pangs. Then if a record is kept of the offspring, many will be born dead, many deformed; only 17 per cent will be normal. Five out of every six of the offspring will be abnormal.

Now, if you bring up another couple beside the first free from alcohol and mate them when grown, the mother will have no troubles and you will find that 9 out of 10 of their offspring will be normal. Nine out of 10 in one case and only 1 out of 6 in the other case.

Investigations along this line have been made abroad, and I remember Dr. Foitinen, of Denmark, two years ago at the congress against alcoholism stated that he had examined 20,000 children, of 6,000 families. This investigation showed the same proportion for the human family. If both parents are total abstainers, there will be no danger in maternity and 9 out of 10 offspring will be absolutely normal; but if both parents are simply moderate drinkers it will double the number of children who will die in the first year of infancy.

Dr. Demme, of Berne, Switzerland, states that up to the age of 5 five times as many children will die born of drinking

parents as those born of abstaining parents. Infant mortality in the civilized nations is appalling, and is chiefly due to the fact that these infants have been wounded at the hands of their own parents before they were born, and the parents did not know it.

The great question is this: The world does not realize that alcohol is the specific cause of degeneracy. Consequently the people of the United States are consuming this substance now—alcoholic beverage—at the rate of 25 gallons per capita for every man, woman, and child. The result is that we are dying off at the rate of 1,000 deaths for 61,000 of our people, when the rate ought to be only 560 deaths for 61,000. If we were total abstainers there would be only 560 deaths instead of 1,000 in every 61,000. Four hundred and forty out of every 61,000 of our people come to an untimely death every year because of the fact of alcohol in our midst. That makes 700,000 a year.

When anyone begins to look into the importance of investigating thoroughly this great question he is appalled by the proposition that thus far scientific information practically demonstrates that alcohol kills 700,000 American citizens every year. The fact is, all the battles ever recorded in history, all the battles of which there is any authentic report, count only 2,100,000 wounded and 700,000 killed.

You can say that alcohol kills more Americans in one year than all the wars of the world have killed on the field of battle in 2,300 years.

It is vain for Members to intimate that the Government has no interest in this Congress. Its interest is as vital as are the lives of its citizens. The consumption of this beverage increases always in proportion to the density of population, so that when you get to the great cities degeneracy becomes terrific. And when a nation comes to rest upon its great cities for its vitality abnormals multiply, the degenerate vote ere long swamps the electorate and liberty perishes. The Nation's free institutions depend on the solution of this problem for their perpetuity. When a nation falls into degeneracy it is only a question of time when that nation is struck, and when struck it falls. The Nation's very life will ultimately be at stake in the solution of this problem.

Now, take any plant or animal and put it in a fair environment, and it will continue evermore. You can produce a thoroughbred race of horses by breeding and evolution, but in all these thousands of years, with all our favored environment, we have never produced a thoroughbred race of men. You can only come to the conclusion of history that a great nation is only born to die; and recent investigations go to show that in those nations that have succumbed degeneracy set in when the nation took largely to city life. No subject is more worthy of investigation; neither the trifling expense nor any other trifling objection should prevent our Government from participating appropriately in this congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FLOOD of Virginia. Mr. Speaker, I yield three minutes to the gentleman from New Hampshire [Mr. REED].

Mr. REED. Mr. Chairman, I have only a word to say in relation to this resolution. I am not going to speak upon "affinities" in relation to the main question, inasmuch as I have always understood that "affinities," considered from any standpoint, whether that of science or not, is a dangerous proposition to deal with. [Laughter.]

I am reminded, however, of the fact that there can not be, in the opinion of some people on the floor of this House, any inconsistency in the consideration of this bill.

Since I have been a Member of this House a few brief months I have heard discussions on the floor of this Chamber in relation to the consideration of appropriations made to defray the expenses of a committee to visit the home of a departed Member of this body to attend the last sad rites, and objection made to that appropriation on the ground that it encouraged junketing.

It has been stated that this appropriation is for the purpose of defraying the expenses of business and philanthropic people in attending a convention held upon the other side of this globe, and it occurs to me that if this is a group of philanthropists, the least we could expect of them is that they should attend this convention at their own expense. I believe we have a right to expect that.

If we entertain the idea of paying the expenses of committees to attend these various conventions, have not the good-roads conventions, the river and harbor conventions, the religious conventions, and all of the hundred and one other conventions held each month of every year an equal right to come to Congress and ask that the expenses of attending their convention be defrayed?

As to the main question whether the traffic in liquor should be permitted, I have no desire to make comment at this time.

The question is simply whether it is inconsistent for us to pay the expenses of these delegates to attend this convention and then bicker about the expenses of other delegates who attend other conventions. [Applause.]

Mr. TOWNER. Will the gentleman yield me a couple of minutes?

Mr. FLOOD of Virginia. I have only four minutes left, and I will yield the gentleman two minutes of it.

Mr. TOWNER. That is all the time I desire. I only want to say, in response to the suggestion of the gentleman with regard to paying the expenses of delegates, that I think the gentleman misapprehends the character of this convention. It is not made up merely of those who like to go, or merely of those who take an interest in it. It is made up largely of the experts and scientists, of men who can not attend the convention unless their expenses are paid, of men who represent the colleges and universities of the country. At this convention they will meet the delegates from other countries, whose expenses of a like character are paid.

This is not primarily a convention of delegates for the purpose of discussing the general features of this subject, but it is a convention made up largely of experts, who discuss the subject from a scientific point of view. For that reason it is necessary, if this country is to be represented as other countries are, that we should provide for the expenses of the delegates who attend it. [Applause.]

Mr. SABATH. Mr. Chairman, a few days ago I received a communication from a national organization protesting against passage of the bill now under consideration. Being satisfied that the reasons given in the communication why the bill should not pass are stated in much stronger and clearer terms than I possibly could state them, I desire that the communication be read by the clerk in my time.

The CHAIRMAN. If there be no objection, the communication will be read in the time of the gentleman from Illinois.

The Clerk read as follows:

NATIONAL LIQUOR LEAGUE OF THE UNITED STATES,
OFFICE OF GENERAL SECRETARY,
Chicago, August 18, 1913.

Hon. ADOLPH J. SABATH, Washington, D. C.

DEAR SIR: On behalf of a vast army of the American people, which embraces the manufacturers, dealers in, and users of alcoholic liquors, I protest against the passage of Senate bill 1620 and House bill 6382, appropriating money to pay the expenses of American representatives to the International Congress on Alcoholism, at Milan, Italy.

Senate bill 1620 originally provided for an appropriation of \$6,850 to pay the expenses of 10 delegates to the Fourteenth International Congress on Alcoholism and to authorize the President of the United States to extend an invitation to the congress to meet in this country in 1915. The Senate, in its wisdom, cut down the appropriation from \$6,850 to \$4,500, the same as two years ago, and struck out the clause referring to the meeting in this country in 1915. This bill is now before the Appropriation Committee of the House.

The prohibition men and women who are at the back of this movement are not satisfied with the bill as amended, and have prevailed upon Congressman FLOOD, of Virginia, to introduce H. R. 6382, which is identical with the Senate bill before amended, and the same is now before the Committee on Foreign Affairs, of which Mr. FLOOD is the chairman.

We are opposed to the passage of either bill, not because the liquor question is unworthy of being discussed from every point of view, but because the people behind this movement, and who in the past have been able to dictate who the representatives from the United States should be, are bigoted, one-sided enthusiasts on this subject, and represent prohibition organizations solely, whose main object is not to improve or regulate in any way, but with one fell blow to destroy the liquor industries of this country.

These men and women have never as yet suggested any remedy for the liquor evil, if any, or in what way the Government could reimburse itself for the loss of revenue that would be incurred by total prohibition, a revenue amounting to over \$230,000,000—\$231,158,668—more than enough to cover the appropriations for the support of the Army and Navy and leave nearly twenty millions for the building of post offices and the pensioning of old veterans in your home district.

In other words, you are asked to appropriate money for delegates to visit a foreign country and there conspire for the destruction of a business that provides you with the sinews of war, without which this country would be left to the tender mercies of the Japs and other foreign powers. Would not the passage of this appropriation remind you of the fable of "The man who killed the goose that laid the golden egg"?

Another point: If the antisaloons, prohibitionists, and other temperance societies have a right to come to Congress for an appropriation to pay the expenses of delegates to an international convention, why not the Masons, the Odd Fellows, the Knights of Pythias, the Woman's Christian Temperance Union, and kindred societies that have for their object the relief of the sick and distressed and the education of the orphan? Are not these organizations as much and even more entitled to an appropriation to an international convention, many of the members of which are heavy taxpayers, rather than the leaders of the Prohibition and Anti-Saloon Party, who are mostly exempt from taxation, and in the language of the Scripture, "They toll not, neither do they spin"?

Another reason: If the President is authorized to invite this congress to meet here in 1915, you will be requested to make another appropriation to entertain 1,500 delegates as the guests of the United States, which, as you can easily imagine, will run up into the thousands. Think of that.

For these most substantial reasons, we ask you to use your best efforts to prevent this most unnecessary appropriation.

Respectfully,

ROBT. J. HALLE,
Secretary National Liquor League of America.

Mr. SABATH. Mr. Chairman, in view of the fact that the chairman of the committee reporting this bill has agreed to the Senate bill, which eliminates the two objectionable features of the House bill, and in view of the fact that I have the utmost confidence in the fairness of our President and Secretary of State that they will appoint fair and reasonable men as delegates to this convention, I personally withdraw any objection I might have had against the bill, knowing that the National Liquor League and other similar organizations do not object to fair consideration of this important question.

Mr. BRYAN. Will the gentleman yield for a question?

Mr. SABATH. I will yield.

Mr. BRYAN. I would like to ask the gentleman if he does not consider the statement about the American people being unable to resist the attacks of Japan or any other country without we have this revenue from the liquor business is an insult to the American Congress and the American people?

Mr. SABATH. I do not so consider it, because they take this view that the Government, which derives a large share of its revenue from a tax on beer and whisky, the manufacture and sale of which is recognized as legitimate business, which tax amounts, I believe, to over \$300,000,000 a year. And they have a right to believe that if the Government was deprived of that revenue it would be impossible for Congress to appropriate these large amounts for our Navy and our Army. That is their view.

Mr. BRYAN. Does not the gentleman think the statement is an infamous lie that we can not protect ourselves without the income from the liquor traffic in this country?

Mr. SABATH. I would not say it is an infamous lie, sir. On the contrary, it is true. The Government has derived this large revenue for a great many years, and I suppose it will continue to derive great revenue from this traffic for many more years and until the gentleman will devise a new method of taxation.

Mr. BRYAN. The gentleman and I look at the matter differently.

Mr. SABATH. As the Government does derive this revenue and uses it, it does naturally aid and benefit our Navy and to a large extent pays the expenses of our Army and the general expenditures of our Government, and this no one can honestly deny.

Mr. HOBSON. Will the gentleman yield?

Mr. SABATH. With pleasure.

Mr. HOBSON. Let me put that in another form, a little more scientific. I have made a scientific investigation and a mathematical investigation of how the balance would stand from the question of revenue to the Nation, and I will say to the gentleman, without going into detail—

Mr. SABATH. Where does the gentleman get his figures and data?

Mr. HOBSON. From the reports of just such congresses as this, and the reports of the French Government and other Governments.

Mr. SABATH. The gentleman from Alabama has more confidence in the experts than I have. I have found in my experience that you can get experts to testify to most anything in any branch of the scientific field.

Mr. HOBSON. I am not responsible for the kind of experts that the gentleman from Illinois usually employs.

Mr. SABATH. I do not employ any experts.

Mr. HOBSON. I want to tell the gentleman the result of the investigation without going into details. It amounts to the vast total of \$16,000,000,000 a year, the economic loss to the Nation from the use of alcohol.

Mr. SABATH. The gentleman was to ask me a question.

Mr. HOBSON. I want to ask one more question. Suppose we should lose the revenue of \$330,000,000 and suppose we increased the wealth of the Nation \$16,000,000,000, would not it be easier to raise the revenue necessary for war and any other purpose—something in the nature of Gladstone's reply when the brewers waited on him and asked him to support them, because of the revenue derived from their business, and he said, "Give me a sober people who do not dissipate their substance in strong drink, and I will find easy means to raise the revenues needed for the expenses of the Government." [Applause.]

Mr. SABATH. Oh, Mr. Chairman, I was willing to yield to the gentleman for a question, but I did not yield for an oration. The gentleman is as right in his views on this question as he is that the Government would derive out of the elimination of alcohol the immense amount of \$16,000,000,000.

Mr. HOBSON. Now, my other question—

Mr. SABATH. I wish I had a little more time, I would gladly yield to the gentleman from Alabama, but I have promised to yield some of the time to my colleague from Illinois, and I do not wish to deprive myself of the pleasure of yielding to him. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 19 minutes remaining.

Mr. HOBSON. I wanted to ask one more question.

Mr. SABATH. I will yield for another question, but let it be brief.

Mr. MANN. Mr. Chairman, I ask for order, as no one on this side has been able to get the eye of my colleague.

Mr. STEENERSON. I want the gentleman to yield to me for a question.

Mr. SABATH. I can not resist the gentleman from Alabama—

Mr. STEENERSON. I do not want the gentleman to resist; I want him to yield to me. [Laughter.]

Mr. SABATH. I will yield to the gentleman from Alabama for one more question; then I will yield to the gentleman from Minnesota.

Mr. HOBSON. I will say to my kind friend from Illinois that I have not been amongst those who have been bitter on this question. My interest has been scientific and disinterested.

Mr. SABATH. Again, that is not a question. [Laughter.]

Mr. HOBSON. Now, I am coming to the question. I have been associated with many of the men spoken of in the letter which the gentleman has had read from the desk, as being bigoted. They are the most devoted patriots in the country. I want to ask one question of my friend, whether the National Liquor League of America, since it opposes the congress against alcoholism, advocates alcoholism?

Mr. SABATH. I really do not know what they advocate. I am not a member of that organization. But I do know that they stand for what they believe is right and just. I received this communication and I have had it read in my time, wishing the House to have the benefit of the entire communication. Now, I will yield to the gentleman from Minnesota.

Mr. STEENERSON. Mr. Chairman, I would like to ask the gentleman from Illinois a question, in view of his statement that the President of the United States will appoint fair and impartial delegates, and in that idea I concur. The question is this: The only official information I can find is the report of the Committee on Foreign Affairs, and it says that this is a congress against alcoholism, whereas the bill as passed by the Senate appropriated money for a convention on alcoholism. Now you could not very well appoint a fair and impartial delegation to the convention reported by the committee because—

Mr. SABATH. But frequently you will find people who are opposed to alcoholism who are fair. [Applause.]

Mr. STEENERSON. That is very true.

Mr. SABATH. You do not find many of them, but here and there you find some.

Mr. STEENERSON. I want to know which convention we are appropriating for, whether for that referred to by the committee or the one mentioned in the bill. Which is correct? Is it a convention against alcoholism, as stated by the committee, or a convention on alcoholism, as stated in the bill? It is important to know before we vote.

Mr. SABATH. I wish to state to the gentleman I did not see the report of the committee and I did take it for granted that the bill as introduced and passed by the Senate was properly drafted and that it means to do what it states.

Mr. STEENERSON. I wish to say that Senate Document 44 contains the official report of last year's congress and it says:

The present series, however, was begun with that held in Antwerp in 1885, and began as an "International Congress against the Abuse of Alcoholic Liquors." In 1895, the name was changed to the "International Congress against Alcoholism," which name it still retains.

I am afraid this bill as drawn appropriates money for a convention not in existence and there will be trouble for the delegates in getting their pay.

Mr. TOWNER. Mr. Speaker—

The CHAIRMAN. Does the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. TOWNER. I think there ought to be no misapprehension regarding the matter and in answer to the suggestion just made—

Mr. SABATH. Does the gentleman desire to ask a question?

Mr. TOWNER. I desire to answer the suggestion made here just in a sentence. There ought to be no difficulty whatever with regard to the question about alcoholism, for this reason—

Mr. SABATH. Now, I did yield for a question but not for a speech. The gentleman had two minutes, and I presume that is all the time to which he was entitled on his proposition. Now I yield five minutes to my colleague from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. I do not know that I shall want over two or three minutes. Mr. Chairman, I am not opposed to the holding of this convention. The delegates who want to go there, so far as I am concerned, can go, but I am opposed to the

Government paying their expenses. The Democratic Party started out with a great cry of economy, laying off a number of employees of the Government for the purpose of reducing expenses, and now you are called upon to spend \$6,000 or \$7,000 to provide a junket at the expense of the Government for certain interested people who want to attend an international congress ostensibly to study alcoholism, but in reality to condemn liquor. I do not know whether they are going to discover anything new upon the liquor question, but if there is anybody interested in the liquor question, particularly in prohibition, a perusal of the lecture entitled the "Great Destroyer" might prove of interest to them. I think that will furnish all the necessary information relating to the effect of alcoholism. But a short time ago there was a resolution introduced in this House providing as follows:

That the President be, and he is hereby, authorized to accept an invitation extended by the British Government to the Government of the United States to participate by delegates in an international congress of medicine, to be held in London, without any expense to our Government.

That congress was held, and some of the greatest medical authorities in the world attended that convention at their own expense. The passage of this resolution was objected to upon the floor of this House, and at that time the Committee on Rules did not bring in a rule or make any provision for its consideration, and still it was one of the most important conventions that could possibly be called together, as its object was an investigation and discussion of all the diseases that human flesh is heir to. Notwithstanding the importance of this convention this Congress did not see fit to intrust the President with the power to select delegates, even though it involved no expense to the Government. I do not believe it is fair to come in here with a resolution providing that we pay the expenses of delegates to go to Italy and talk over temperance matters or alcoholism when we refused to give consideration to the resolution which I have mentioned. I am opposed to this Government paying any money to defray the expenses of these delegates which you propose to have the President appoint under this resolution.

Mr. FLOOD of Virginia. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I had supposed that the time had gone by when anyone would come in the Congress and deny that the alcoholic liquor traffic was destructive to the best interests of our Government. Mr. Gilmore, president of the National Model License League of this country, in a communication to Dr. Lyman Abbott, admitted that, in his language, it was "the most prolific cause of crime, disease, and poverty" with which we are contending. And now that this traffic has so extended in this country that we derive in revenue from it \$200,000,000 a year, with which to support our Government, can not we afford, out of this \$200,000,000 of revenue—blood money—that we get from the traffic, to spend \$6,000 for consideration of means for its suppression for the good of our country? [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, does the gentleman from Illinois [Mr. SABATH] wish to consume any more time?

Mr. SABATH. No.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Amendments are in order, I believe?

The CHAIRMAN. Amendments are in order.

Mr. MANN. I move to strike out the last word. I would like to make an inquiry of the gentleman. Has there been any estimate made as to the probable cost to the Government if the fifteenth biennial meeting of this congress be held in the United States?

Mr. FLOOD of Virginia. I did not hear the gentleman.

Mr. MANN. The resolution reported by the gentleman provides that delegates from this country shall invite this congress to have its next meeting, which is the fifteenth biennial meeting, in the United States.

Mr. FLOOD of Virginia. That was in the bill as reported from the Committee on Foreign Affairs, but is not in the Senate bill which we are now considering, and which, under the rule, has been substituted for the House bill.

Mr. MANN. Well, I think it was read from the Clerk's desk.

Mr. FLOOD of Virginia. It was read as a part of the House bill.

Mr. MANN. The gentleman stated they read the Senate bill. I heard it read, and evidently it was the House bill instead of the Senate bill.

Mr. FLOOD of Virginia. I will say to the gentleman from Illinois [Mr. MANN] that the House bill was read in the House, and when we went into the Committee of the Whole the Senate bill was read. The provision is not in the Senate bill that we are now considering.

Mr. MANN. Is it intended, then, that there shall be no invitation extended?

Mr. FLOOD of Virginia. I do not know about that. All I can say is that this bill does not provide for any invitation.

Mr. MANN. What would it cost if such an invitation were extended and accepted?

Mr. FLOOD of Virginia. I have not made any inquiry as to that, and therefore I can not answer the question.

Mr. MANN. The gentleman reported the bill providing for that?

Mr. FLOOD of Virginia. My colleague, Mr. SHARP, of Ohio, and who is sick now, reported the bill. I did not expect to have charge of the bill here, and since I have taken charge of it I have not expected to ask the House to pass that part of the bill. It would probably take an appropriation of something like \$50,000.

Mr. MANN. How many delegates are there who would attend this congress?

Mr. FLOOD of Virginia. Does the gentleman mean from this country?

Mr. MANN. No; I mean from all of them.

Mr. FLOOD of Virginia. I do not know. All the European countries will be represented.

Mr. KELLY of Pennsylvania. There were 1,200 delegates at the last congress.

Mr. FLOOD of Virginia. The report states there were 1,200 at the last meeting of the congress. But we sent only a small number. I do not think we will send over nine this time.

Mr. MANN. If 1,200 delegates were to come over here, it would be quite a handsome sum.

Mr. SABATH. But that part of the resolution has been eliminated, I desire to state to my colleague from Illinois. The chairman has made the statement that he will only request that the Senate bill pass and not the House bill.

Mr. MANN. But I am not sure it ought to be eliminated, I will say to my colleague.

Mr. SABATH. Well, I did not know.

Mr. MANN. The bill is before the House, and there is a request in the House bill that the President direct an invitation be extended to this congress to meet in the United States next year, or two years from now, or whenever it meets. Why should it not be made here in the Senate bill? The House committee reported it in, recommending that the bill be passed; and without the report of any committee at all, without any consideration by the House or by a committee, it is now proposing to pass a bill which eliminates a provision requiring an invitation to be extended in behalf of the United States, with no reason given for leaving it out.

Mr. SABATH. I beg the gentleman's pardon. The chairman did state and gave the reasons why he desired the Senate bill to pass.

Mr. MANN. Yes; but he did not give any reason that I heard for leaving this provision out. The reason he wants the bill to pass is because time is the essence at present, I believe?

Mr. FLOOD of Virginia. Yes; and I further said there was an objection from a number of sources to that provision of the bill, and for that reason the Committee on Foreign Affairs decided not to ask the passage of their own bill, but of the Senate bill.

Mr. MANN. Does not the gentleman think that the House is entitled to information as to who objected to the provision?

Mr. FLOOD of Virginia. The letter the gentleman from Illinois had read, and those who believe with the writer were some of the objectors.

Mr. MANN. And therefore the gentleman yielded—

Mr. FLOOD of Virginia. Yes; and we yielded for a common-sense reason. We yielded because we want to get this appropriation through without delay for reasons I have stated.

Mr. MANN. You brought in the rule under which to pass it. Does the gentleman mean to say that a two-thirds Democratic vote of this House could not pass the rule providing for the consideration of a measure because they should have to ask the liquor dealers' association whether or not it was in order?

Mr. FLOOD of Virginia. I did not mean to say that and I have not said it. What I wanted to say was that we wanted to get this bill through as soon as possible. The gentleman can not put me in a position of taking orders from a liquor dealers' organization, nor can he put the Democratic Party in any such position as that. I do not think the thrust was exactly fair.

Mr. MANN. I am more courteous to the gentleman than he is to me. That is all right.

Mr. FLOOD of Virginia. I am not going to make any objection to any statement from the gentleman except the statement that he has made that we are subservient to the liquor interests.

Mr. MANN. The statement is true as far as I made it.

Mr. FLOOD of Virginia. Well, if the gentleman said it and meant it, it is not true. It is absolutely untrue. The reason was perfectly plain. The gentleman knew the reason why we substituted the Senate bill for the House bill. The Senate bill has gone through the Senate, and if we amend it here it will have to go back to the Senate, and the delay on that account will be so great that these gentlemen may not have time to get their appointments and make their arrangements and reach Milan by the 23d of September. That is the reason why we ask to do this. It is a small appropriation for this great cause, a cause that is backed up by thousands and thousands of men and women all over this country. We are asking for a small appropriation to have these delegates sent from this country to a congress in reference to a question affecting the entire country and the entire world.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from California?

Mr. FLOOD of Virginia. Yes.

Mr. KAHN. The gentleman also reported a resolution to accept the invitation of the International Medical Congress at London, did he not?

Mr. FLOOD of Virginia. Yes.

Mr. KAHN. Did you provide for any appropriation in that resolution at all?

Mr. FLOOD of Virginia. No; because we knew that the doctors all have plenty of money. But these men who are devoting their time and means to the uplift of humanity in this country have not the money to pay their expenses in taking these trips abroad.

I move that the committee rise and favorably report the bill to the House.

The CHAIRMAN. If there are no amendments, the committee will rise.

Mr. MANN. Mr. Chairman, I have an amendment pending, I believe.

The CHAIRMAN. The gentleman can strike out the last word.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Yes, certainly; if the gentleman will ask the question.

Mr. HOBSON. I will ask the gentleman if the original House provision in the present bill does not imply that the delegation may invite the convention to meet in this country?

Mr. MANN. It provides that they may not by direction of the President, because the President would have no authority to empower the delegates to make the request.

Mr. HOBSON. It does not prohibit it.

Mr. MANN. It would not authorize any appropriation hereafter. The gentleman from Virginia says it is not because of the liquor dealers' association, and that he does not take orders from the liquor dealers' association. What are the facts? The gentleman himself introduced a bill on June 24.

Mr. FLOOD of Virginia. Mr. Chairman, has not the time for debate expired?

The CHAIRMAN. The time for debate has expired.

Mr. MANN. The time for general debate has expired, as I understand, but not on amendments.

Mr. FLOOD of Virginia. There is no provision in the rule for debate under the five-minute rule.

Mr. MANN. If that is the case, I did not so understand it.

Mr. FLOOD of Virginia. That is exactly the case.

Mr. MANN. Well, we will let the Chair construe it. The gentleman drew it. I did not. Let us see what the Chair says.

Mr. FLOOD of Virginia. The Chair was a member of the committee that has jurisdiction of it.

Mr. MANN. Yes; but the Chair has not construed it yet.

The CHAIRMAN. The Chair will say that the rule provides that after the bill shall have been read an amendment shall be in order, and the bill shall be considered as pending; and then at the close of one hour of debate the committee shall vote upon the amendment and report the bill to the House.

Mr. MANN. Mr. Chairman, the rule says there shall be one hour of general debate. It authorizes amendments to be offered. Do I understand the Chair to rule that when amendments are offered they are not to be discussed?

The CHAIRMAN. The rule provides—

That upon the adoption of this order the House shall at once resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6382) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, and the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, the Committee on Appropriations being hereby discharged from the consideration of said bill (S. 1620); that the bill shall be read and the Chairman

recognize Members to offer amendments to the bill (S. 1620), allowable under the rule of the House, and amendments so offered shall be considered as pending.

Mr. MANN. That undoubtedly carries with it the right to discuss amendments.

The CHAIRMAN. But the rule also provides that there shall be one hour of general debate.

Mr. MANN. General debate.

The CHAIRMAN. Or so much as shall be required, to be divided equally between those favoring and opposing the bill; that at the expiration of this time the committee shall rise and report the bill. The Chair's construction of the rule is that amendments shall be pending.

Mr. BARTLETT. Does that rule require how the committee shall report the bill, whether favorably or unfavorably?

The CHAIRMAN. The rule provides that the House shall pass upon the bill.

Mr. BARTLETT. It says the committee shall then report the bill.

The CHAIRMAN. Oh, no; the gentleman from Georgia is mistaken.

Mr. BARTLETT. I did not know whether it directed how the committee should report.

The CHAIRMAN. For the benefit of the gentleman from Georgia and other gentlemen the Chair will read the remainder of this rule.

That at the expiration of this time the committee shall rise and report the bill, H. R. 6382, with the recommendation that it be laid upon the table, and the bill S. 1620, with the recommendation that it be considered by the House, the previous question being hereby considered as ordered on said bill S. 1620 and all amendments to final passage, and the House shall proceed to vote without intervening motion on the amendments, if any, and the bill to final passage, except one motion to recommit, as provided by Rule XVI, paragraph 4.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry. Does not the rule provide that the House bill shall lie on the table without regard to what the Committee of the Whole does?

The CHAIRMAN. It so provides, and the House adopted the rule.

Mr. BARTLETT. That is all right. It is a remarkable rule, that is all.

The CHAIRMAN. The gentleman had his remedy before the rule was agreed to.

Mr. BARTLETT. I am not complaining. I think the Committee on Rules is a great committee and has great power, and this is a demonstration of it.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that under the rule the Committee of the Whole House on the state of the Union should rise automatically now.

Mr. GALLAGHER. I should like to offer an amendment. Is an amendment in order?

Mr. MANN. Nothing is in order under a rule like this.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. MANN. Did the Chair rule that an amendment is not in order?

The CHAIRMAN. The Chair rules that the amendment is not in order.

Mr. MANN. I respectfully appeal from the decision of the Chair.

Mr. BARTLETT. I never heard of such a rule as that.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative. Accordingly the decision of the Chair was sustained.

The CHAIRMAN. Under the rule the committee will rise. The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6382 and the bill S. 1620, and had directed him to report the same back to the House with the recommendation that the bill H. R. 6382 do lie on the table and that the bill S. 1620 do pass.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill S. 1620 was ordered to a third reading.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I move to recommit the bill to the Committee on Foreign Affairs with the recommendation that it report back the bill forthwith, with an amendment striking out the last word, and upon that I desire to be heard for a moment.

The SPEAKER. The gentleman from Illinois moves that Senate bill 1620 be committed to the Committee on Foreign Affairs, with instructions that they report it back forthwith, striking out the last word.

Mr. UNDERWOOD. Mr. Speaker, I believe it is in order to move the previous question on the gentleman's motion, but I do not wish to do so if we can agree on a reasonable time. How much time does the gentleman want?

Mr. MANN. I only want five minutes.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman have five minutes, and that at the end of that time the previous question be considered as ordered.

Mr. MANN. The gentleman need not ask unanimous consent; he can take the floor and make the motion for the previous question.

Mr. UNDERWOOD. I desire to limit debate at this time, so that we can get out.

Mr. MANN. The gentleman need not make the motion to limit the time, I am only going to say a word. I do not propose to detain the House, in view of the fact that the other side of the House is waiting to go into a caucus, which, goodness knows, I hope will soon end.

Mr. Speaker, the gentleman from Virginia [Mr. Flood], for whom I have a very high regard, was somewhat caught by his own statements and used some language which probably he ought not to have used. The gentleman from Virginia, on June 24, introduced a House bill and reported it August 19. The bill might have been disposed of a week ago. He now says that they left out the provision in reference to the invitation for the next congress because it is not in the Senate bill and it would make a day's delay if the bill had to go back to the Senate. They left it out, as he says, because of the objection from certain quarters. When I ask what quarters, the only quarters the gentleman named was the liquor dealers' association. I asked if it had come to a point where the Democratic majority of the House could not report a rule without asking consent of this association, an association which is entitled to consideration—

Mr. HOBSON. Will the gentleman yield?

Mr. MANN. No; in behalf of the gentleman's colleagues I will not yield or take up the time.

I was rather surprised that this provision was left out of the bill, and more surprised at the reason given for it. Now, Mr. Speaker, I withdraw my motion.

The SPEAKER. The gentleman from Illinois withdraws his motion to recommit, and the question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. Flood of Virginia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MURRAY of Oklahoma. Mr. Speaker, in view of the necessity for the Democratic caucus meeting as soon as possible, I desire that the unanimous consent granted me the other day to address the House on tempering the hot winds be extended to the next meeting of the House after to-morrow; that I be granted the same permission at the next meeting of the House after to-morrow.

The SPEAKER. The gentleman from Oklahoma asks permission to address the House for 30 minutes at the first meeting of the House after to-morrow, after the reading of the Journal.

Mr. MANN. Mr. Speaker, reserving the right to object, in view of the fact that all requests from this side of the House have been objected to recently in reference to such matters, I shall have to object for the present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, August 27, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, recommending a provision in the deficiency appropriation bill relative to the enlargement of the post-office building at Canton, Ohio (H. Doc. No. 203); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of Agriculture and the Postmaster General, transmitting the results of operations, together with certain recommendations, in accordance with the act making appropriations for the service of the Post Office Department for the fiscal year 1913 (H. Doc. No. 204); to the Committee on the Post Office and Post Roads and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5216) granting a pension to William H. Bennett and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HENSLEY: A bill (H. R. 7751) to provide for the building of good roads through the cooperation of the Federal Government, the States and Territories, and the counties thereof; to the Committee on Roads.

Also, a bill (H. R. 7752) to extend the provisions of the pension acts of June 27, 1890, and of February 6, 1907, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7753) to extend the provisions of the pension acts of June 27, 1890, and of February 6, 1907, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 7754) relating to bills of lading in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. J. I. NOLAN: A bill (H. R. 7755) to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of convict labor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: A bill (H. R. 7756) regulating the salary of rural letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. CHANDLER of New York: A bill (H. R. 7757) to authorize the construction of a bridge across the Hudson River just above Peekskill, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Illinois: A bill (H. R. 7758) to provide for the construction of the Patent Office of the United States, including a hall of inventions, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7759) specifying the times at which the Congress shall assemble; to the Committee on the Judiciary.

By Mr. CLINE: A bill (H. R. 7760) providing for the purchase of a site and the erection of a Federal building thereon in the city of Fort Wayne, county of Allen, State of Indiana, and appropriating the money therefor; to the Committee on Public Buildings and Grounds.

By Mr. BARKLEY: A bill (H. R. 7761) to amend the anti-trust act of July 2, 1890; to the Committee on the Judiciary.

Also, a bill (H. R. 7762) to prevent the duplication or interlocking of directors in banks and corporations engaged in interstate commerce; to the Committee on the Judiciary.

By Mr. TAVENNER: A bill (H. R. 7763) to appropriate \$200,000 for an additional storehouse at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7764) to appropriate \$65,000 for repairing shop H at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7765) to appropriate \$250,000 for increasing the capacity of the field-artillery material plant at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7766) to appropriate \$200,000 for a field-artillery ammunition plant at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7767) to appropriate \$300,000 for a small-arms cartridge plant at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7768) to appropriate \$15,000 for a magazine at the Rock Island Arsenal, Rock Island, Ill.; to the Committee on Appropriations.

Also, a bill (H. R. 7769) to authorize the construction of a bridge across the Mississippi River near Keokuk, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: A bill (H. R. 7770) authorizing the Secretary of War to deliver to Pollock Post, No. 42, Grand Army of the Republic, Department of Kansas, of Marion, Kans., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BUCHANAN of Illinois: A bill (H. R. 7771) to regulate plastering in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOBSON: A bill (H. R. 7772) to make the appointment of pay clerks in the United States Navy permanent and to create the grade of chief pay clerk under regulations established by the Navy Department for other warrant officers; to the Committee on Naval Affairs.

By Mr. SPARKMAN: A bill (H. R. 7773) to establish an agricultural, plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of St. Petersburg, Pinellas County, Fla.; to the Committee on Agriculture.

By Mr. LINTHICUM: A bill (H. R. 7774) to regulate the interstate transportation of fish or products or compounds thereof when intended to be used for fertilizer or oil or in the manufacture of fertilizer or oil; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7775) to protect fish not remaining the entire year within the waters of any State or Territory and authorizing the Department of Commerce to define the seasons and regulate the manner and conditions under which they may be taken or destroyed; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky: A bill (H. R. 7776) to prohibit the practice of extortion upon the hungry, the naked, the sick, and the dead in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GODWIN of North Carolina: Resolution (H. Res. 232) allowing the Committee on Reform in the Civil Service a clerk at the rate of \$6 per day for the first session of the Sixty-third Congress; to the Committee on Accounts.

By Mr. MURRAY of Massachusetts: Resolution (H. Res. 233) requesting the Department of the Interior, Department of Commerce, Department of Labor, and the Interstate Commerce Commission to furnish information relative to coal, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: Resolution (H. Res. 234) to authorize the Committee on the Judiciary to inquire into and concerning the official conduct of Emory Speer, United States district judge for the southern district of Georgia; to the Committee on Rules.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 121) requesting the President of the United States to take the necessary steps, by negotiating with the British and Canadian Governments, to establish railway connection between the United States and Alaska; to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Joint resolution (H. J. Res. 122) to make available the unexpended balance heretofore appropriated for the improvement of the Tennessee River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 7777) granting an increase of pension to George C. Louthain; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 7778) granting an increase of pension to John T. Collins; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 7779) granting a pension to Harry C. Ketcham; to the Committee on Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 7780) granting a pension to Dorothea Winklehaken; to the Committee on Invalid Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 7781) admitting to citizenship and fully naturalizing Gordon W. Nelson, of the city of New York, in the State of New York; to the Committee on Immigration and Naturalization.

By Mr. COPLEY: A bill (H. R. 7782) granting an increase of pension to Erastus L. Gilbert; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 7783) granting a pension to John W. Connors; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 7784) granting an increase of pension to Wilhelmine L. Mahkorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7785) for the relief of Joseph Sirenick; to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 7786) for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. HAMILL: A bill (H. R. 7787) for the relief of David Crow; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 7788) to remove the charge of desertion from the record of Thomas J. Stainbrook; to the Committee on Military Affairs.

By Mr. HENSLEY: A bill (H. R. 7789) granting a pension to Mary F. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7790) granting a pension to Thomas B. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7791) granting a pension to Elizabeth Bay; to the Committee on Pensions.

Also, a bill (H. R. 7792) granting a pension to Mary E. Harri-son; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7793) granting a pension to Joseph W. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7794) granting a pension to Joseph McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7795) granting an increase of pension to Elizabeth Self; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7796) granting an increase of pension to Mary A. Stitzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7797) granting an increase of pension to Wilson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7798) granting an increase of pension to Stephen M. McAllister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7799) granting an increase of pension to Harriet Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7800) for the relief of Louis Burle, alias Garter; to the Committee on Military Affairs.

Also, a bill (H. R. 7801) for the relief of Henry J. Tucker; to the Committee on Military Affairs.

Also, a bill (H. R. 7802) granting a pension to Jane Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7803) granting a pension to W. R. Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7804) granting a pension to Annie Burk; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 7805) granting a pension to John R. Simons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7806) granting a pension to Michael H. Spaulding; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 7807) granting a pension to James B. Downs; to the Committee on Pensions.

Also, a bill (H. R. 7808) granting an increase of pension to Edwin N. Melton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7809) granting an increase of pension to Walter P. Stockton; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 7810) granting an increase of pension to Michael Barry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7811) granting an increase of pension to William C. Aldrich; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 7812) granting a pension to William Haubennestel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7813) granting a pension to Margaret F. Searle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7814) granting an increase of pension to James McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7815) granting an increase of pension to Alfred Gordon; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 7816) granting a pension to Eliza Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7817) correcting the military record of A. P. Armstrong; to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 7818) for the relief of U. S. Davis; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 7819) granting an increase of pension to John Rollins; to the Committee on Invalid Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 7820) granting a pension to Mary F. Cherry; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 7821) for the relief of E. B. Huntley, Noah Harper, and S. Hoagland, sureties on the bond of Mrs. Jewell B. Pope, postmaster at Astor Park, Fla.; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Nebraska: A bill (H. R. 7822) granting a pension to Amy Mapes; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 7823) granting an increase of pension to James S. Jones; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 7824) granting a pension to John W. McAndrews; to the Committee on Pensions.

By Mr. RUBEN: Joint resolution (H. J. Res. 123) authorizing the Secretary of War to award the congressional medal of honor to Frederick J. Liesmann; 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 United Commercial Travelers of North America, favoring the passage of the 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: Petitions of citizens of Port Huron, Caseville, Elkton, Kinde, Bad Axe, Port Austin, Uby, Sandusky, Harbor Beach, Marine City, Minden City, St. Clair, Deckerville, Carsonville, Croswell, Columbiaville, Emmett, Lum, Imlay City, Owendale, Dryden, Marlette, North Branch, Clifford, Brown City, Yale, Lapeer, Capac, Fair Grove, Unionville, Sebewaing, Pigeon, Reese, Caro, Akron, Vassar, Otter Lake, Metamora, Almont, Memphis, Berville, Mount Clemens, Algonac, Richmond, Utica, Romeo, Armada, New Haven, New Baltimore, all of the seventh congressional district, State of Michigan, and all favoring the taxation of mail-order houses; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of the Buffalo Chamber of Commerce, Buffalo, N. Y., asking that all persons to be employed for the collection of revenues shall be selected on the basis of merit and fitness; to the Committee on Ways and Means.

By Mr. DYER: Papers to accompany H. R. 6608 for the relief of Dorothea Christmann; to the Committee on Invalid Pensions.

Also, petition of the Association of German Authors of America, protesting against a duty on books printed in foreign languages; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Wisconsin State Cranberry Growers' Association, favoring the reduction of the parcel-post rates and the increase of the weight limit, and members of the Local Union No. 6139, American Society of Equity, of Colby, Wis., favoring leaving power in the Postmaster General in regard to the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Association of German Authors of America, protesting against a duty on books printed in foreign languages; to the Committee on Ways and Means.

Also, petition of the Interstate Cottonseed Crushers' Association, protesting against a prohibitive duty on cottonseed oil by the Austro-Hungarian Government; to the Committee on Ways and Means.

Also, petition of the Order of Railway Conductors of America, at Cedar Rapids, Iowa, favoring a bill to strengthen the present liability laws; to the Committee on the Judiciary.

Also, petition of board of directors of the Wisconsin Lumber Dealers' Association, Milwaukee, Wis., protesting against the passage of the Stanley bill (H. R. 23132) providing that no corporation shall own directly or indirectly the means of transporting their products by rail; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Switchmen's Union of North America, protesting against the schedules of compensation as provided for in the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of S. E. Hebling, international president of the Switchmen's Union of North America, Buffalo, N. Y., protesting against the schedules of compensation as provided for in the workmen's compensation act; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of the State of Washington relative to the land grant to the Oregon & California Railway Co.; to the Committee on the Public Lands.

By Mr. KONOP: Petition of the bankers of the Fox River Valley, Wis., protesting against the Owen-Glass currency bill; to the Committee on Banking and Currency.

By Mr. MANN: Petition of H. E. Horton, of Chicago, Ill., protesting against placing duty on books of a scientific nature; to the Committee on Ways and Means.

By Mr. SMITH of New York: Petition of the Buffalo Chamber of Commerce, Buffalo, N. Y., asking that all persons to be employed for the collection of revenues shall be selected on the basis of merit and fitness; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the Association of German Authors of America, protesting against a duty on books printed in foreign languages; to the Committee on Ways and Means.

Also, petition of the Committee on National and State Affairs, favoring competitive examination for those to be employed for the collection of the revenues and especially the income tax; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of sundry citizens of Schenectady County, N. Y., protesting against the enactment of a law creating a holiday to be known as Columbus day; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Buffalo (N. Y.) Chamber of Commerce, favoring the administration of the new tariff law by persons appointed under civil service rules and regulations; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, August 27, 1913.

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

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

The Journal of yesterday's proceedings was read and approved.

NATIONAL CONSERVATION EXPOSITION, KNOXVILLE, TENN.

The VICE PRESIDENT. The Chair lays before the Senate a communication which will be read.

The Secretary read as follows:

THE NATIONAL CONSERVATION EXPOSITION,
Knoxville, Tenn., August 25, 1913.

To the Hon. THOMAS MARSHALL,

The Vice President of the United States, Washington, D. C.

DEAR SIR: The president and board of directors of the National Conservation Exposition at Knoxville, Tenn., the first exposition ever held for the purpose of accentuating the necessity for and best methods of conservation of all the natural resources of the country, take pleasure in announcing to the United States Senate that this exposition will open in the city of Knoxville, Tenn., September 1, 1913, and will be open for 60 days, and request the honor of the presence of the Members of the Senate of the United States at some time during said exposition, to be designated by the Senate.

T. A. WRIGHT, President.
W. M. GOODMAN, Secretary.

The VICE PRESIDENT. The communication will be referred to the Committee on Industrial Expositions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

BILLS INTRODUCED.

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

By Mr. CATRON:

A bill (S. 3052) authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the county of San Juan, State of New Mexico; and

A bill (S. 3053) authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries; to the Committee on Public Lands.

By Mr. SMITH of South Carolina:

A bill (S. 3054) for the relief of the estate of John J. Driscoll, deceased; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 3055) granting an increase of pension to Mary E. Blinn (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. KENYON. I submit an amendment to the pending tariff bill, which I ask may be read, printed, and lie on the table.

The amendment was read, ordered to lie on the table, and to be printed as follows:

Amend paragraph 580½ by inserting, after the word "developed," the following:

"Subject to such censorship as the Secretary of the Treasury may prescribe."

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes; which was ordered to lie on the table and be printed.

Mr. HITCHCOCK submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SMOOT. When we reached paragraph 326, relating to woven silk fabrics in the piece, I asked that it might go over and stated that I would offer a substitute. I offer the proposed substitute for the paragraph and move that it be printed and referred to the Committee on Finance.

The motion was agreed to.