Also, a bill (H. R. 8983) granting a pension to J. T. Braddy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8984) granting an increase of pension to Daniel B. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8985) to remove the charge of desertion from the record of Henry Benjamin; to the Committee on Military Affairs.

Also, a bill (H. R. 8986) authorizing the Secretary of War to deliver two mounted bronze cannon on carriages to post, Grand Army of the Republic, Vandalia, Ill.; to the Committee on Military Affairs.

Also, a bill (H. R. 8987) authorizing the Secretary of War to deliver one mounted bronze cannon on carriage to post, Grand Army of the Republic, Hunt, Ill.; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 8988) granting a pension to Letta D. Webster; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 8989) granting an increase of pension to Alpheus Danley; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 8990) granting an increase of pension to Adelaide H. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8991) granting an honorable discharge to Patrick Bolan; to the Committee on Military Affairs.

Also, a bill (H. R. 8992) granting an honorable discharge to James McKenzie; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 8993) granting relief to R. R. Baker, P. H. Trendt, Mary H. Manning, Mrs. Fred Schadler, S. S. Garrett, A. C. Lowell, and Harry Watson, of Fort Bidwell, Cal., and for other purposes; to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 8994) for the relief of Elisha K. White; to the Committee on Military Affairs.

Also, a bill (H. R. 8995) granting an increase of pension to Hezekiah Bradds; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 8996) granting an increase of pension to Robert A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8997) granting a pension to Catharine L. Jones; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 8998) to remove the charge of desertion from the military record of Ed Pruett; 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 Mr. FLOOD of Virginia: Evidence to accompany bill H. R. 8981 for the relief of N. B. Woods; to the Committee on War Claims.

By Mr. REILLY of Connecticut: Petition of the Central Labor Union of Meriden, Conn., favoring the passage of the Booher-Hensley bill, to regulate merchandise produced by convict labor; to the Committee on Labor.

SENATE.

WEDNESDAY, *October 22, 1913.*

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

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

OCTOBER 22, 1913.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. H. F. ASHURST, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ASHURST thereupon took the chair as Presiding Officer and directed that the Journal of yesterday's proceedings be read.

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

MEMORIAL.

The PRESIDING OFFICER presented a memorial of the Chamber of Commerce of New York, remonstrating against the passage of the pending seamen's bill until after the meeting of the international conference on safety to life and property at sea has been held, which was ordered to lie on the table.

BILLS INTRODUCED.

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

By Mr. McLEAN:

A bill (S. 3319) granting an increase of pension to Emily H. Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3320) granting an increase of pension to Alexander H. Farmer (with accompanying paper); to the Committee on Pensions.

CORBETT TUNNEL CLAIMS.

Mr. MYERS. I introduce a joint resolution and ask that it be read to the Senate.

The joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be, and is hereby, appropriated out of any moneys in the reclamation fund in the Treasury supplemental and additional to the appropriation made in public resolution 56, Sixty-second Congress, the sum of $15,750, or so much thereof as may be necessary, for the payment of and to be paid to those persons who have presented claims, remaining unpaid, on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor and used in the construction of the Corbett Tunnel, including the spillway connected therewith, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States; and the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid, if any, on account thereof, and to whom so due, and to certify the amounts due to the Secretary of the Treasury, who is hereby authorized to pay the several amounts so ascertained to the persons entitled to the same: *Provided*, That no such claims not now filed shall be considered: *And provided further*, That the Secretary of the Interior shall deduct from the amounts to be certified for payment hereunder and under the said resolution to each claimant a proportionate sum to cover the expense of and fair compensation for the person or persons through whose time and services this matter has been laid before Congress, except such claimants as have agreed with such person or persons for compensation; and such deductions shall be certified for payment to such person or persons in like manner as other claims.

Mr. MYERS. Mr. President, substantially this same measure was considered by the Senate Committee on Appropriations of the Sixty-second Congress and reported favorably and unanimously passed by this body as an item in the deficiency appropriation bill. So it has once passed this body unanimously and has had substantially the unanimous approval of this body after consideration by a committee. But in the closing hours of the Sixty-second Congress the House rejected all amendments to the bill of which it was a part, and in the hurry it was lost in conference.

Substantially this same measure was again introduced in this the Sixty-third Congress as an amendment to the urgent deficiency bill and referred to the Committee on Appropriations. So this measure at this session has been referred once to a committee of this body and considered by the Committee on Appropriations as an amendment to the urgent deficiency bill. It was not recommended by that committee to be adopted by the Senate because the committee did not consider it technically a deficiency or as having a proper place in an urgent deficiency appropriation bill. There appeared to be no objection to the merits of it. I appeared before the committee and discussed it exhaustively with the committee, and not one objection was made to the merits, but merely to giving it a place in the urgent deficiency bill.

So it has been before a committee of this body at this session as well as unanimously passed by the Senate in the Sixty-second Congress. It is only supplemental to something that has been done by Congress before in order to piece out and supply a deficiency, as I call it, that has already been recognized upon its merit by Congress.

I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. BRYAN. Mr. President, I hardly think that is a proper course, and I move that the joint resolution be referred to the Committee on Appropriations. I make this motion in the absence of the chairman of the committee, because I think it ought to go there.

Mr. CUMMINS. I could not quite hear the statement of the Senator from Florida.

Mr. BRYAN. I move that the joint resolution be referred to the Committee on Appropriations.

Mr. CUMMINS. Before the Senator from Florida makes that motion, may I be permitted to say a word to the Senate and to him?

Mr. BRYAN. Certainly.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. CUMMINS. The Senate very carefully investigated the merit of the proposal long ago. When it originally came before Congress it was believed that the claims which ought to be paid or which were asked to be paid amounted to but $42,000, and Congress appropriated $42,000 to make the payment, recognizing the justice of the general demand. Under the act passed then the Secretary of the Interior gave notice and the claimants came in to prove their demand. It then appeared that instead of being $42,000 the real amount was $57,000.

The claims are now proved before the Secretary of the Interior, and the Secretary has $42,000 to distribute as a dividend among holders of claims aggregating $57,000. Of course the equities of those claims that were not then known are just as strong as the equities of those that were known. Accordingly, as the Senator from Montana has stated, in the Sixty-second Congress we added to the original appropriation the $15,000 necessary to pay the additional claims in full. Unfortunately our action in that respect was not ratified by the House, not because the House disagreed with regard to the merit of the matter but because in the confusion of the last hours the subject could not be considered.

Mr. BRYAN. Mr. President——

Mr. CUMMINS. I am coming to what I want the Senator from Florida particularly to know. When the matter came up the other day the Senator from North Carolina [Mr. OVERMAN], who, as I understood it, had charge of the matter on behalf of the Committee on Appropriations, objected. There is a very grave reason, and it is a pathetic reason really, for action at this time. There is a woman who has been here for three or four years endeavoring to secure relief. Her home is involved in these demands. Her fidelity to the work in which she has been engaged, I think, has challenged the admiration of everyone who has come in contact with her.

The Secretary of the Interior holds—and very properly—that the claims for labor which had really been paid by the merchants in that vicinity who had supplied the laboring men with the necessities of life in exchange for their time checks for labor must be proven by the affidavits of the laborers themselves. The laborers have been dispersed. They are scattered over three or four States. The time fixed for this proof expires, I think, some time in January. I am not sure about the date. There is no other person, save this woman, who has labored so honorably and so persistently and so successfully here for this matter, to collect this proof. She is the only person who can do it, and unless this appropriation can be made, so as to relieve her from the work in which she has been engaged here, there will be another delay and still further confusion.

I had a discussion of the matter with the Senator from North Carolina [Mr. OVERMAN], who was rather acting, I think, in a way for the Committee on Appropriations. He made an objection, founded, I think, upon a misapprehension. Yesterday I telegraphed to him asking him if he still felt that he ought on behalf of the committee to object to the immediate consideration of this joint resolution, and I have from him this telegram, and that is the real thing that I wanted to call to the attention of the Senator from Florida:

SAULSBURY, N. C., *October 21, 1913.*

I withdraw all opposition to passage of bill in McDonald matter, so far as I am concerned.

If the Senator from Florida, in consideration of what I have said, and in consideration of the present attitude of the Senator from North Carolina in the matter, can waive the suggestion of referring the joint resolution to the Committee on Appropriations, I am sure that justice will be done and a very meritorious proposal can be at once effected.

Mr. BRYAN. Mr. President, I desire to assure the Senator from Iowa that I did not make the motion with any intention that the joint resolution should be delayed. The matter was brought before the Committee on Appropriations a few weeks ago. I happened to be on the subcommittee. I think it ought to go back to the committee, and I have no doubt it will be promptly reported.

The Senator will notice that in the joint resolution there is a provision that no other claims, except those which have already been presented at this time, shall be paid.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. BRYAN. I do.

Mr. MYERS. It has been seven years since the last of this work was done, and I think there ought to be a statute of limitations to everything except murder. This surely is not to be classed as murder, and there should be a statute of limitations.

Mr. BRYAN. The Senator is not asking me a question.

Mr. MYERS. Does not the Senator think there ought to be some limit?

Mr. BRYAN. I do.

Mr. MYERS. Are not seven years long enough, I would ask the Senator?

Mr. BRYAN. I think a joint resolution providing for an appropriation ought at least to be considered by the committee which usually deals with such a subject. No harm can be done by allowing the joint resolution to go to the committee, so that it may be considered there. I voted for the bill——

Mr. BORAH and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and to whom?

Mr. MYERS. Will the Senator allow me to interrupt him?

Mr. BRYAN. In a moment. I voted for the bill before. I remember to have voted to pass it over the President's veto. There is in the bill, one might as well admit, a very dangerous precedent. It is that the Government shall undertake to make good the loss of money by merchants when trusting men who are working for the Government on public works. However, because of the fact that the amount of money appropriated by the former act and by this joint resolution will be charged up against the land and will be repaid by those who hereafter purchase it——

Mr. MYERS. Mr. President, let me interrupt the Senator.

Mr. BRYAN. It is thought——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. BRYAN. Will the Senator wait a moment?

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. BRYAN. It was thought proper to make that requirement as to this project.

Again assuring the Senator from Iowa that there is no purpose in my mind to delay the matter, I think the orderly and usual course should be followed by referring the joint resolution to the Committee on Appropriations, as it deals with an appropriation. As I said, I made the motion in the absence of the chairman of the committee, because I was a member of the subcommittee that considered it.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. BRYAN. I yield to the Senator from Montana.

Mr. MYERS. I wish to inform the Senator from Florida that he is under a misapprehension in one respect. This money is not chargeable to the particular land involved. That was undertaken to be made the method when the proposition was first launched in the Senate and there was objection to it. Then it was changed and the original appropriation of $42,000 was made, so that it simply comes out of the general reclamation fund, and it is taxed upon no land in particular. This supplemental joint resolution is drawn in the same way. So the money does not come out of the particular land.

Mr. BRYAN. The Senator from Montana is asking a most unusual thing. The Senator knows how the committee feel about it. I submit to him that the joint resolution ought to go to the committee for its consideration.

I yield now to the Senator from Idaho [Mr. BORAH].

Mr. BORAH. Mr. President, I presume the motion of the Senator from Florida will likely prevail, assuming that the Senate takes the course on that kind of a motion it ordinarily follows; but does the Senator from Florida think there would be a report on the joint resolution in a reasonable time?

Mr. BRYAN. I have no doubt a report will be made during the week.

Mr. BORAH. Well, Mr. President, while I am very much interested in the passage of this joint resolution, knowing a great deal about the circumstances and conditions which surround the particular transaction, I think if the joint resolution could be reported out in a very few days that we should be satisfied with that statement of the Senator from Florida.

Mr. CUMMINS. Mr. President, I recognize that that would be the usual course; I recognize, too, that it requires but an objection to prevent the consideration of the joint resolution; and while I am not in charge of it, I have such implicit faith in the justice of the claim and in the willingness of the Senator from Florida to forward its course through the Committee on Appropriations that I suggest to the Senator from Montana not to resist the motion made by the Senator from Florida.

Mr. MYERS. Mr. President, I wish to make the statement that the Committee on Appropriations is not the proper committee to handle this joint resolution anyway, if it is to go to a committee. The original legislation which appropriated $42,000 never went to the Committee on Appropriations, but it

went to the Committee on Irrigation and Reclamation of Arid Lands. If this joint resolution is to go to a committee, it ought to go to the same committee; and the Senator from Arizona [Mr. SMITH], who is sitting here, would be the one to object to the joint resolution being adopted without going to a committee. His committee is the one that has always had jurisdiction and charge of this matter and is the committee which originally considered it. I repeat, the original appropriation of $42,000 was favorably reported by that committee and then passed by the Senate. If this supplemental joint resolution is to go to any committee, it should consistently go to the same committee.

Mr. SMOOT. Mr. President, I understood the Senator from Montana to state that this joint resolution had already been considered by the Appropriations Committee.

Mr. MYERS. The joint resolution has been referred to that committee in the form of an amendment and has been considered by the committee.

Mr. SMOOT. Then, why should the Senator from Montana object now to the reference of the joint resolution to the Committee on Appropriations? It is for the appropriation of certain money; and that committee has already considered it, as the Senator states. I think the joint resolution should very properly go to the Appropriations Committee.

Mr. SMITH of Arizona. I would suggest to the Senator from Montana——

Mr. BRANDEGEE. I rise to a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Did the Senator from Montana ask unanimous consent for the present consideration of the joint resolution?

Mr. MYERS. I did.

The PRESIDING OFFICER. The Senator did.

Mr. BRANDEGEE. Then, if I understand the matter, the question is, Is there objection to the present consideration of the joint resolution?

Mr. MYERS. I have not heard any such objection.

Mr. BRANDEGEE. Very well. A motion was attempted to be made to refer the joint resolution to a committee, and I assume that a single objection would prevent further consideration of it at the present time. I should think that would be the first thing to be determined.

Mr. MYERS. Sometimes Senators are prevailed upon not to make objections. I simply want to reply to the Senator from Utah [Mr. SMOOT] by saying that when this joint resolution was referred to the Committee on Appropriations it was considered in the shape of an amendment to the deficiency appropriation bill. That is the reason it went to that committee, but the original proposition went to and was considered by the Committee on Irrigation and Reclamation of Arid Lands.

Mr. SMOOT. The Senator from Montana is perfectly right in that. I remember very well the history of the original measure, and I would not have objected, and do not now object, if the Senate sees proper to refer the joint resolution to the Irrigation Committee, but it seems to me that the committee——

Mr. BRYAN. Mr. President, if the Senator from Montana will permit me, I do not see——

The PRESIDING OFFICER. To whom does the Senator from Montana yield?

Mr. MYERS. I will continue to yield to the Senator from Utah [Mr. SMOOT] until he concludes.

Mr. SMOOT. I wish to say to the Senator from Montana that my only object in speaking was to state that the joint resolution already having been referred and having been considered by the Committee on Appropriations, as stated by the Senator himself, I thought quicker action could be secured by that committee than by referring the joint resolution to any other committee.

Mr. MYERS. So far as I am concerned, I do not care to what committee the joint resolution be referred, if it has to be referred.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arizona?

Mr. MYERS. I do.

Mr. SMITH of Arizona. I would suggest to the Senator that if reference is to be made of the joint resolution, it would be safer and speedier now to have it referred to the Committee on Appropriations, because the Senator will appreciate that at this particular time it is impossible to get a quorum of Senators in attendance on the Committee on Irrigation and Reclamation of Arid Lands, and there would consequently be delay.

I desire to suggest to the Senator from Florida [Mr. BRYAN] that the facts in this case have heretofore been fully presented to and passed upon by the Senate. I am heartily in favor of the passage of this joint resolution or of similar legislation which might be reported by the committee, but I should like at this time to see the joint resolution pass without objection.

Mr. MYERS. Mr. President, I simply wish to ask the Senator from Florida if he will not be as magnanimous as the Senator from North Carolina [Mr. OVERMAN] has been in his telegram. Both Senators have been consulted freely about this matter, and there is no doubt that one has had as much to do with it as the other in the way of objecting to it. We may not have a quorum after to-morrow for quite a while, and I doubt if we shall have another opportunity to do anything at this session in regard to passing this joint resolution. A little later currency legislation will wholly engross the attention of this body.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Florida?

Mr. MYERS. I do, to answer a question.

Mr. BRYAN. Mr. President, it has been my experience with the Senator from Montana that when he asks for unanimous consent he generally gets it, and I shall not now make an exception. However, I think it is a bad practice to bring in a bill or a joint resolution making appropriations the same as would be made in a bill and have it passed by the Senate without any reference ever having been made to a committee. If, however, the Senate wants to consent to that, so far as I am concerned, I will withdraw the objection.

Mr. MYERS. I thank the Senator from Florida.

Mr. NORRIS obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. NORRIS. Mr. President, I have been in entire sympathy with the position which the Senator from Florida [Mr. BRYAN] has taken, and it seems to me he ought not to withdraw his objection, but that the joint resolution ought to go to a committee.

Mr. MYERS. May I interrupt the Senator from Nebraska a moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I do.

Mr. MYERS. I would say to the Senator from Nebraska that this matter has already been before the Committee on Appropriations at this session.

Mr. NORRIS. Yes; it has been before both Houses of Congress, and has provoked a great deal of debate.

Mr. MYERS. It has been before the committee.

Mr. NORRIS. And there was a great deal of opposition to it.

Mr. MYERS. It was before the committee at this session only a few days ago.

Mr. NORRIS. It was once vetoed by the President of the United States.

Mr. MYERS. Not this joint resolution, but another one.

Mr. NORRIS. Well, some legislation having the same object in view.

Mr. BORAH. That legislation was not vetoed by the President, but it was vetoed by the Secretary of the Interior.

Mr. NORRIS. Be that as it may, it does not seem to be the proper thing to appropriate, particularly out of the reclamation fund, this amount of money to pay claims that as I understand—I may be misinformed—have no legal basis. It is admitted, I presume, that they are not legal, though there may be a great many equities in them; but I know that perhaps two or three years ago the matter provoked a great deal of debate. I am not saying that I am opposed to the joint resolution; I do not know that I will oppose it, but I do not think the Senator from Montana ought to ask the Senate to pass by unanimous consent a joint resolution so important as this, as to which there are at least two sides and a great deal of opposition.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. MYERS. If we had a quorum here right along, if the committees were meeting, and we were doing business as usual, I would not think of asking for immediate action on the joint resolution, but the situation is becoming desperate so far as securing the consideration of any matter before this body or before any committee of this body at this time is concerned. The subject has been considered so long and so thoroughly that the peculiar exigencies of the situation impel me to make this

request. I hope now, the objection having been withdrawn on this side of the Chamber, that the Senator from Nebraska may find it in his heart to withdraw his objection from that side.

Mr. NORRIS. I should like to suggest to the Senator from Montana that if this joint resolution should pass, there is not a quorum of the House of Representatives in the city, and I do not see how the matter would be expedited. There is not a quorum of the other House present, and it has been announced on the floor of that body by the leader of the majority side that Members of that body will not be expected to be here, and nobody expects the House to have a quorum during the remainder of the special session.

Mr. MYERS. I understand that they are to have a quorum to-morrow; but, aside from that, I must say, with all due respect to the Senator, that the plea that it is of no use trying to get anything through the Senate at this time because the House will not give it attention has long ago made me heartsick. I feel that we owe a duty to the country; I want to discharge my duty, and I want to see this body discharge its duty. If it does do so, and the House will not discharge its duty or attend to business, then we are not responsible. I understand, however, as I have said, that there is almost a certainty that they will have a quorum in the House to-morrow.

Mr. NORRIS. Now, Mr. President, as to that——

Mr. BRANDEGEE. Mr. President——

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

Mr. NORRIS. In just a moment. I desire first to reply to what the Senator from Montana [Mr. MYERS] has said. As an abstract proposition I agree with him that what the other House is going to do perhaps ought not to influence us in the transaction of the business which comes before the Senate; but the Senator offers this resolution now and asks that it be taken out of its regular course, because he is in a hurry and wants to get it through. To meet his contention I made the suggestion that it will not expedite it a particle if we pass it here by unanimous consent. It could just as well go to the committee and be reported back, and let the committee investigate it, if they think it necessary to investigate it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. CUMMINS. The resolution could pass the House unless the question of no quorum were raised.

Mr. NORRIS. Well, does the Senator think that it is good practice to appropriate money out of the Treasury of the United States when there is not a quorum of either body present?

Mr. CUMMINS. Three-fourths of the appropriation bills are passed without the presence of a quorum. That has been my observation. This matter stands on a very different footing from an ordinary appropriation bill which involves a new subject. This question has been before Congress and its merits have been fully discussed. I do not want to go into them now. It would take too long.

Mr. NORRIS. I think the Senator owes it to those of us who do not understand the matter to go into its merits.

Mr. CUMMINS. It is sufficient to say that the contract that was entered into for the building of the tunnel was entered into shortly after the law was changed, which took away from material men and laboring men the remedy which they theretofore had upon the bond given to the United States for the fulfillment of the contract. The people who furnished the material and did the labor had not been informed of the change in the law, and they, therefore, furnished the subcontractors with the necessities for building this tunnel, believing that they had a remedy that would give them their money in the event the subcontractor was unable to do so.

Mr. BORAH. Mr. President, will the Senator allow me to make a suggestion before we go into the debate upon this matter?

Mr. CUMMINS. Certainly.

Mr. BORAH. The Senator from Nebraska has referred to the fact that a bill or joint resolution similar to this passed the Senate and was vetoed by the President. I desire to say that the bill was also passed over the President's veto. Certainly, Mr. President, the bill was given a vast amount of consideration if we were prepared to pass it over the veto of the President; and to delay the matter any longer, after the thorough consideration which has certainly been given to it by both Houses of Congress, not only when the bill was originally discussed, but after the veto of the President, is simply to deny these people justice.

Mr. CUMMINS. Moreover——

Mr. BORAH. If the Senator will pardon me a moment, if the matter had not been properly considered and an appropriation were now sought as an original proposition, I certainly should not advocate for a moment adopting any unusual course; but we have given it all the consideration that it needs and all the consideration that we will ever give it. If it goes to the Committee on Appropriations or to any other committee it will receive no more consideration than it has already had.

Mr. CUMMINS. To complete what I was beginning to say——

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. CUMMINS. These considerations and the further fact that the United States had received the benefit of every dollar which had been advanced to the subcontractor——

Mr. NORRIS. Now, is it not true that this will be a second payment on behalf of the United States?

Mr. CUMMINS. Not at all.

Mr. NORRIS. I do not like to vote to appropriate money out of the Treasury of the United States until I know what the facts are.

Mr. CUMMINS. The facts have all been developed. There was a hearing, at which every circumstance was related. It was believed then, as I said a few moments ago, that the claims against the subcontractor amounted to $42,000. That was the best information the Congress could get at that time. We passed the act recognizing the justice of the claims. The Secretary of the Interior then gave notice for the proving of the claims in accordance with the terms of the act; and it then appeared that instead of the claims amounting to $42,000 they amounted to $57,000. The time has expired for the proving of those claims. We know now how many claims there are against the project, and we recognized them when we passed the original bill.

This joint resolution is simply to add $15,000 to the amount heretofore appropriated, to be expended for the very same purpose and for the same reason, because the $42,000 which we have already appropriated will be distributed pro rata among the $57,000 of claim holders.

Mr. NORRIS. Now, Mr. President, I think we are getting some facts here that are material. I want to ask the Senator a question. I understand that there has already been an appropriation made of $42,000. Is that true?

Mr. CUMMINS. That is true.

Mr. NORRIS. To cover the identical claims that this is to cover. Is that true?

Mr. CUMMINS. No; the appropriation of $42,000 was made, believing that all the claims that came within the class that we——

Mr. NORRIS. I understand.

Mr. CUMMINS. That we recognized would amount to $42,000.

Mr. NORRIS. That amount would not pay the claims in full?

Mr. CUMMINS. It was intended to pay them all in full.

Mr. NORRIS. I understand; but later developments disclosed the fact that there had not been money enough appropriated to cover all of them?

Mr. CUMMINS. That is true.

Mr. NORRIS. The $42,000 heretofore appropriated, without this joint resolution, would be distributed pro rata among all the claimants. Is not that true?

Mr. CUMMINS. That is true, I believe.

Mr. NORRIS. This is to make up the deficiency?

Mr. CUMMINS. That is true.

Mr. NORRIS. Is there anything else in it?

Mr. CUMMINS. Nothing else that I know of.

Mr. NORRIS. If those are the facts, I will not make any objection to the joint resolution. I want to ask the Senator who offered it if that is a fair statement of the facts in the case?

Mr. MYERS. Absolutely. The facts are very few and simple, and the Senator from Iowa has correctly stated them, as brought out at the hearings heretofore had.

Mr. NORRIS. While I do not feel called upon to urge an objection, being a new Senator here, it does seem to me that this method of legislation is not wise, particularly where it is proposed to appropriate money out of a special fund, which I think ought to be guarded with jealous care. It may develop later on that somebody else has a claim, and we may find out that the $57,000——

Mr. MYERS. It is limited.

Mr. NORRIS. Has that been covered?

Mr. MYERS. This joint resolution limits it, and provides that no more claims shall be considered.

Mr. NORRIS. I know that; but I presume the $42,000 limited it also; did it not?

Mr. MYERS. No; it did not. That is a mistake. It did not limit it.

Mr. CUMMINS. I will say to the Senator from Nebraska that this happened six or seven years ago, and after the passage of the original measure, which was passed by the Sixty-second Congress, the Secretary of the Interior gave notice as widely and as publicly as he could, asking all claimants to come forward and prove their demands. In answer to that notice these claims have been filed. While theoretically it is not impossible that there may be another claim somewhere, it is practically certain that there are no other claims than these.

Mr. NORRIS. Have the claims been paid once? Has the contractor himself been paid by the Government?

Mr. CUMMINS. When the contractor failed the Government took over the work and completed it. The contractor has not been paid. The contract was taken at a price that rendered it utterly impossible to complete the work for the contract price.

Mr. NORRIS. And the Government completed the contract?

Mr. CUMMINS. The Government completed the contract, and has taken the penalty of the bond, or a portion of it, I do not remember what portion, for reimbursement. The reimbursement from the surety on the bond does not entirely make the Government whole, but it helps along that line.

Mr. BRANDEGEE. Mr. President——

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

Mr. NORRIS. I do.

Mr. BRANDEGEE. I simply wish to suggest to the Senator from Nebraska, if he will allow me, that I understood him to say he would make no objection to the present consideration of the joint resolution. If consent is given for its present consideration, all this information can be elicited in a very short time.

Mr. NORRIS. Yes; but the Senator knows that is not the usual course.

Mr. BRANDEGEE. In other words, I think it is simply a question of order. If consent is not going to be given, of course there is no use in wasting an hour in debating the matter on its merits. If we can have consent for the present consideration of the joint resolution, we can take half an hour, if necessary, in considering it on its merits.

The PRESIDING OFFICER. The question is, Is there objection to the present consideration of the joint resolution proposed by the Senator from Montana?

Mr. BURTON. Mr. President, we have an important matter pending before the Senate. I gave way for this joint resolution, understanding that it would take only about 10 minutes to discuss it. I should like to know how long there is likely to be discussion of the subject?

Mr. MYERS. I think there will be practically none at all. The facts are practically all understood by Senators.

Mr. SMOOT. I simply have one or two questions to ask of the Senator. I do not rise to object to the consideration of the joint resolution, but I do wish to ask one or two questions before it is voted upon.

The PRESIDING OFFICER. The question is, then, Is there objection to the present consideration of the joint resolution?

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

Mr. SMOOT. Mr. President, I notice in the joint resolution a proviso, and I wish to ask the Senator from Montana a question as to his understanding of the effect of that proviso.

Mr. BRANDEGEE. Mr. President, for my information, may the joint resolution be again read, so that I may see the effect of what the Senator is going to ask?

The PRESIDING OFFICER. The Secretary will again read the joint resolution.

The Secretary again read the joint resolution.

Mr. SMOOT. Mr. President, it is the last proviso about which I desire to ask the Senator from Montana. The proviso is:

> That the Secretary of the Interior shall deduct from the amounts to be certified for payment hereunder and under the said resolution to each claimant a proportionate sum to cover the expense of and fair compensation for the person or persons through whose time and services this matter has been laid before Congress, except such claimants as have agreed with such person or persons for compensation, and such deductions shall be certified for payment to such person or persons in like manner as other claims.

That is rather a remarkable provision in a joint resolution; and I wish to ask the Senator from Montana if he has any knowledge as to what persons are interested in receiving compensation out of this appropriation?

Mr. MYERS. Yes, Mr. President; only one, and that is Mrs. Katherine McDonald, of Butte, Mont. She has spent three or four years of time here at the Capitol, at her own expense, in pressing this matter and putting it through. If it had not been for her efforts, labor, and time spent, and the money she has expended, none of these claimants would have been reimbursed.

It is just on the same principle that when a matter is laid before the Court of Claims by a resolution of Congress it has often been the practice, as I understand, to authorize the Court of Claims to fix what may be a reasonable attorney's fee and say what the fee shall be. This proviso leaves it to the Department of the Interior to investigate and hear evidence about the labor, the time, and the expenditure involved, and leaves it to the Secretary of the Interior to say what would be a reasonable and fair percentage to reimburse this lady for her efforts and money expended, except, of course, where some few claimants, as I understand, have agreed with Mrs. McDonald to pay her upon stated terms, in which case they are governed by their own agreement as to what they shall pay her, if the appropriation shall be made. In other cases the joint resolution leaves it to the court, you might say, to decide what is a reasonable compensation. That is the object of it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. In just a minute. I wanted to say to the Senator that, as I understand this matter, the original claim of $42,000 was nearly all due to Mrs. McDonald.

Mr. MYERS. No; not all of it; the Senator is mistaken about that—not nearly all of it; I feel safe in saying, not over half of it.

Mr. SMOOT. Then, of course, this proviso applies only to the $15,000 provided in this resolution. It does not apply to the original amount of $42,000, does it?

Mr. MYERS. That would depend upon its wording. I was under the impression that it would apply to the whole appropriation.

Mr. SMOOT. I was undecided as to whether it did or not. That is the reason I asked the Senator the question.

Mr. MYERS. If not, she would be that much worse off. I think it ought to apply to the whole amount. If not, she would have to stand the loss.

Mr. SMOOT. I certainly think it ought to apply to the whole if to any. That is one of the reasons I asked the Senator whether, in his opinion, it did or did not.

Mr. MYERS. The amendment was suggested by an official of the Department of the Interior, and his language was simply adopted. It says "hereunder and under the said resolution." "Hereunder" would mean "under this resolution." The words "and under the said resolution" would refer to public resolution 56 of the Sixty-second Congress, mentioned up here at the top of the resolution, I think. It reads:

> *Provided*, That the Secretary of the Interior shall deduct from the amounts to be certified for payment hereunder and under the said resolution.

Mr. SMOOT. It says "said resolution to each claimant."

Mr. MYERS. I should like, then, to ask unanimous consent to insert, after the words "said resolution," the words "No. 56," so as to refer to the resolution mentioned up at the top. I ask unanimous consent to amend the resolution in that respect and at that place so as to make it read, "said public resolution No. 56 of the Sixty-second Congress."

The PRESIDING OFFICER. Is there objection to the modification proposed by the Senator from Montana? The Chair hears none.

Mr. MYERS. That was the intention. I thank the Senator for calling attention to it, because the language is a little obscure; but that is what was meant.

Mr. SMOOT. That is what I thought.

I have just one other word to say in connection with the joint resolution. In many of our appropriations, particularly those where pensions are granted, and I believe in nearly all cases of claims coming from the Claims Committee, we prohibit the payment of attorneys' fees in the collection of any part of a pension or of a claim. This joint resolution provides for the payment of a compensation to those who have been interested in securing its passage through Congress.

Mr. BRISTOW. Mr. President, does it provide for the payment of a fee to go to an attorney?

Mr. SMOOT. It is not to an attorney; it is a fee to go to Mrs. McDonald, who is personally interested in the matter financially, and has also been interested in gathering together claims and presenting them to Congress, and getting through Congress a joint resolution appropriating money to pay the same.

Mr. BRISTOW. Is that a part of the collections that are to be made?

Mr. SMOOT. It is a part of the collections that are to be made.

Mr. CUMMINS. There is no additional sum to go to her.

Mr. MYERS. Nothing extra.

Mr. CUMMINS. I will say to the Senator that Mrs. McDonald is not an attorney. Mrs. McDonald and her husband kept a little store in the vicinity of this work; and they advanced to those who were engaged on the work, out of their store, the necessities of life, until they had invested in the enterprise practically all that they had. Moreover, they mortgaged their home in order to enable them to carry forward their business. When this disaster came, all that Mrs. McDonald wanted was reimbursement for the money or groceries or dry goods or what not that they had advanced; but she could not get pay for the amount due her without making like provision for the other creditors who stood in the same case. She has been here pleading with the Government and with Congress for three or four years now for her pay, and to save her home. The other creditors, who have been under no expense, will secure from this legislation the same benefit that she secures; and it is only equitable and fair that they should contribute to the expense that has been incident to the work of developing and laying before Congress the facts in the case. Not a penny is to be paid to Mrs. McDonald or anybody else under this joint resolution in addition to the claims that exist against the Government.

Mr. SMOOT. I hope the Senator will not infer I said that Mrs. McDonald was an attorney.

Mr. CUMMINS. No.

Mr. SMOOT. I did not refer to her in any such terms.

Mr. CUMMINS. No; I did not understand the Senator to do so.

Mr. SMOOT. I fully agree with every statement the Senator has made in relation to the hardships she has passed through. The only thought in my mind was that while Mrs. McDonald ought to be paid, under the wording of this proviso she will be paid by certain persons who have already made an agreement with her; and it seems proper that such an agreement should be made with all, and not be provided for in this resolution. I do not care what agreement it was, or how much they agreed to pay her; I think she is entitled to compensation. If compensation is provided for in this resolution, it shall be worded so as to apply to the original appropriation of $42,000.

Mr. CUMMINS. I understand it does.

Mr. SMOOT. It will now, with the amendment that was agreed to.

Mr. BRISTOW. May I inquire what percentage of the collections she is to get?

Mr. CUMMINS. I do not know.

Mr. BRISTOW. I wish to say that I shall not vote for any general appropriation for a claim of which some agent is to get an indefinite percentage. I think one of the curses of claims before the Government is that there are hanging around this town men who make their living by getting the largest percentage they can get out of somebody who may have a claim against the Government. Millions of dollars are taken out of the Public Treasury by constructive claims in this way where some attorney or representative is to get a large part of the appropriation.

Mr. CUMMINS. But, Mr. President, this is not such a case. It is not Mrs. McDonald's business to collect claims against the Government. By very force of circumstances she has been driven into this effort. It can not be said that the principle just mentioned, which is a very just one when applied to a professional claim agent, who makes it a business to solicit claims against the Government for his living, should be applied to her. If the Senator from Kansas knew her as I know her, he would realize that the general prejudice against claim agents does not lie against her.

Mr. BRISTOW. I wish to say that the reason I made the inquiry was to get information. Some of us who are members of the Committee on Claims have tried to get a law enacted which would limit the extortions of these men in regard to such claims. I do not want to vote for a bill in violation of the principle that I think ought to be laid down in that regard. If it is a reasonable claim, I think it is a very proper thing, from what I have learned, that Mrs. McDonald should have a reasonable percentage of these claims which she has aided in collecting.

Mr. SMOOT. Mr. President, the only reason I mention this question is that being a member of the Committee on Claims and agreeing through experience with the statement of the Senator from Kansas just announced to the Senate, and knowing that it has been the policy of the Committee on Pensions, of which I am a member, not to include in any resolution or bill a provision for the payment of an attorney's fee, but prohibiting them, I do not want to vote for this resolution, and have it pointed to in future as a precedent, and have some Senator remind me that I voted for this measure, and therefore should not object to attorneys' fees being provided for in future bills. This is one reason why I bring the question to the attention of the Senate, and for the still further reason that if we are going to provide compensation for the expenses and compensation incurred, it should not apply only to the $15,000 appropriation in this resolution but to the former appropriation of $42,000 as well.

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

WITHDRAWAL OF PAPERS—WILLIAM HOBERG.

On motion of Mr. SMITH of Arizona (for Mr. CATRON) it was

Ordered, That the papers in the case of William Hoberg, accompanying Senate bill No. 4539, introduced in the Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

TRIAL OF MENDEL BEILIS.

Mr. LEWIS. Mr. President, I tender a resolution which I ask to have read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 198) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the public press reports that the Government of the Empire of Russia is now engaged in the prosecution of a Jewish laborer, Mendel Beilis, upon the charge of having murdered a Christian boy for the purpose of using Christian blood for religious purposes;

Whereas there appears absolutely nothing in the Jewish religion or doctrines requiring such a practice, but on the contrary the use of blood in any manner is absolutely prohibited by the Mosaic law, Leviticus xvii, 10;

Whereas eminent divines and scholars of all religions and denominations have testified to the falsity of the accusation that the Jewish religion requires the use or the sacrifice of human blood;

Whereas the constant and relentless persecution of the Jews in Russia is bringing to our shores thousands of Russian Jewish refugees, who must be taken care of, and the United States Government is therefore directly interested in this matter; and

Whereas the Beilis trial is calculated to incite the ignorant people in Russia to commit outrages against Jewish people, and as a result of such fear the Jewish immigration to the United States since the commencement of the Beilis trial has already increased: Therefore be it

Resolved by the Senate of the United States, That the Senate of the United States looks with disfavor upon the prosecution of the Beilis case, and that the proper officers of the Government be directed to use the good offices of the Government of the United States with the Government of Russia to the end that the unjust ritual charge against the Jewish people at large, and Mendel Beilis in particular, be withdrawn, and the Jewish people receive the vindication justice requires.

THE MERCHANT MARINE.

Mr. BURTON rose.

Mr. LA FOLLETTE. I suggest that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill 136.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

Mr. FLETCHER. If the Senator from Ohio will yield to me for a moment, I will state that the Senator from Michigan [Mr. TOWNSEND], who is absent on business of the Senate, had some telegrams sent to him with reference to the pending bill which he has sent to me, and I ask to have them printed in the RECORD. They are to the effect that the senders prefer that the bill should not be acted on until after the international conference in London has been held.

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

DETROIT, MICH., *October 20, 1913.*

Hon. CHARLES TOWNSEND,
United States Senate, Washington, D. C.:

Kindly make every effort to defeat La Follette substitute to seamen's bill. It is drastic and impossible to carry out. Present regulations made by department regarding lifeboats on Great Lakes is proper and satisfactory.

A. A. SCHANTZ.

—

DETROIT, MICH., *October 20, 1913.*

Hon. CHARLES TOWNSEND, *Washington, D. C.:*

Kindly make every effort to defeat Senator La Follette's substitute bill to the seamen's bill. It is drastic and impossible to carry out. Present lifeboat regulations on Great Lakes passed by the department are proper and satisfactory.

E. A. DUSTIN,
President Ashley & Dustin Steamer Line.

CHICAGO, ILL., *October 19, 1913.*

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.:

We earnestly request that the vote on the seamen's bill be deferred until after the international conference in London has been held, and respectfully ask your cooperation to this extent.

CHICAGO & SOUTH HAVEN STEAMSHIP CO.

Mr. BURTON. Mr. President, I ask unanimous consent to insert in my remarks certain tables, statements, and statutes, with the reading of which I do not wish to detain the Senate.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to incorporate in the RECORD certain tables, statements, and so forth. In the absence of objection, it is so ordered.

Mr. BURTON. Mr. President, whatever the popular impression may be, very much progress has been made in the last three years in measures for greater safety at sea. Our own country has taken a prominent part in this movement, and so have the leading maritime nations of the world.

I would call attention, in the first place, to the wireless act of June 24, 1910, passed by Congress. To this and similar legislation may be ascribed the safety of hundreds; yes, of thousands of lives. That act provided:

That from and after the 1st day of July, 1911, it shall be unlawful for any ocean-going steamer of the United States, or of any foreign country, carrying passengers and carrying 50 or more persons, including passengers and crew, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day: *Provided*, That the provisions of this act shall not apply to steamers plying only between ports less than 200 miles apart.

SEC. 2. That for the purpose of this act apparatus for radio-communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio-communication.

After that follows the penalty clause.

Notwithstanding this very salutary act, a great deal of confusion still existed. There were many systems for the use of wireless—various appliances—and the different nations of the earth interested in maritime affairs framed a convention, which was presented to the Senate by the President, providing for numerous regulations. For a long time that treaty was pending in the Senate Committee on Foreign Relations. I am glad to state that early in the year 1912 the committee authorized me to report it to the Senate, and it was reported, and its ratification advised by the Senate April 3, 1912, a brief time before the loss of the *Titanic*.

A short time before the *Titanic* disaster it was evident that the use of wireless could only be made thoroughly effective by international agreement. This agreement provided for the method of transmitting messages from one ship to another, for the keeping of accounts, for the maintenance of a bureau at Berne to conduct correspondence between different countries in matters pertaining to wireless. It also provided certain essentials—first, that all systems of wireless telegraphy should communicate—that, for instance, the Marconi could not refuse to receive a message from the De Forest system or any other system of wireless. There had been instances in which a boat having a wireless installation had absolutely refused to receive a message from another boat having a different patent or system. This convention made communication compulsory, whatever might be the system. It made compulsory also communication between stations on shore and stations on ships.

Mr. BRANDEGEE. Mr. President——

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

Mr. BURTON. Certainly.

Mr. BRANDEGEE. Perhaps the Senator was going to make the statement, and if so I apologize; but is it true that all the different systems of wireless are capable of communicating with each other?

Mr. BURTON. Yes; at least with very trivial adjustment. As it is now, they are all able to communicate one with another.

The convention also provided for giving precedence to distress signals. It was necessary to follow this convention by further legislation, and an elaborate statute was passed prohibiting interference, regulating what are called the amateur stations, of which there are thousands in the country, providing that the Government may have the preference at the beginning of each hour, and also providing that no private station shall be established within a certain distance of a governmental station. It is provided that, under regulations made by the executive department, governmental stations shall receive private messages, the object of that being to do away with the necessity of private installation near Government stations.

But Congress, on the 23d of July, 1912, passed a still more stringent statute in regard to wireless—public act No. 238. The first section provides:

That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

It adds several features to the prior act of 1910. One of them which is very essential follows:

An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

That is, if the steam power should give out, unless there was an auxiliary power supplied by battery or otherwise, the wireless might be rendered entirely useless.

There is another essential difference between the former and the latter law in that the statute makes no distinction between the passenger steamer and the cargo steamer. Whether the 50 persons be made up of crew or of passengers the radio is alike required.

Here follows another difference which was perhaps suggested by some testimony in the *Titanic* inquiry, to the effect that the single operator on the *California*, the boat nearest the *Titanic*, had retired for the night a little while before the catastrophe.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated.

This renders obligatory a constant service.

Mr. President, we can not overstate the great advance made in securing safety at sea by this wonderful invention. Now, when a boat is crippled, when she is in danger of sinking, she is no longer in the midst of an isolated portion of the deep, but by the wireless call she may render available for her assistance other boats, and usually at short notice. The interval between the distress call and the arrival of the relief ship in the case of the *Titanic* and the *Volturno* alike was about four hours. It is probable that in most instances on trans-Atlantic routes and on other frequented routes the time between giving the distress call and the arrival of succor would be materially less than that.

So, first of all, Mr. President, there has been this great development of wireless regulated by statute of the United States and by international convention in such a manner as to secure the very best utilization of this great invention.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. As the Senator has given the subject so much study, I should like to be informed by him on one point. Is there any provision of any kind for an inspection of the wireless before boats leave port?

Mr. BURTON. Yes; there is.

Mr. KENYON. Is that a matter of statute or of departmental regulation?

Mr. BURTON. It is a matter of statute. Under the Commissioner of Navigation there are, I believe, 10 wireless inspectors, and it must be said for them that they have done excellent service. In one instance they pointed out that the battery which had furnished the subsidiary power was not in good working order. In another instance they took off a boat a wireless operator who was not competent. They have developed excellent capacity for this work; they have exercised their authority with proper discretion, and have accomplished the best of results.

Mr. BRANDEGEE. Mr. President——

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

Mr. BURTON. I yield.

Mr. BRANDEGEE. It seems to me to be somewhat germane to what the Senator from Ohio is stating at that point to say that Capt. Inch, who was in charge of the *Volturno*, has been visiting in my native city at New London, Conn., recently, and night before last he delivered a lecture to a social organization there. He then read the report which he intends to make to the British Board of Trade, and I read in a newspaper yesterday a statement about it, which was that the *Carmania* was about 50 miles distant.

Mr. BURTON. Rather more than that.

Mr. BRANDEGEE. That is, as the newspaper stated it. The statement continued that within five minutes after the sending

out of his call for help he received the answer from the *Carmania* that they were at that distance and would come to him at the rate of 19 knots an hour. So the Senator from Ohio can figure it for himself. I do not know what time elapsed before the *Carmania* actually did arrive, but that is the statement that I saw.

Mr. BURTON. Just imagine, Mr. President, what a thrill would go through a boat filled with passengers, with the fire coming up from the hold, leaping well up on the mast, thinking they were doomed to be burned to death, when the wireless brings back a flash in five minutes, "We are coming"; and they were coming as rapidly as they could.

The second very material advance that has been made is in the adoption of a salvage convention for assistance and salvage at sea. This is termed "Treaty series No. 576." It was signed at Brussels September 23, 1910. This treaty also was presented to the Senate by me and ratified on the 18th of January, 1912. It makes compulsory the rendering of assistance at sea; that is, when there is a call by a boat in distress, unless, of course, there are conditions such that it is practically impossible, another boat must come to its assistance. This treaty also gives a compensation to the salvors of human life. There are a number of other features in it, but I pick out these two as the most important.

A bill drawn in pursuance of this convention, which I presented to the Senate, became a law on the 1st of August, 1912. There is a third provision in it which does not assume very great importance, although it comes first in the statute.

It had been ruled that when a boat had assisted another boat belonging to the same line there could be no claim for remuneration. That deprived the sailors of any claim for salvage. So the bill provides:

> That the right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

Also:

> SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding $1,000 or imprisonment for a term not exceeding two years, or both.
>
> SEC. 3. That salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

Prior to that, Mr. President, the law of salvage seemed only to recognize a claim for compensation when property was saved. Very properly this affords encouragement to save human life and gives compensation therefor.

Mr. President, while I have never claimed that this bill brought forward last winter, which passed the Senate and was agreed to by the other House, was a perfect bill, I want to say—and I say it without fear of contradiction—that it made greater advance in providing for the welfare of the seamen and for ameliorating their condition than any legislation and all legislation passed in the last 30 years for the benefit of those on the sea.

In the first place it clearly defined their hours, on most vessels limited to two watches those on the deck, limited to three watches those engaged in the fire hold; it limited their hours of labor on land to nine hours; except when absolutely necessary it exempted them from labor on Sundays and legal holidays. It made more careful provision for the payment of their wages; it made provision so that members of the crew, independent of the officers, could make a claim for the examination and the survey of the vessel in case the supplies or food were not proper or in case there were grounds to believe the boat was not seaworthy. It removed the inhibition concerning contracts for the payment of wages, and entitled a seaman, on giving 48 hours' notice, to demand that half his wages be paid in any port of the United States. It also provided for better quarters than before.

It is true that on the great majority of the merchant lines as much space is provided as any of these bills demand. The bill as reported by the committee made compulsory on new construction 120 cubic feet, and a hospital if there be a certain number of men. It provided also for sufficient facilities for washing. It established a standard, and made a requirement for lifeboat hands. Last of all it proposed to wipe out the statute relating to the arrest of foreign seamen in our country or the arrest of our seamen in foreign countries for desertion.

I presume every member of the Senate committee last winter in some things would have liked to go further, but we can not revolutionize this whole system at one stroke. In any event, we must adopt improvements gradually; we must take into account that we have a merchant marine which at least in the foreign trade has unfortunately been languishing for years, which is maintained to-day at almost insuperable disadvantages in comparison with the merchant marine of foreign countries. The maritime trade of the United States can not be severed from that of other countries, because we are placed in competition with them; and that, however humane we may desire to be, we can not, without driving our boats out of the trans-Pacific or the trans-Atlantic trade, frame legislation without taking into account the regulations which pertain to foreign shipping.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. BURTON. Certainly.

Mr. LEWIS. May I ask the Senator from Ohio does he contemplate in his argument to consider the conflict, if there be any, of the provisions of this bill with any of the treaties now pending?

Mr. BURTON. I intend to go into that if I have time.

Mr. LEWIS. That being so, I do not wish to interrupt the Senator now with the questions that I have in mind.

Mr. BURTON. I thank the Senator from Illinois for the suggestion. I intend to go into that at very considerable length. I must say that I repel the insinuation that this committee last winter did not give careful consideration to the claims of the seamen.

Every member of the subcommittee, if he had any partialities, extended those partialities for the seamen; but we were not willing to take a bill brought in by their representatives, paid to represent them here, and pass it through the Senate in toto. We conducted hearings for five or six weeks. As regards the Senator from South Dakota [Mr. CRAWFORD] and myself, and in a measure the Senator from Florida [Mr. FLETCHER], and other members of the Senate Committee on Commerce, it may be said that the greatest task we had last winter was to listen to the different delegations, giving an equal opportunity to all, so that when they were through seamen and owners alike expressed their thanks to the subcommittee of the Senate Committee on Commerce, and said they had never before had so good an opportunity to be heard.

From all these hearings we made up a bill, not the bill of the vessel owners—it was impossible to please them—not the bill of the seamen—it was impossible to entirely please them—but a bill which seemed to us just under all the circumstances. I may say that in the measure as we acted upon it, in certainly four-fifths of the disputed provisions we accepted the contention of the seamen.

So, Mr. President, it is altogether wrong to say that Congress has been derelict in its duty; it is altogether wrong to say that we have not made great advance in the last few years. The bill to which I have referred failed to become a law after it had passed the Senate and after the House concurred in it, because it was presented to President Taft less than an hour before the expiration of his term. As I understand, one of his Cabinet officers favored signing the bill and another opposed it. The President came to the conclusion, for which he can not be blamed, that it was too much to ask of him to sign a bill of so much importance within three-quarters of an hour or half an hour of the close of his term of office.

I want to make a criticism of this so-called seamen's bill, which, as has been stated, has been pending for 20 years. Until the *Titanic* disaster there was not a word in it about lifeboats. It is maintained that we have been derelict because we did not take the bill up and pass it before; that human life has been endangered by delay. If we had adopted in toto that bill as it was introduced in 1911, there would not have been one single paragraph in it about lifeboats or lifeboat drills. It would for the most part have been a bill in regard to the definition of the term "able seaman" and in regard to the number of able seamen on the boats. Then, of course, because of that terrible disaster everyone was aroused. Now, in the face of all this legislation, in the face of all this effort, in the face of the fact that our executive department is appointing its most expert men to consider every proposition relating to safety at sea, in the face of the fact that our supervising inspectors are making new regulations and enforcing them more strictly, in face of the still further fact that all nations have been called upon to gather and consider these questions by our invitation, it is claimed that it is this bill only that points toward safety at sea. Yet the only thing in it which is really insisted upon or on which reliance is placed is the provision in regard to three years' service constituting an able seaman. I spoke somewhat briefly of that last night, and if I have time I shall speak of it further to-day.

Now, Mr. President, I want to consider a second general point. Out of all this discussion what should be our conclusion concerning requirements for safety at sea? First of all, and supreme above all, I would place hull construction and the

seaworthiness of the vessel. Lifeboats, though essential, would prove in most instances a futile reliance for saving human life. If possible, the hull should be a double one, at least, if the vessel is engaged in the passenger trade and on routes such as those across the Atlantic and the Pacific or where large distances are involved. There should at any rate be a double bottom. Most of the boats have that already.

In the destruction of the *Titanic*, to which much attention was given, there were a number of exceptional features, three to which blame attaches—the speed at sea, which was beyond the limit of safety in a locality where it was known there was ice; second, the insufficient supply of lifeboats; and, third, although this did not assume any great importance, the lack of drill of the crew, due largely to the fact that they had for the first time been called together. As I have said, there were most exceptional circumstances attending that disaster which stand out very prominently and make it exceptional among marine disasters—No. 1, the glancing blow. In the construction of vessels it is expected that any collision that occurs will be at the prow or at the side, and that the injury which is caused will be from breaking into the hull at the side or breaking the hull at the prow. This was a rip along the side, because the boat hit an iceberg, and the rough edges of the iceberg were sufficient to tear a hole in the hull.

It seems as if it were impossible in railroad construction, or indeed any other construction, to foresee absolutely every contingency which may happen. A few years ago on a railroad, whose officers thought they had the very best equipment to avoid accidents, a freight train meeting a passenger train caused an accident by the breaking of one of the axles on one of the freight cars, so that the freight car fell over the other track and collided with the passenger train. A somewhat similar accident happened on another line not much later. Some very large timbers were left on a freight car. I suppose they were thought to have been carefully loaded; but one of them got loose and caused a collision with a passenger train and great loss of life. After each catastrophe steps are taken to prevent its recurrence, but it seems as if there were a certain rule of chance that an accident will not recur again, but another of a dissimilar nature will occur. There probably never was an accident before quite like the one which caused the loss of life on the *Titanic*.

It is useless to conjecture, but it is probable that if the course of the *Titanic* had not been changed, and she had gone head-on against that iceberg, however rapid her speed, she would still have floated.

Another exceptional fact with regard to the *Titanic*, which probably will not happen again save in a very inconsiderable fraction of cases, was the smooth sea at the time, so as to make it altogether easy to launch and manage lifeboats.

What are some of the important points in boat construction besides those I have named? We can not come to the double hull immediately. Not all boats can be built in that way. The expense is too considerable to require it in every instance, but we shall probably come to it gradually. In addition to that there are other things already insisted upon very generally in passenger steamers, among which is the building of transverse bulkheads or construction so as to divide the ship into compartments, with a stronger or collision bulkhead in front.

The *Titanic* was well supplied with these. She had 15, and if only two of her compartments had been flooded she no doubt would have floated. But it appears that the rip went along the side of the vessel, and, according to the account of one person who claims to have been an eyewitness of the last point of the injury, five compartments were pierced. According to another theory, water flowed into only two of the bulkheads, but one of them was so weak that it gave way, and the water flowed into another, and then the next bulkhead gave way; and so, little by little, the ship was flooded.

Our regulations already require that in these passenger steamers there shall be three transverse bulkheads. They should be strong. They should be carefully tried. They should extend a certain distance above the water line, as determined by the maximum load of the boat. They should go to a deck which is tight, so that the water can not pour up above that deck. These are all matters of detail which must be considered carefully, and not, as I think, by a congressional committee in the first instance, nor by the Senate, but by men who have given their lives to the study of ship construction, the strength of materials, and the seaworthiness of ships.

On the subject of the comparative importance of bulkheads and lifeboats the leading British expert on safety of life at sea, Sir William Henry White, who died a short time ago, said:

There has been strong criticism lately of the official regulations for boats in passenger ships. The writer does not propose to take part in that controversy in this communication. He ventures, however, to predict that when natural, but temporary, excitement has disappeared, and when calmer consideration of the subject becomes possible, it will be seen that the question of boat equipment, important as it undoubtedly is, must be treated as subordinate to that of efficient water-tight subdivision.

Possibly the time is approaching when shipowners will concur in action by which such subdivision shall be made the subject of legislation on lines to be agreed upon by the board of trade and themselves. In view of the experience gained in connection with boat lines of merchant ships it is permissible to hope that if such action is taken it may be of an international character, and that arrangement would undoubtedly be most advantageous if it could be made.

I would rank next to the construction of the hull measures for the prevention of fire. A great variety of articles are put together in the cargo of a ship. The fires in the furnaces must be maintained at a very high heat. What should be first provided against is combustibility of the ship itself, and next combustibility of the cargo. I am glad to say that we have gone much further than other countries in provisions relating to the cargo of the boat. Section 4472 of our Revised Statutes, as amended in 1905, and I believe also in 1906, deals with this subject. This is the main section on fire prevention, although there are others equally strict:

No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzol, coal oil, crude or refined petroleum, or other like explosive burning fluids or like dangerous articles—

A general blanket expression—

shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

I will perhaps have printed in my remarks the whole of this section, though I do not wish to detain the Senate at this time by reading further from it.

Mr. LANE. Mr. President, I should like to ask the Senator a question, if he will yield.

Mr. BURTON. Certainly.

Mr. LANE. That is already a law, and it is enforced?

Mr. BURTON. Yes; very strictly enforced, too.

Mr. LANE. Yet, as I understand, here is a ship, the *Volturno*, which just had a fire aboard of her and lost a number of lives, for the reason, as I am informed by the press dispatches, that there were loose chemicals on board which started a fire.

Mr. BURTON. Ah, but she was loaded on the other side. She was not under the control of our laws.

Mr. LANE. This law only protects our own ships?

Mr. BURTON. Yes; and foreign ships as well——

Mr. LANE. When they sail from here?

Mr. BURTON. When they sail from the United States.

Mr. LANE. All these chemicals are imported and we export none, so that that provision is of no use to our people coming to America from the other side?

Mr. BURTON. No. I will say to the Senator from Oregon that his statement emphasizes in a most impressive manner the fact that this matter can be settled only by international agreement. Whatever regulations we may make will be binding only in our own ports. I suppose by a great stretch of authority we could say that a boat would not be received here unless she conformed to those requirements, but that would not be practicable.

Mr. LANE. It seems to me this country ought to be able to require that American citizens returning to this country from other countries, from business trips or otherwise, should be allowed to come here safely. If there is any navigation company which is transporting them in an unsafe manner, it ought to be within the power of this country to see that they are safeguarded. It seems to me that is a prerogative of this country. I may be mistaken, and it may be that some treaty would waive that; but that is a sort of inherent right of a nation.

Mr. BURTON. Treaties stand in the way; the general law stands in the way. The impracticability of making regulations also prevents this, though I do not discover in any correspondence objection on the part of foreign countries to establishing and maintaining high standards in that regard. We have gone rather further than others.

There should be the most careful provision in the way of fire apparatus for quenching any fire when it starts. The engineers and crew should be most carefully trained in this regard.

Mr. President, I fear that the greatest danger of the future, at least on the larger vessels, is to be from fire. So great is the variety of articles transported and so considerable the possibility of their being ignited in some way that the greatest danger is from this source rather than from any other.

Next I would place the necessity for lifeboat equipment and qualifications of boatmen.

What have we here in the bill that is presented as a substitute by the Senator from Wisconsin [Mr. LA FOLLETTE]? I wish to call attention to one provision in section 2 which seems to me almost criminal in its bearing upon the subject. It is found in lines 11 and 12 on page 2:

Seamen serving in one department of a vessel shall not be required to do duty in another department.

What does that mean, Mr. President? When read in connection with the requirement of two lifeboat hands, it means that the task of manning lifeboats and saving life must be restricted to those lifeboat hands, who, it is said, are required to be able seamen. No steward, no engineer, no fireman can be compelled to take part in any drill in this regard. Why, it is as if you said that when an accident happens to a railroad train none but the fireman and the locomotive engineer shall take part in the saving of life; that the brakeman shall do nothing. True, it is said in the bill, and it will be claimed, that when there is a special emergency they shall all be called upon; but that is not an answer. They must be trained beforehand, or their services will be practically useless in this regard.

What is the situation? Boats on the ocean and boats on the Lakes, the inland seas, carry a certain number of sailors on the deck. Their duties are very important, especially those who are at the wheel or on the lookout; but the other sailors have very little employment which requires any considerable degree of skill. They may not be disciplined in the use of boats. They may not even be handy in the use of boats. On that subject I wish to point out this fact:

When a lifeboat is lowered into the sea, the two able seamen would go down with the boat. But the most important thing to be accomplished in the lowering of the boat is not going down with the passengers to the water; it is handling the boat at the top. The important thing is the efficiency of the men who manage the pulleys and ropes around the davits that let down the boat. You might have two men who were seamen very well versed in the use of oars and familiar with the sea; but unless you had efficient men at the top, the passengers might be all spilled out from the boat. It might go down more rapidly on one side than on the other, or it might swing like a pendulum against the side of the hull. So a mere provision of two boatmen is not sufficient. You should have a whole crew, including sailors, stewards, engineers, and firemen, who are able to take care of the management and lowering of boats.

Again, generally speaking, I think the importance of facility in the use of oars has been somewhat exaggerated, because, in this day of wireless telegraphy, if passengers or crew were transferred from a large steamer to a small boat at sea what would they do? They would not row around to find land, because the wireless would have summoned other vessels to come near. The small boat would stay near the abandoned steamer—as near as it could—so that the relieving vessel would find them.

Thus, while the use of oars is a very important thing, and I will not by any means decry it, it is not the leading requisite. The main thing is the handling of the mechanism, which an engineer in the hold, or probably a fireman, or maybe a steward, but certainly an engineer, would understand a great deal better than a seaman, I do not care if he has served 10 years before the mast.

It is not a matter of looking on the sea and judging of its moods, as has been said; it is a matter of handling mechanism and seeing that the boat goes down on an even keel, that it is carefully manipulated and is not fouled in any way.

I will include in my remarks a part of the account of Capt. Inch in regard to the *Volturno*. He says, in regard to the lowering of boats:

The first boats swung out were the three lifeboats on the starboard side.

Chief Officer Miller went into the first boat with 20 cabin passengers and 10 members of the crew, the 10 who belonged to the boat's crew. That boat wasn't smashed. The trouble was that in lowering it caught in the tackle and was turned over under the gunwale. Everybody in it was spilled out.

That is, they did not have sufficient skill, apparently, in handling it from the deck.

But the boat righted itself, and I saw Mr. Miller and five or six others climb back into it. I am afraid the rest were drowned. The second boat put off was No. 6, in charge of Fourth Officer Langsell, an Austrian. This boat contained 40 steerage passengers and a crew of about 10. It got away safely.

It seems now, though, that both this boat and the boat containing the first officer and a few more were lost in the storm.

Bear in mind that there were 10 men of the crew put down in the first boat. Ten men of the crew also were put down in the second boat.

The third boat was in charge of Boatswain Soderstrom. It was No. 7. The boat struck the sea all right, but the wash carried it under the quarter, and the ship literally sat down on it. It was crushed into a mass of splinters. About 50 steerage passengers and members of the crew were lost. The boatswain managed to cling to the tackle by a spring from the stern sheets. He climbed back on the ship and worked at my side when we were fighting those devilish flames.

The boats were in good condition and so was the tackle. They had been inspected in New York within two months and in Rotterdam under the Dutch regulations. I stopped lowering boats then, because all of the trained men were gone and because it seemed hopeless to try to fight such a sea. There was a 15-foot drop from the boat deck to the water, and it was taking frightful chances to lower boats.

That was not a great distance from the boat to the water; not as much as it would usually be.

Here is an explanation of how some of the other members of the crew were lost, given later in the interview:

The watch below had been at breakfast. The first explosion and rush of flame had caught those poor fellows and burned them to death where they sat or while they were trying to struggle toward the open. They didn't have a chance on earth.

About 15 lifeboats would carry every passenger upon that boat, for the average is about 50 apiece. Suppose you were to adopt this bill, two able seamen to each boat, so that there would be 30 of them for lifeboats, and you were to put in this provision that no one in any other department shall be compelled to be trained in the handling of lifeboats, with 10 for the first boat, 10 for the second boat, 10 for the third boat put down into the sea, none would be left who have any training. So I say, Mr. President——

Mr. SUTHERLAND. Mr. President——

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

Mr. BURTON. Certainly.

Mr. SUTHERLAND. I am not entirely certain that I understand the statement of the Senator from Ohio with reference to the provision that seamen serving in one department of a vessel shall not be required to do duty in another department. My own understanding of that language would be that an engineer, for example, could not be compelled to do duty upon deck, and a fireman could not be compelled to act as a steward; but does the Senator think it means that the captain of a ship could not compel the entire crew to undergo such drills as might be necessary to enable them in time of need to maneuver the vessel or to save life? In this connection I call the Senator's attention to the language which follows:

But these provisions—

Meaning all the provisions that precede—

but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy.

That would seem to do away with the provision in the cases which are mentioned, and whenever any occasion should arise for the maneuvering of the vessel by the entire crew the captain could command the services of all, no matter in what department they are engaged. If he thinks it is necessary for the safety of the vessel or her cargo or to save life on board another vessel he can command the services of the entire crew, no matter in what department they are employed. That being so, does it not necessarily follow that it would be in the power of the captain to compel men to submit to such drill and instructions as would be necessary to enable them to perform that duty in case of need?

Mr. BURTON. No; because this refers distinctly to the condition of an emergency, maneuvering the vessel, or performing work necessary for the safety of the vessel; that is, he can call them out in time of emergency, in the case of a storm, when the vessel itself is in danger or when another vessel is in danger, for the saving of life on another boat, but when it comes to training them for that work you have here a provision that the lifeboats shall have two able seamen.

Mr. SUTHERLAND. It does not say there shall not be any others except that. That, it occurs to me, is a minimum provision.

Mr. BURTON. There would be the right to call on the other sailors or deck hands besides the two for each lifeboat, but not those in another department.

Mr. SUTHERLAND. I am trying to get at the Senator's view of it. The distinct language of the provision is, if I may paraphrase it a bit, that when, in the judgment of the master or other officer, all the sailors or the whole crew are needed for this specific purpose their service may be required.

Mr. BURTON. It is not when all the sailors or all the firemen or the whole crew are needed, but it is all the sailors or all the firemen. That does not refer to the training that precedes. It is not an easy thing to drill a seaman so that he will be thoroughly adept in an emergency; it takes a good deal of time.

Mr. SUTHERLAND. My question is this: I think the Senator agrees with the suggestion which I make as to the construction of the language to the effect that in the cases of need specified here the entire crew can be called upon to render these services irrespective of the department in which they may be employed. But the Senator seems to think that while in a case of need that may be done, the captain is powerless to instruct the entire crew so as to enable them to render that service.

Mr. BURTON. Yes; and in the bill which was framed by the Senate committee last winter a provision for compulsory lifeboat drills in port was most strenuously resisted by the advocates of the La Follette substitute.

Mr. SUTHERLAND. Of course I know nothing about that.

Mr. BURTON. It is on the general theory that each department should be as far as possible separate, and that there should be sailors enough to take charge of the boats or anything pertaining to the navigation of the vessel. It is on that general theory. It is perfectly clear what the theory is.

Mr. SUTHERLAND. The query in my mind was this: The provision is that seamen serving in one department shall not be required to do duty in another department—that they shall not be interchanged. I am not certain about my own construction of it, but I submit it to the Senator. It seems to me that that would mean that the seaman in one department could not be called upon to do ordinary duty in another department.

Mr. BURTON. That is, in the ordinary course of things?

Mr. SUTHERLAND. In the ordinary course of things. But that language standing alone, as it seems to me, would certainly not prevent the training of these men to respond to this supreme call whenever it came to save life, to save the ship. I can see nothing in the language——

Mr. BURTON. Certainly it means that they shall not be required to do duty in another department, and the whole object of the bill is to separate the sailing department from all the rest. What is the objection, if that be true, to putting in stewards or engineers or firemen to take charge of these boats if they show superior competency? Does it not logically come to that?

Mr. SUTHERLAND. As I understand the language it would include those. It says either sailors or firemen or the whole crew. The whole crew certainly includes the stewards and everyone else.

Mr. BURTON. Why is the provision so carefully set forth over here in section 12 on page 16?—

unless she shall have sufficient crew to man each lifeboat with not less than two men of the rating of able seamen or higher.

Why does it not say men who are competent, in whatever department they are found?

Mr. SUTHERLAND. I am not discussing that particular feature of it. It does not seem to me to bear upon the question I submitted to the Senator.

Mr. BURTON. They are very closely coupled.

Mr. SUTHERLAND. As it occurs to me, the reason for a provision of that kind would be that then you would have a definite standard by which these men are to be tested. When you say that you shall have a man of sufficient skill you have left the standard open to somebody's discretion, to somebody's judgment; but when you say that he shall be an able seaman then you have a definite requirement. He must be a man who has served three years upon the sea or upon the Great Lakes, and he must be not less than 19 years of age. Then you have a definite standard established; but when you say that a man shall be of sufficient skill you have an indefinite provision. That is the way it occurs to me. But I come back to the other proposition——

Mr. BURTON. I should like very much to continue, but if the Senator desires to ask any further question I will yield. I have already, it seems to me, given my views clearly on that subject. If the Senator desires to ask any further question, I will yield for that purpose.

Mr. SUTHERLAND. The only further question I was going to submit to the Senator was whether under this language of the first section that seamen serving in one department shall not be required to perform duty in another department there is anything affirmative which would prevent the training of all the crew to respond to this call in the case of a supreme emergency?

Mr. BURTON. In an emergency of that kind, of course he can call them all out.

Mr. SUTHERLAND. Is there anything in the bill which would prevent their being instructed or trained so as to be able to meet that emergency?

Mr. BURTON. It points——

Mr. SUTHERLAND. If the Senator will bear with me for just a moment, in other words, the training of a steward to assist in the handling of a lifeboat would not be to employ him in a separate department. It would be to train him for a special service in case of emergency.

Mr. BURTON. I beg pardon. What did the Senator say just at the close?

Mr. SUTHERLAND. I say to compel a steward, for example, in connection with other members of the crew to engage in work for the purpose of training him in the handling of a lifeboat and to go into drills would not be to employ him in another department, but it would be to fit him to perform a duty which under the law he should be compelled to perform.

Mr. BURTON. The provisions is that there shall be a number of able seamen upon each boat, and the whole theory of the bill is to divide up the different duties. For instance, there has been much controversy about allowing or compelling sailors to assist in unloading at ports. Where a boat goes to an out-of-the-way port, query, can you ask the sailor to do anything in the way of unloading? That is what is behind this whole class of legislation for restricting work to one department. It has its merits in many cases; but I say the men who are in the engineer's department and the firemen and in the steward's department ought to be required to take the drill.

In this connection I wish to say that the drill should be as well in port as out at sea. Neither can be sufficient without the other. Seamen generally are very bitterly opposed to the requirement of drill in port, and, generally speaking, vessel owners do not want any drill out at sea.

Mr. BRADLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. BURTON. I do.

Mr. BRADLEY. I should like to ask the Senator a question. As I understand the language of the bill, it prohibits the employment of seamen in different departments. Now, if you take the seamen in all the departments and undertake to drill them and require them in the act of drilling to perform duties in the department to which they belong, does not that section of the bill prevent the drilling of the seamen?

Mr. BURTON. Clearly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I do.

Mr. NORRIS. On that particular point I should like to have the Senator state wherein the bill reported by the committee is any different from the substitute as far as the training of the seamen is concerned.

Mr. BURTON. That is not in the bill as reported by the committee as I recall it.

Mr. NORRIS. No; this is the language:

And seamen serving in one department of a vessel shall not be required to do duty in another department.

That is in the substitute but not in the committee bill.

Mr. BURTON. It is not in the committee bill.

Mr. NORRIS. The question I ask is wherein is there any difference in the two bills as far as the training of the crew is concerned?

Mr. BURTON. Because under the bill as reported by the committee there would be absolute liberty and authority to call on a man and to train a man for any service connected with the management of the boat, the safety of life, or anything of that kind, while this inserts a prohibition on that and divides the crew into different departments.

Mr. NORRIS. Does the Senator believe that this language would prohibit, for instance, the master from requiring a fireman, let us say, to train in the management and the lowering of a lifeboat?

Mr. BURTON. Most decidedly; that is, he could not be required to do it. It does not go so far as to prevent him from volunteering to do it if he wants to.

Mr. NORRIS. Then the Senator would really construe this language, it seems to me, so as to nullify it. Now, the language following says:

But these provisions—

That is, the one I have just read and others—

but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy.

I take it that when in the judgment of the master an emergency has arisen and he calls on these men it is their duty to respond; and if he calls on a fireman to lower a lifeboat, although it is a different department, it is his duty to do it. But the Senator's construction of the bill would mean that the duty

the law itself provides he must perform in case of an emergency he would not be able to perform because he could not drill for it. Does the Senator think that any court would possibly put such a construction on the law?

Mr. BURTON. Certainly. Of course, in time of emergency you can call upon every man in the boat. Indeed, you can call upon passengers as well.

Mr. NORRIS. Exactly.

Mr. BURTON. But you can not under this provision drill him for that purpose.

Mr. NORRIS. It is his duty when called on in an emergency to perform whatever work the master says he shall perform. Would it not follow that it is just as important to train for that duty, if that is his duty, as any other duty in ordinary times?

Mr. BURTON. The point is that he is absolutely not required to do work outside of his particular department.

Mr. NORRIS. Oh, no.

Mr. BURTON. That is, he is not required to serve in any service of that kind except in a case of emergency.

Mr. NORRIS. Exactly; but that duty, when he is called upon to perform it, is a duty just the same as any other work that might be in his own department. The reason why he is to be trained for work in his own department by drill is that he may become more efficient. But here is a case of emergency, where this other duty is made supreme by law itself; and what reason is there why he should not be trained for that duty the same as any other duty?

Mr. BURTON. Because there are two special men who are selected for doing that work.

Mr. NORRIS. I understand that; but the Senator concedes——

Mr. BURTON. They must be two able-bodied seamen, men who have served three years or more.

Mr. NORRIS. The Senator would concede that a man working on deck would be trained or drilled in lowering a boat under this law?

Mr. BURTON. Yes; he might be.

Mr. NORRIS. That is because it is the duty of the man working on deck to lower a boat when called upon. Now, in case of an emergency it becomes the duty of the firemen to lower a boat. Then why can he not be trained in lowering a boat?

Mr. BURTON. Simply because they are not to be required except in the case of that emergency to do anything of that kind.

Mr. NORRIS. He is trained for one, because it is his duty. Then he could be trained for the other which is admitted to be his duty just the same under an emergency.

Mr. BURTON. If the Senator from Nebraska had been through the hearings in this case, he would have found very much opposition. There was a provision in the bill that was stricken out last session when this measure was under consideration. I consented that it be stricken out last winter just because of opposition. I think his judgment would be somewhat modified in regard to it.

Again, I wish to say that, in pursuance of what I have been saying——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BURTON. Yes.

Mr. LA FOLLETTE. I think the Senator from Ohio creates a wrong impression. What he says may be quite misleading to the Senate respecting the opposition to a provision for drilling in the lifeboat service. I do not understand that any opposition has been made by those representing the seamen to any training of the men or drilling of the men in lifeboat service or any other service, except when it was proposed to make that the test of efficiency or as a substitute for the test of efficiency of able seamen on the vessel. The opposition to lifeboat drill on the part of the seamen has always been limited to making that the test or to substitute that for the standard of efficiency which is recognized by all the countries pretty nearly of the world—that is, three years' service at sea on deck.

I purpose to offer an amendment here—and I will say that it has no opposition from those representing the seamen—requiring, under the directions of the Secretary of Commerce, the framing of rules and regulations for lifeboat drill and for fire drill and for the assigning of passengers when they are booked for the sea to certain lifeboats, so that they may understand where they are to go.

The struggle regarding this provision for drilling has always been against having that take the place of a requirement that a certain number of trained seamen shall be employed upon every vessel before they depart from one of our ports. The lifeboat drill which is provided in the bill as reported might be had in the harbor, and men who never had been at sea at all might be so trained that they could make under most favorable circumstances, in a quiet sea and with a vessel at rest, such a showing with respect to swinging out a lifeboat and lowering it, and all that, as to equip themselves under the provisions of the bill as reported to be efficient lifeboat men, because that is all that is required. They are not required to have any knowledge of the sea itself. The opposition to that provision has always been upon the ground that it was proposed to substitute it for a standard of efficiency; in other words, it is against the shipping of green men, expecting to train them and give them the preliminary training in the harbor so that they could pass the inspection and be shipped as efficient lifeboat men, and then get the balance of their training at sea in lowering and manning lifeboats.

Mr. BURTON. I will ask the Senator from Wisconsin if he is willing to have put in here a provision for a drill of all the seamen on board for lifeboats?

Mr. LA FOLLETTE. I will read a rough draft of an amendment which I have framed.

Mr. BURTON. And, second, I want to ask him if he is willing that there shall be an examination by inspectors to see who are the most competent of those who engage in that drill and who are best able to handle lifeboats?

Mr. LA FOLLETTE. I am not willing, Mr. President, to have anything substituted in this bill for the standard of able seamen.

Mr. BURTON. In other words, it is insisted that three years shall be the standard and the only standard. The men may be fourfold more agile——

Mr. LA FOLLETTE. I beg the Senator's pardon; that is not so, because the substitute requires not only that, but starting in on section 12, page 23, with the provision as to lifeboats, line 6——

Mr. BURTON. What is the page, once again?

Mr. LA FOLLETTE. Page 23 of the copy where both bills are printed together.

Mr. BURTON. That is, the print with the caps?

Mr. LA FOLLETTE. Yes, sir. I think perhaps I had better read it from line 18, on page 22.

Mr. BURTON. Very good.

Mr. LA FOLLETTE (reading):

Nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she is provided and equipped with a sufficient number of seaworthy lifeboats to carry the transport at one time every passenger and every member of the crew licensed to be carried on board such vessel and unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

Mr. BURTON. What is your amendment?

Mr. LA FOLLETTE. I am not prepared to offer it at this time, because I will modify it.

Mr. BURTON. What is the substance of it?

Mr. LA FOLLETTE. After the word "Commerce," on line 13, page 16, insert:

Provided further, That the Board of Supervising Inspectors be, and are hereby, authorized and directed to prescribe rules and regulations, to be approved by the Secretary of Commerce, to provide, in harbor and at sea, for lifeboat drill and fire drill to be held for the training of the crew in fighting fire, in abandoning the vessel, and in caring for the passengers, and to provide for the assignment of each passenger to a particular place in the lifeboats, said assignment to be made at the time the person is taken aboard the vessel as a passenger, who shall thereupon be informed of such assignment. Every failure to comply with the rules and regulations authorized by this proviso shall, upon conviction, subject the master or the vessel to a fine of not less than $50 nor more than $200. The provisions herein with respect to lifeboat drill, fire drill, in training the crew in fighting fire, and in abandoning the vessel, in so far as the same relates to such drill at sea, shall not apply to vessels of foreign nations. But as to foreign vessels at sea said board shall deliver to the master of every such vessel departing from a port of the United States a copy of said rules and regulations, together with a recommendation that the master of such foreign vessel comply with such rules and regulations at sea.

Mr. BURTON. I take it, Mr. President, that under our existing laws the supervising inspectors have ample power to require boat drills and fire drills as well. There is certainly no objection, though, to putting that in statutory form. I am not sure but that it would help.

Mr. LA FOLLETTE. And to making it obligatory upon them to enforce such regulations.

Mr. BURTON. That is, upon the master?

Mr. LA FOLLETTE. Certainly, upon the master; and not only authorize but to direct the promulgation of these rules.

Mr. BURTON. I should like to examine the section, perhaps, before it is decided; but at present I see no objection to that.

Mr. LA FOLLETTE. I will say to the Senator that I will perfect this and offer it later.

Mr. BURTON. The supervising inspectors last winter raised the question as to who should supervise and direct those drills. The officers of the service stated that it would be impracticable for them to take that up on any large scale because it would require so much of their time as to require additional officers and that in the first instance it should be left to the master, but with their right to make regulations and to supervise. But, Mr. President, here you are trying to fix an absolutely artificial standard. No man, except a man who has served three years on deck at sea, can fulfill this requirement. There may be an engineer fourfold more competent, there may be a fireman who is much more competent, but you must have two of these deck hands for every boat. Take such a boat as that of which I gave the illustration of yesterday as a good one to begin with—the *Imperator*. It would require carrying 120 extra able seamen just to comply with this provision. Take a number of our lake boats, take the boats on the Fall River Line, take the boats that ply along on the Atlantic coast, and you are imposing here a regulation under which you compel them to take a large number of extra and unnecessary men. No examination is required; there is no standard as to competency. If a man has served three years, you can accept him; but you can not put anyone else in, no matter how much more competent he may be. If there is any one thing that developed from the *Titanic* inquiry it was that some of the men who had served longest were least alert and least competent.

Mr. LA FOLLETTE. Now, Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BURTON. Certainly.

Mr. LA FOLLETTE. The Senator from Ohio can not find in this provision a line or a word that prevents the putting into one of these lifeboats of as many competent men as the vessel can carry. It simply does provide and does require that at least two able seamen shall be provided for every lifeboat.

Mr. BURTON. Yes, Mr. President, and with the great capacity of modern steamships in the trans-Atlantic and trans-Pacific trade, and with that on the Lakes and on our other waters, this would require them to double and to treble, and sometimes to even quadruple, the number of seamen when they have already in the crew men who are just as competent to do this work. Not long ago the stewards of the St. Louis formed a little boat club; they challenged all comers; and in the competition they beat everyone that came along. They were athletes, as a good many of these stewards are, some being excellent football players.

Mr. LA FOLLETTE. They would not be barred under the provisions of this proposed substitute or of the bill as reported from being assigned to these lifeboats and from operating them and assisting in their operation.

Mr. BURTON. According to the Senator's theory, they would not be barred from being assigned in time of emergency or in a subordinate position, but they would be barred from filling this requirement of two for each lifeboat. They might be the most competent men on the boat; they might be the most permanent; they might be the best adapted for the work; but they would have, nevertheless, to go on in a position subordinate to two men who had served three years.

Mr. LA FOLLETTE. There is no reason why those men under the terms of this bill could not be assigned to the lowering of a lifeboat—one of them assigned to the bow and the other assigned to the stern. This requirement is simply that there shall be a sufficient number of able seamen, so that there can at least be two assigned to each lifeboat, but the position that they shall take in the lifeboat, or as to whether they shall be put in a subordinate position in the lifeboat, does not appear in the bill and is not dealt with at all. It would be entirely within the control of the master of the vessel to so place the men that he would get, and the passengers would get, the very best service out of each lifeboat.

Mr. BURTON. That necessarily would arise. You have prescribed by law that there shall be two able seamen. What have you done that for? It is on the theory that they are the best men for the work, that they are the men who should have charge of the boat, and that nobody else has equal competency with them.

There are several other features in regard to this subject to which I desire to advert. In the first place, to repeat in part, on any boat with a large passenger list, it requires a number of able seamen, far in excess of the whole number of seamen required on the boat for the ordinary work of navigation. It would bear down with especial weight on many of the boats on inland waters and on the Lakes.

In the next place, it has been shown by actual trial that the stewards in most instances measure up, and in many instances are superior, to the sailor men in their facility with oars. There is no better illustration of this than the one I gave yesterday. I do not know but that there were some sailors put in by the captain of the *Grosser Kurfurst*, but men selected were from the steward's department, the coal passers, and the firemen, who went out at the very beginning, and who were the first to save lives, 21 in number, off that boat. When the captain had the selection of the men, he selected the best men he had. Now, it is stated in this bill, no matter how competent they may be, no matter how athletic they may be—and almost always they are more permanent in the boats than are the sailors—many of the stewards on some of the boats have been there from 10 to 12 years, and have pride in their association with the boats; while the average trip of a sailor is not more than about a year; he changes——

Mr. NORRIS. They may be able seamen.

Mr. BURTON. Oh, no. The Senator from Wisconsin [Mr. LA FOLLETTE], I think, inadvertently made a statement here yesterday that was open to this construction. He stated that they were available as boatmen when they had been three years on the sea; but he says there shall not be less than two men of the rating of "able seamen" or higher. Those must be men who have been on the deck, in the deck service.

I have here some figures showing the number of men in a few boats—the deck service and others. Take, for instance, the American ship, the *Siberia*. She has in the deck department 45, including the first officer; in all, 50. In the engineers' department she has 138; in the stewards' department, 96. You see that is the way they run. Here is a Japanese boat, the *Tenyo Maru*, that has in the deck department 53, including the officers; in the engineers' department, 65—the proportion is somewhat less there—in the stewards' department, called here the pursers' department, 120.

Then I have the figures on the German steamer, the *Kaiser Wilhelm der Grosse*, and there there are in the deck department, including all of the sailors and all of the officers, 53; in the engineers' department—they are given separately here—they number 179. Then the pursers' department on that boat is counted differently, including the cooks, etc., and of those there are 25; in the stewards' department there are 191.

So you see, according to that, the deck force is altogether the smallest, and, with the number of passengers they carry, the whole deck force would not be sufficient to man the boats.

Mr. SUTHERLAND. Mr. President, can the Senator from Ohio tell us how many lifeboats there are carried on the *Siberia*, or what would be the full complement of lifeboats?

Mr. BURTON. It is not stated here. I should fancy that the full number—I do not know, but the Senator from Utah knows better than I how large a passenger list that boat carries if she goes from the Pacific coast—I should fancy that there would be about 40 lifeboats.

Mr. SUTHERLAND. The Senator may be right, but I should think not, because on the ship that was lost last year, the White Star liner, the *Titanic*, the full complement of lifeboats was only 34 on that great ship, as I understand.

Mr. BURTON. Well, but she did not have nearly enough.

Mr. LA FOLLETTE. Her full complement, however, would have only been 34.

Mr. SUTHERLAND. If she had had a sufficient number for every soul on board, she would only have had 34.

Mr. BURTON. Not quite. She at times would certainly have more than 2,000, including the steerage and all. She carries about 700 first-class passengers.

Mr. SUTHERLAND. Something over 2,200 altogether.

Mr. LA FOLLETTE. She had on board, if the Senator will permit me, 2,201 people at the time of the disaster.

Mr. BURTON. Yes; but that was on her first trip.

Mr. LA FOLLETTE. That was with a crew of 885. Thirty-four lifeboats would have carried everybody, and under the substitute bill it would have required 68 sailors to man them.

Mr. BURTON. Let me call attention to another matter. Sixty to a lifeboat, I think, are too many.

Mr. SUTHERLAND. Of course, it depends on the size of the lifeboat.

Mr. BURTON. I can tell what this bill will result in. There is a recent report here—if I have time I may possibly read from it, but at this moment I can not put my hands upon it—in which the largest-sized lifeboat is condemned and lifeboats which carry about 50, or from 50 to 60, are preferred. The result of this

would be that large and perhaps unwieldy lifeboats would be placed upon the ships, and that is a point to be considered in regard to any legislation of this kind.

A lifeboat—what is it? There are lifeboats and lifeboats. There is one type, known as the Lundin, a collapsible, which carries 75 people on a length of 28 feet. The Englehardt carries about 54. The lifeboats which are used on the Lakes carry only about 18 to 20. That is the size most adapted to them. How are you going to harmonize any such regulation as this with all those different sizes of lifeboats?

Mr. LEWIS. Mr. President, may I ask the Senator from Ohio, who lives, as I do, upon the Lakes, have we not a regulation or law under which a department of our Government can pass upon the question as to what will conform with the requirements?

Mr. BURTON. Yes; if the Senator from Illinois will remind me of that later, I want to dwell on that somewhat fully, and I may reach it very soon.

Mr. LEWIS. I felt that that removed the embarrassment to which the Senator has adverted.

Mr. BURTON. See right here the indefiniteness of this provision. If a lifeboat carries 20 people, each must have two able seamen; if it carries the maximum capacity, which is between 70 and 80, then the requirement is the same. Each must also have two able seamen.

There is one other provision here that I do not altogether like to talk against, because it seems so reasonable, which has been put into this bill for the first time, one which has been in no preceding bill and which, if it were generally known, would raise an outcry that would certainly come in very strong language to the Senate. I refer to the following provision:

Provided, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she is provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel.

That is absolutely new. Mr. President, that would put many excursion boats out of business. I do not know but that it would be best to have them stay in port at New York on the hot days and not go out to Coney Island; but they could not comply with that requirement. Excursion boats run from Boston and on the inland waters from Detroit and Sandusky. Why could they not comply with that requirement? The supervising inspectors have, as suggested by the Senator from Illinois [Mr. LEWIS], very carefully considered that matter. They have allowed, to a certain extent, rafts to be substituted where the vessels operate near land. They say this: "Take a great excursion boat with, say, 2,000 people on her. If a panic should arise, a lifeboat would not do any good. The passengers would rush over to the boats and trample upon each other. The only recourses in that case are another boat coming alongside or life preservers." It is a pretty bad alternative, I am frank to say, and I do not like to stand up here and criticize a provision of that kind, because, abstractly, at first sight it seems right; but the inspectors and others who have examined into the question have greatly modified the requirements for long-distance voyages in this respect. They have relieved excursion boats from this provision. Where a boat sails in shallow waters, where her hull would not be submerged in case she sank, they have substituted for lifeboats other appliances for saving life, such as rafts. If you are going to go this far with all boats outside of harbors and rivers, I do not see why you should not include the rivers and the harbors as well.

According to the statistics in the Statistical Abstract the number of lives lost on the rivers is about as great, notwithstanding the traffic is immeasurably less, as it is on the Lakes. The worst disaster in the history of American vessels was the one which befell the *General Slocum*. And where did it happen? In a river and in a harbor both. So, under the provisions of the proposed substitute, it would cut out excursion boats. Suppose a ship rounds a headland; if she keeps near to land, is she in any worse position than coming down in the deep portion of the Hudson River?

All this goes to show how impracticable it is to pass a bill of this kind, made up of generalities. There is an infinite diversity in our ships—in size, in propulsive power, in the distance they go, in the number of passengers they carry, and whether they go by day or by night. I want to say if there is anyone who thinks he can frame a general law that will cover all these cases, I should certainly salute him as a person of the very greatest and highest degree of wisdom. I do not believe it can be done. I do not believe you can frame satisfactory or fair general provisions as to the number of lifeboats. I do not believe you can frame provisions requiring able seamen to take care of lifeboats that will not be utterly impracticable.

In this connection, Mr. President, if this bill were to pass, the requirement that 40 per cent of the deck crew the first year must be able seamen is, on most of the passenger boats, a bagatelle in comparison with the requirement that there shall be two able seamen for each lifeboat. Complaint enough is made of the first provision, but the requirement of two able seamen for each lifeboat would so strain the demands for able seamen that you could not find them in the country.

People sometimes say we delay passing bills. Well, we had an illustration last winter. I favored the manning bill, then under consideration. That applied to about 300 boats, whereas this bill would apply to about 3,000. I most cordially favored the requirement for an additional mate, making three mates on one class of boats, and two mates on another. Well, the vessel owners wanted to obtain under that bill about 250 extra mates, but they have not gotten them up to this time. There are probably some two hundred boats and tugs which have been or are amenable to fine because they have not complied with that law. The law was passed to take effect immediately. They could not, however, find the men. Representatives of the union and of the vessel owners got together and talked the matter over amicably. Both recognized the situation, and, as I am informed by a man who was present—and I believe the Senator from Florida [Mr. FLETCHER] was present at one of those conferences—the question was asked by the owners of the ships, "How much do you want for those mates? What wages?" "Seventy dollars a month." "All right." One owner said, "We will take 20"; another said this number and another said that number, but hardly a man could be furnished to go into the service. We passed that bill with the best of intentions. I joined in reporting it. It provided that on a tug there should be an extra mate, but on Long Island Sound and everywhere else where they are searching for them they can hardly find a man who will go on as mate. He does not like the job.

If that is true in regard to that bill, which only required 250 additional men, what will be true in regard to this bill, when heretofore there has not been any such classification as "able seaman"? It has never existed; but, like a bolt out of the clear sky, you propose to create it now, and within 90 days compel every boat to have all this equipment.

Mr. President and Senators, it would be absolutely impossible. There is not a requirement in regard to manning boats by able seamen in any country of the world, except Australia. They have the grade of able seamen in England and Norway, in France and in Germany, but they do not make a requirement that a certain proportion of the crew shall be able seamen. In Australia they do in the coastwise trade; but if a boat comes from England or from Hongkong, they do not compel her to be manned with able seamen in this way; they leave her alone. There are conflicting reports about the result; one is that it has greatly increased the cost of operation.

I desire to return a moment to the idea of three years' service being necessary to constitute an able seaman. Oftentimes the young fellow who has been in the service six months or three months shows far greater facility than the man who has been in the service for three years. A man who has served three years on the deck of a boat can apply to be a mate; and those who are most progressive and able take the examination for mate.

In some parts of the country, particularly on the Great Lakes, during the years when the shipping has been increasing so rapidly, almost anyone of ability who has served three years can get a license as mate or first assistant engineer, and be appointed; indeed, under the regulations, a man does not have to serve three years, the time required to become a boatman under the substitute bill, to get a mate's certificate on rivers and inland waters; after two years a man may go to the inspectors and take the examination for mate; but here you are putting in this impracticable and unreasonable requirement that on every boat that crosses the ocean, on every boat that goes outside of a river or harbor, there shall be two able seamen of three years' service on every lifeboat. No matter how competent a man of less service may be, he is to be turned down. You say to them, "You do not fill the bill; we will have some one who has been at sea three years."

What is the fair test? Examine these men as to their skill—stewards, firemen, whatever they may be. This country does not think favorably of a limitation of time. What it regards is capacity and ability. I think I would myself favor a certain amount of time at sea. I do not believe in bringing in a harbor rat, letting him take the examination, and go right out as a boat hand. I believe a "harbor rat" means a man who sticks close to the harbor and never goes to sea. But to say that a man has got to serve three years, and then prescribe no other

qualification, except to direct that he shall be drilled, is not only unreasonable, but it is fraught with danger.

One other point I wish to make about this matter of lifeboats. That provision will have to be examined with a good deal of care. We can not afford——

Mr. CUMMINS. Mr. President——

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

Mr. BURTON. Yes.

Mr. CUMMINS. The Senator from Ohio has said several times that certain things in this bill ought to be examined with a great deal of care—examined by whom?

Mr. BURTON. Examined by a legislative committee in connection with men who are expert in the handling of nautical affairs, ships, and so forth.

Mr. CUMMINS. Has not that been in progress for 15 or 20 years?

Mr. BURTON. Well, I do not know about that. The committee last winter tried to bring before them the officers of the Government who have to do with nautical affairs; and in the bill which we framed last winter we sought, so far as possible, to follow their suggestions.

Mr. CUMMINS. What I really want to know is, has not this matter been under agitation, under discussion, and under consideration for 15 or 20 years or more?

Mr. BURTON. Just what was desired has assumed a different form every few years. As I said this morning, this so-called seamen's bill contained nothing about lifeboats or lifeboat hands until 1912, after the *Titanic* disaster.

Mr. CUMMINS. It seems to me the time has come to do something. We ought to make some progress. If we have had the subject under consideration for nearly a quarter of a century, somebody ought to have a rather definite and intelligent notion of what should be done. But that really is not what I rose to ask the Senator from Ohio.

Mr. BURTON. Just one minute. I want to say, as I said the other day, that the great difficulty in this legislation has been the antagonism between the two elements, both of them making unusual demands. I wish they could be placed in a room as a jury is and told: "You will stay there until you come to some agreement." I do not suppose, however, that they would reach any agreement even then.

Mr. CUMMINS. The chief difficulty, I presume, has been that it would cost the shipowners something, and they do not want to pay the additional cost. That is the real difficulty.

Mr. BURTON. With unanimous voice they deny that.

Mr. CUMMINS. But just see what the Senator said a few moments ago about the bill that was passed last winter, and the inability of certain shipowners to secure the third mate. They would have no difficulty in securing him if they would pay him sufficient wages, would they?

Mr. BURTON. Oh, by no means.

Mr. CUMMINS. Then it is a mere matter of whether or not they are willing to pay enough to him.

Mr. BURTON. That was what I tried to make clear. They could not get him at all. There are three associations. I think I have here a minute of the associations. The matter attracted so much notice that an official went over from Washington. There is the Association of Masters, Mates, and Pilots of New York; there is the American Merchant Marine Association, which includes a few engineers, and is located at Boston; and there is the so-called Neptune Association of New York. The first and third simply expressed their inability to furnish the men.

The men who were the owners of ships said to them: "State a price you ought to have." When that price was stated, they said, "We would like a considerable number of men at that figure"; but they could not get them. You can hardly get them to go on these tugs at all.

Mr. CUMMINS. I should think not, at fifty or sixty or seventy dollars a month.

Mr. BURTON. Seventy dollars a month was the figure.

Mr. CUMMINS. I should not think that would be very attractive.

What I really rose to ask the Senator from Ohio, purely as a matter of information, was this, if I may premise it by a word or two——

Mr. BURTON. Certainly.

Mr. CUMMINS. The whole course of the argument of the Senator from Ohio has been to indicate that what is known as the seaman, the able-bodied or able seaman, is not much of a fellow.

Mr. BURTON. Oh, I would not say that.

Mr. CUMMINS. That he is to perform mainly menial work, and that the highest and most important duty relating to these emergencies that sometimes come ought to be performed, and probably can be better performed, by somebody else than the able seaman.

I do not know, but I should like to ask the Senator from Ohio, what is the rank of the various employees on a ship? Does a waiter rank higher and get more pay than an able seaman?

Mr. BURTON. I am unable to give the figures in regard to that. I should be more familiar with the trans-Atlantic liners. I should say that the compensation of the stewards, as they are called, would be considerably more than that of the sailors; but it is contingent upon the so-called fees or tips, which are very well established as to amount. The old practice was that at the end of the voyage every occupant of a berth on an ocean steamer must give 10 shillings, or $2.50, to his steward, and that he must give the same amount to the waiter at his table.

Mr. CUMMINS. That is not one of the regulations of the law, however?

Mr. BURTON. No; but it is one of the expenses that everybody pays.

Mr. CUMMINS. But excluding that, which I take it is a mere gratuity and is intended generally to secure a service that will not be rendered without a bribe, what is the compensation of a waiter as compared with the compensation of an able seaman?

Mr. BURTON. Really, I am not able to state about that.

Mr. CUMMINS. What is the relative rank or dignity or compensation of an able seaman as compared with a coal passer?

Mr. BURTON. I do not think there is any invidious distinction or comparison between the two. I think the coal passer would have higher wages and shorter hours. It is utterly unsatisfactory to study those figures, because they differ so widely in different parts of the world. I have some figures here, somewhere, on that subject.

Mr. CUMMINS. But if we can not compare them by compensation, how do they rank in what might be called the dignity of the service or the labor?

Mr. BURTON. Oh, I think they go to work usually very good-naturedly, without any ideas about dignity or rank or anything of that kind.

Mr. CUMMINS. I do not mean that. How does the world look upon them in estimating the value and importance of the different kinds of labor which they perform?

Mr. BURTON. The fact is that the sailor is seeking promotion. He is hardly ever satisfied with the position of sailor.

Mr. CUMMINS. That is a very happy condition of mind, I am sure.

Mr. BURTON. That is especially true in our own country. The steward is far more permanent on the boat and has a variety of duties to perform which, while some of them are entirely menial, involve a greater degree of familiarity, I should say, with a larger number of subjects. That does not mean that the steward is a better man; but the passengers give him little commissions to perform, and he has the confidence of the passengers who are with him in a way that makes the place an agreeable one—especially agreeable if the passenger gives him a pretty good-sized tip when he is through with the journey.

Mr. CUMMINS. Then the Senator from Ohio is unable to say whether the able seaman, if he has had a successful experience of three years, is of more importance to the boat, does a more valuable and higher grade of work on the boat, and is ordinarily a man of higher intelligence than the waiter?

Mr. BURTON. I do not wish to place any estimate on the relative positions of the two. I must say they are both men who are performing an exceedingly valuable service; they are both men who, in time of stress, would very likely prove very efficient, and even heroic.

Mr. CUMMINS. I do not wish to disparage either; but we all know that there are ranks in labor, although we respect the men without discrimination. There are some kinds of labor that require more experience and more training and more thought, if you please, than other kinds of labor; and according to the law of the world those men receive a higher compensation. They are usually the men who have the ambition, as just suggested by the Senator from Ohio, to reach up and occupy still more important places in the world. I have always thought the able seamen, as we call them, were of the higher rank, because the work they did and the work they might be called upon to do was more important, more vital to the service in which they were employed, than some other kinds of work in the same service.

Mr. BURTON. You can not very well compare them with any other service. Of course, those who have responsibilities as lookouts or as wheelsmen occupy most responsible positions; in fact, the boats could not be navigated without them.

Mr. CUMMINS. Those places are filled not from the ranks of the waiters but from the ranks of the seamen, are they not?

Mr. BURTON. Certainly. The fact that men have that chance for promotion is what draws sailors to the Lakes or to the sea from our country to-day. If it were not for that I think it would be found exceedingly difficult to fill their ranks.

Mr. CUMMINS. I have no doubt of that. That is true of a great many fields of human endeavor. If there were not opportunities beyond or above, they would be very difficult to fill. But the Senator from Ohio, as I understand, agreed with the committee which reported the bill; and I find that in the bill there is a recognition of "able seamen."

Mr. BURTON. That is, the grade is created, which I think ought to be done.

Mr. CUMMINS. That must be upon the hypothesis that it is a grade that carries with it some dignity and some capacity. It must be upon the theory that after three years of experience those who are able to survive that experience will be better fitted to meet the perils of the sea than the man with one year, or less than one year, of experience.

I can not quite understand the opposition to this bill, which is based upon the notion that in the long run we will find greater ability among other employees of the ship than among the able seamen. It seems to me we will be more likely to find men of capacity and of courage and of knowledge among the men who have served three years upon the deck than among those in any other part of the crew.

Mr. BURTON. Of course a man selecting a crew would naturally prefer a man who had served three years to one who had served only one year. There must be some degree of superiority, presumably; and if the same man has served three years, he is better than when he had served only one year. But the point is that the duties to be performed are not of a kind that require long training or experience. They are of a very simple nature.

Mr. CUMMINS. Then why has the committee proposed the creation of that rank? If there is really nothing in it, if it is a sort of menial work, such as polishing brasses and scrubbing floors, and that is about the end of it, why should we give it dignity by describing it as the rank or degree of able seaman?

Mr. BURTON. Because, as I have already said, there is a certain presumption that a man who has served three years is better than a man who has served one year. As a second reason, that grade has been established in other countries, and it is a designation which is quite familiar over the world.

Mr. President, I have here a great deal more material that I want to go over. I wish to return for a few moments to a subject from which I departed for a long while, namely, the precautions that should be taken.

I have already considered construction of hulls, fire, and lifeboat equipment. There are a number of other things which should be taken up.

First, in trans-Atlantic travel, there is the matter of ice patrol, in which we have made great progress in the last few years. In the year 1912 two cruisers, the *Birmingham* and the *Salem*, were sent out to watch for icebergs. They were equipped with the best of wireless apparatus, and sent the news all around on the Atlantic lanes. In this year, 1913, revenue cutters were sent out to watch for the movement of icebergs, and performed the same duty. It is very desirable that the expense of maintaining this service in the respective zones should be a matter of international agreement. It is too much to ask of any one nation that it pay the bill. On the other hand, it is absolutely necessary that all who take part in the service should thoroughly cooperate, under well-established regulations.

In the same line I might mention derelicts. The figures that are given on this subject in some recent reports are surprising—the number of derelicts that have been abandoned in the track of ships in the Atlantic Ocean. We have also for quite a number of years furnished a vessel for the destruction of derelicts. If a boat is going at a high rate of speed, 20 knots or more, and hits head-on an abandoned vessel, which may be so submerged that the lookout can not see it, there is danger of serious accident.

It is very desirable that modern boats should be equipped with twin screws—some of them are already equipped even with triple screws—so that in case of the failure of one the vessel may, nevertheless, go on its way. There are some boats which have done most excellent service for many years with a single screw. For instance, the *Umbria*, of the Cunard Line, which was one of the two best boats for some years, being built about 1884, continued in service as a single-screw steamer for nearly, if not quite, 25 years, I think, and performed excellent service without accident. But if there should be a breakdown, such a boat would be left helpless in mid-ocean, and in case of storm would be tossed about very seriously.

Some days ago I made in my remarks a statement with regard to line-carrying projectile guns, and stated that they were required by our own regulations. The object of one of these guns is to throw a line from one boat to another, and then the small line that is cast may pull a larger or stronger line or rope. That class of appliance is especially used in the Life-Saving Service, and it is very desirable that ships at sea should be furnished with it. It appears that the *Carmania* was furnished with such a gun, and came very close to the *Volturno*, but, for reasons which have not yet been fully explained, the line-carrying or projectile gun seems to have been ineffective.

There was a great deal of discussion after the *Titanic* disaster about the utility of searchlights. The question has been very much discussed, and the general opinion is against them, on the ground that they dazzle the eyes; that the lookouts, who otherwise would depend upon their own good eyesight, come to rely on the throwing of illumination by the searchlight, and thereby lose the confidence that they otherwise would possess. However, there are likely to be emergencies in which they would be very useful. In such a case as the *Titanic* disaster, if there had been a searchlight, and it had been brought into use, there probably would have been no disaster.

While I do not care to put up my opinion against that of experts, it seems to me searchlights should be carried—not for constant use, not for general reliance, for descrying objects ahead which should still be left to the lookout, but for those exceptional conditions when it is very dark or when there is a probability that an iceberg or other obstacle is near at hand. That is one of the subjects which certainly should be discussed at the international conference.

It goes without saying that the firing of rockets, except as a signal of distress, should be strictly prohibited.

I notice that the Senator from Wisconsin [Mr. LA FOLLETTE], in his statement yesterday, spoke of Senate bill 136 as having rather insidiously put in a provision for 12 hours' labor. I do not believe he read the bill very carefully. The difference between the Nelson bill and the amendment introduced by him in that regard is that his bill includes under one broad, sweeping provision vessels of more than 100 tons, and says that on such vessels the sailors shall, while at sea, be divided into at least two, and the firemen into at least three, watches. As far as the division of labor of the sailors and the firemen is concerned, the provisions are exactly the same in both.

But the bill as it passed last winter, which was the result of long consideration, contained a proviso to the effect that the section should not apply to vessels whose regular schedules between terminal ports did not exceed 24 hours, nor to vessels of less than 300 gross tons. There are a great many of those smaller boats which you can not well bring under the regulations which pertain to a large boat of 1,000, 2,000, 3,000, 4,000, or 5,000 tons. After examining a number of persons, 300 tons seemed to be the more natural dividing line. But bear in mind that it happens that the limit in both bills is the same, 12 hours, and there is a proviso that in vessels under 30 tons, or for a run of less than 24 hours, they may be employed in no case more than 12. This language is added as in all cases:

Provided, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency, as hereinbefore provided.

The committee, out of abundant caution, put in a further provision that the exemption should in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor. So that in any event, except in the case of a storm, the maximum number of hours is 12; and there is nothing at all that is difficult to understand in this form of the bill as reported by the committee and as passed by the Senate last winter.

The Senator from Wisconsin stated yesterday that travel should be as safe at sea as it is on land. Why, Mr. President, it is a great deal safer. On this subject I have had the figures prepared as to the accidents on railroads and the accidents on the sea. It is a frightful toll in both cases, but the loss of life is far less on the sea.

Take our own merchant marine: In the year 1909 there were on the Great Lakes four passengers drowned or lost. Each one of them, no doubt, had a family and friends; but that is a pretty small number. How many passengers were carried? Fourteen million nine hundred and thirty-seven thousand five hundred and seventy-three. One passenger was lost on the lakes for every 3,739,340.

In 1910 the proportion was somewhat greater. Out of 16,670,000 passengers carried there was a loss of 5, or 1 in every 3,334,000.

In 1911 it was somewhat larger still—13, or 1 in every 1,076,517. But that is explained largely by one disaster which would

not be at all affected by this bill. It was the loss of a launch on Lake Ontario, near the city of Kingston, where 7 passengers were drowned at one time. The boat went ashore in a storm. This bill would not have affected it in the least degree. It was a vessel under 100 tons. It was not a naphtha launch, but one propelled by steam. Leaving out that accident, there would have been only 6 lost out of 16,794,000 passengers carried in that year.

Taking the whole country, the proportion of passengers is even less. The number as given by the report of the supervising inspector general for 1909 was only 39 out of 330,000,000 passengers carried; in 1910, 57 out of 325,000,000; in 1911, 71. One in 1909 to 8,485,000 carried. I regret to say that the loss of seamen was larger. On the Lakes there were 82 in 1909 and 340 in the whole country. I am unable to give the proportion, because the total number of seamen employed is not given.

Now, when you turn to the railroads there is a very striking difference. The great distinction, in the first place, is that the losses on the water are usually death losses, and the number of injured is not large in proportion to the number of deaths; but on the railroads the number who are injured in proportion to the number who are killed is very large indeed. Beginning with 1907, which is the first year for which I have the figures, the number of passengers carried on the railroads was 873,000,000; killed, 610; 1 killed to every 1,432,631. In 1909 the number fell to 253, or 1 to every 3,523,606, as against 1 on boats to 8,485,000.

But that is not the worst of it in the comparison. As against 610 killed on railroads in the year 1907, 13,041 were injured, or twenty times as many. So, notwithstanding the excellent management of our railroads and the means that have been taken for raising the standard, the Lakes and the sea still bear the palm as regards safety to human life.

I will, according to the consent I have had given, have these figures published, so that they may be studied more extensively if anyone desires to look at them.

The matter referred to is as follows:

Loss of life—water transportation.

PASSENGERS.

Calendar year.	Great Lakes.			United States, including Great Lakes.		
	Passengers carried.	Loss of life—passengers.	One death (passenger) to each.	Passengers carried.	Loss of life—passengers.	One death (passenger) to each.
1909	14,957,563	4	3,739,390	330,918,496	39	8,485,089
1910	16,673,834	5	3,334,766	325,537,042	57	5,711,176
1911	16,794,722	13	1,276,517	312,114,041	71	4,395,972
Total	48,426,119	22	2,201,186	968,569,579	167	5,799,817

Loss of life reported to Inspection Service, including members of crews and passengers.

Calendar year.	Great Lakes.		United States, including Great Lakes.	
	Loss of life.	Loss of life other than passengers.	Loss of life.	Loss of life other than passengers.
1909	92	88	379	340
1910	81	76	392	335
1911	63	50	264	193
Total	236	214	1,035	868

Figures are taken from annual reports of Supervising Inspector General of Steamboats for 1910, 1911, and 1912; 1913 report, covering year 1912, not yet issued.

Loss of life—railroads.

PASSENGERS.

Year ending June 30—	Passengers carried.	Passengers killed.	Passengers injured.	Passengers killed and injured.	One killed to each.	One injured to each.	One killed or injured to each.
1907	873,905,133	610	13,041	13,651	1,432,631	67,012	64,017
1908	890,009,574	381	11,556	11,937	2,335,983	77,017	74,558
1909	891,472,425	253	10,311	10,564	3,523,606	86,458	84,386
1910	971,683,199	450	15,515	15,965	2,159,295	62,628	60,863
1911	997,409,882	356	13,433	13,789	2,801,685	74,250	71,318
1912	.....	318	16,386	16,704	.....	.....	.....

Loss of life—railroads—Continued.

EMPLOYEES.

Year ending June 30—	Employees killed.	Employees injured.	Killed and injured.	One killed for each.	One injured for each.	One killed or injured for each.
1907	4,534	87,644	92,178	.....	.....	.....
1908	3,405	82,487	85,892	.....	.....	.....
1909	2,610	75,006	77,616	.....	.....	.....
1910	.....	.....	.....	.....	.....	.....
1911	3,602	126,039	129,641	.....	.....	.....
1912	3,635	142,442	146,077	.....	.....	.....

Figures from Statistical Abstract, United States, 1912.

Mr. BURTON. Mr. President, I do not know but that I may wish to take the floor again. However, for the present there is only one other general point to which I wish to call attention. I regret that the Senator from Illinois [Mr. LEWIS] is not here, as he has inquired about it, and the Senator from Georgia [Mr. BACON], who is already quite familiar with the subject. We can not afford to ride roughshod over treaties with foreign countries as we are doing in this substitute bill. Before doing that, to show how hastily the bill has been prepared, I want to call attention to a few points in particulars other than those relating to foreign relations. In the first place, if anyone will look at the amendment proposed as a substitute for S. 136, there is no congruity whatever between the part ending with the word "and" in line 7, as I have it here, and that which follows.

Mr. NORRIS. On what page?

Mr. BURTON. On page 2. The first section pertains to the making up of the crew in case of desertion or casualty, while the second governs the hours of seamen and their employment. It says that—

> In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

It goes on to deal with an entirely different subject, which should be in an entirely different section. But there is more than that. This first portion as it is here in the proposed substitute repeals the Hardy Act, as it was called, the manning bill, which was approved on the 3d of March last. The fact is, I may say to those who favor the bill, the existing law is more stringent in its provisions than this which it is proposed to insert. It would be well in any event to examine the existing law on the subject. I do not really think this first portion has any particular use in this bill.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST). Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BURTON. Certainly.

Mr. LA FOLLETTE. My attention was diverted for a minute. May I inquire if the Senator is speaking of the first section of the bill?

Mr. BURTON. The very beginning.

Mr. LA FOLLETTE. The section that proposes to reenact section 4516?

Mr. BURTON. Yes.

Mr. LA FOLLETTE. You were referring to the first portion. What portion did you mean, if I may inquire?

Mr. BURTON. That portion down to line 4 on the second page. I do not mean the print that has the varied type, but down to line 4, the words "without incurring the penalty prescribed by the two preceding sections."

Mr. LA FOLLETTE. Did I understand the Senator to say that as to that first portion it repeals the Hardy Act?

Mr. BURTON. It would very materially modify it; and another thing——

Mr. LA FOLLETTE. Just wait one moment, if the Senator please. What change do the lines which the Senator read make in the existing law?

Mr. BURTON. A very trivial change. The word "refill" is used in the old statute and the word "fill" is used here; and in the prior line I think the words "must be of the same or higher grade" are "must be of a grade the same or higher." There are some immaterial differences like that. The portion as introduced by the Senator from Wisconsin and as introduced in the House in the last Congress and as reported to the Senate makes practically no change in the existing law.

Mr. LA FOLLETTE. Down to line 4 on page 2 the Senator does not contend, then, that the change made in this section is material?

Mr. BURTON. It is not a material change in the existing law as it was before the Hardy Act of last winter.

Mr. LA FOLLETTE. Well, as it is now?

Mr. BURTON. Yes; as it is now a very material change is made. The Hardy Act——

Mr. LA FOLLETTE. What is the change that is made, if the Senator will just call attention to it?

Mr. BURTON. I will read the Hardy Act, if the Senator will follow me:

If any such vessel is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew to the local inspectors within 12 hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of $100, or, in case of an insufficient number of licensed officers, to a penalty of $500.

It is much more severe than you have it here.

Another thing: I am inclined to think that as you have it here it refers only to vessels engaged in foreign trade, while the Hardy Act is general. This, as you can see here, refers only to vessels in the foreign trade. It provides that the master shall "report the same to the United States consul at the first port at which he shall arrive." That evidently means not the domestic trade, but the foreign trade.

Mr. LA FOLLETTE. The provision is exactly as it is reported to the Senate from the committee of which the Senator is a member.

Mr. BURTON. Yes; I think so.

Mr. LA FOLLETTE. It is exactly in the same form in which it was reported—that is, so much of the section as the Senator has quoted is in exactly the same form in which he reported it.

Mr. BURTON. Last winter.

Mr. LA FOLLETTE. At the close of the last Congress.

Mr. BURTON. Yes; and this act was passed after the bill was reported.

Mr. LA FOLLETTE. Do I understand that the Senator dissented from the report of the committee when the bill was reported at this session?

Mr. BURTON. I did not wish any report at all to be made.

Mr. LA FOLLETTE. Did the Senator file any dissenting views on the subject?

Mr. BURTON. No; I did not. I regarded it as an incongruous thing to do to file a report and say that nothing ought to be done about it before the next session, and await an international conference. I did not regard it as the best course. So I opposed the reporting of this bill and bringing it upon the calendar.

There is no reason why any antagonism should be aroused by my making the suggestion. First, I am perfectly willing to admit there is another thing that was omitted in the bill which I reported last winter. It is in regard to the question of quarters. The bill was taken as nearly as possible from the bill which had been reported in and passed by the House. In section 5, on page 5, amending the act of March 3, 1897, all reference to existing vessels is stricken out in the law. It was 72 cubic feet quarters for each seaman and was made 100 cubic feet for boats built after a certain time. This bill, omitting the portion which refers to existing vessels, states that the whole section shall be repealed, and then begins with a proviso relating to vessels thereafter built. If the statute were passed in this form we would be in the very peculiar position that no provision whatever would be made for quarters on existing ships. I may say in this connection that, according to the testimony last winter, every vessel owner seemed perfectly willing to comply with the provisions here in regard to the size of the quarters and in regard to the quantity of food.

Mr. President, there is one provision in the bill that I do not believe there will be a dissenting voice about in its relation to foreign nations. It is the abolition of arrest for desertion. It has been maintained that the arrest-for-desertion statute was passed in the early nineties of the century before the last; that a fugitive-slave law was passed at about the same time; and that they are very similar in their phraseology. If nothing else were done except doing away with arrest for desertion, it would have been worth while to bring in this bill, though in the bill which passed the Senate and which the committee reported much more was done, as I showed this morning, in ameliorating the condition of the seamen and all on board a boat and in providing for greater safety of human life. But we framed the sections in regard to arrest for desertion cautiously and diplomatically, recognizing the existence of treaties.

This bill is ingenious from the standpoint of the seamen. I am not going to blame them for it. It has three propositions: First, a man may desert without arrest; second, at any port into which he goes, on giving 48 hours' notice, he may have half his pay; third, no allotment shall be given out from his wages.

That makes it possible for the sailor to leave his employment whenever he chooses, and whether his contract is finished or not, whether the time for payment has accrued or not, he may receive half his wages.

I do not object to that kind of a provision as it relates to American seamen, but it is in direct contravention of international law and our treaties with foreign countries, and it has provoked vigorous protest from them. They say, "you have no business to go on our ships and say, as you do here in this statute, that the courts of the United States shall be open to them." This proviso is as follows:

Provided further, That this section—

That is the one relating to the payment of half wages after 48 hours of demand therefor. There was very little opposition to that from any person who appeared before the committee, but there is this proviso:

Provided further, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That is a direct violation of treaties without any notice whatever that we intend or desire to terminate them.

Now, let us see, first, what is the general international law on that subject. It is stated in the Wildenhus case, One hundred and twentieth United States, 11, after stating the general law, that when the boat of one country comes into the port of another it subjects itself to the law of the place to which it goes, unless by treaty or otherwise the two countries have come to some different understanding. Chief Justice Waite says:

From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulations of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquillity of the port—

That is the distinction—

should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged, as the laws of that nation or the interests of its commerce should require.

The learned justice then goes on to say:

But if crimes are committed on board of a character to disturb the peace and tranquillity of the country to which the vessel has been brought, the offenders have never by comity or usage been entitled to any exemption from the operation of the local laws for their punishment, if the local tribunals see fit to assert their authority. Such being the general public law on this subject, treaties and conventions have been entered into by nations having commercial intercourse, the purpose of which was to settle and define the rights and duties of the contracting parties with respect to each other in these particulars, and thus prevent the inconvenience that might arise from attempts to exercise conflicting jurisdictions.

So we see what the general international law is on the subject, and the suggestion that treaties and conventions have been framed in many instances in pursuance of it.

Now, let us turn for illustration to our treaty with the German Empire of 1871, where it will be noticed in article 13 this case is covered broadly and in the clearest language:

Consuls general, consuls, vice consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Whatever may be the merits of this proposition, we are attempting to repeal and annul that treaty without saying a word about it. It abrogates a treaty in a way that is an insult. While I am not going just now to oppose that provision for giving control to our courts in regard to vessels of foreign countries, it is well for us to recollect that two can work along that line. If we violate the international rule, how do we know what some other country may do? If we pass a statute that is contrary to the law of Germany and the custom in vogue there and provide that one-half of the wages must be paid a German seaman in an American port, although he is engaged for a trip from Hamburg or Bremen to New York and return and is to receive his wages when he returns, what is to hinder them from passing a law that any naturalized German who has not performed military service in the German Army can be taken off one of our boats and subjected to the performance of that service?

What is to prevent them from imposing any regulation on our shipping in their ports which is onerous or even disastrous to it? I think we had better hesitate a good while before we adopt such a provision as that, especially without giving the year's notice that is prescribed by treaty.

Again, section 12 is full of provisions such as the number of able seamen who are to be on board. Their law makes no provision as to the number of able seamen who are to be on board. It makes no provision that lifeboat men shall be men who have served three years as able seamen. But this statute, without reference to the abrogation of any treaty, without seeking to annul conventions under which they have control of their internal arrangements, says to them, "You must put on 40 per cent of able seamen the first year, 45 the next year, and so on, until you have 65 per cent, and all your lifeboats must be manned by at least two able seamen," thereby going on their boats, which are as it were their soil, and prescribing regulations.

Of course, if there were no treaties, we might absolutely exclude the boats of any nation from our ports, and as a result, it is maintained, you can impose any kind of a regulation or condition upon them. But here is a case where there are treaties that govern these relations, and it is proposed in this amendment to do away with the control of these nations over their ships and to enforce a rule as to the payment of wages, which is in direct contravention of our own agreements with them.

I have not had so long experience here as some others, but I have noticed that when treaty provisions are involved we usually act with a certain degree of care, and I think we should so act. Whatever anyone's opinion may be about the desirability of introducing this class of regulations and making it binding on foreign nations as well as our own, there is a right and a wrong way to do it, and this bill proposes to go at it in the wrong way, without making any mention of treaties, without calling on the President to enter into negotiations to abrogate treaties, without calling on him to give any notice, as is provided in the treaty itself, but to go right ahead in the language which I believe was once uttered in the Senate—"What have we to do with abroad?"

Mr. President, we can not afford to take that kind of an attitude. That is one reason why I deprecate action on this bill at this time. I deprecate action also—and I can not repeat it too often—after giving an invitation, as we did, for an international conference upon the matters involved in this bill. There is hardly a thing here except matter of pure domestic regulation but what we have asked other countries of the world to confer with us about—the manning of boats, the efficiency of crews, lifeboat apparatus—all that runs through this bill here, prevention of fire, regulation against collisions at sea. All those we asked the other maritime countries to meet and confer with us about.

Our invitation was accepted. Indeed, all of them were so impressed with the desirability of such a meeting that while our invitation was the first it is difficult to tell exactly upon whose invitation the conference is to be held. They, and we as well, have formulated propositions for consideration. It is open for those who meet to consider almost any subject pertaining to navigation. The conference has been called for the 12th of November—just 22 days from to-day. Our President chose delegates, our State Department has notified those Governments that we have chosen the delegates and that we are to take part, and now you propose here to pledge the Senate of the United States, before which any treaty would be brought, to certain propositions. What would those other nations naturally have to say? "Why, you asked us to come together with you to consider with a full and a free mind certain regulations in regard to the great marine of the world, regulations relating to safety and to relations between all the nations; but you, in the face of your invitation, disregarding your own action and flouting us, have passed a set of regulations and of rules that affect our shipping and all the subjects to be considered in the most serious way." Is that quite the attitude that we can afford to take about this, my fellow Senators?

Suppose at another time we invite a conference on something else, and our invitation goes forth. Will not the very natural inquiry come back, "What is this? Does this mean anything? The last time you invited us to meet and confer you went right ahead and sought to settle in your Senate the very questions that you had asked us to meet and confer about." Patriotism does not lie in showing animosity or lack of diplomacy or respect to other nations.

I am perfectly willing on the floor of the Senate to stand for the utmost good faith toward every nation on the globe. I despise the cowardice of some persons who, when they want to win popularity, attack some foreign monarch or potentate or some foreign country, thinking they will make capital by it, because there is no "comeback" about it. It has become a very common thing in this country for somebody to appeal to the people on the ground that he is very courageous because he has something to say about the Sultan of Jolo or the Sultan of Turkey, or some monarch somewhere in the world who can never injure him. It is about time we should be a little more careful, I think, in our diplomatic relations. I think we have gone to the very verge in some things that we have already done.

While I am for America in everything, I am not ready to accept in its entirety the sentiment of Commodore Decatur. I can say: "My country; may she be always right." But I can not accept the last clause of what he said: "But my country, right or wrong."

Mr. FLETCHER obtained the floor.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. FLETCHER. I do.

Mr. LEWIS. I simply desire to say that there have been some adjustments of time or some arrangement by which I was to follow after the Senator from Ohio [Mr. BURTON]; but I very gladly, upon the request of the Senator from Florida, yield my position to him as the chairman of the subcommittee at this time, so that he may speak on this important bill.

Mr. FLETCHER. I am very much obliged to the Senator from Illinois for allowing me to proceed now, because, unless I do so, I fear I shall not be able to do so at all, having been stricken with quite an acute attack of la grippe last Friday, which has not yet left me. I am a little discouraged in the hope that it is going to leave me very soon, but I shall detain the Senate only a short time. I feel that having served the committee which took the testimony of witnesses in regard to the pending bill—or, rather, the bill that was before it at that time, which finally took the form of this bill—perhaps it is my duty to submit some observations upon the subject.

Mr. President, the committee for several months sat and heard witnesses from all parts of the country—from the Pacific coast, from the Great Lakes, and from the Atlantic coast; people who are engaged in operating vessels of considerable magnitude, people who are employed, and people who employ officers and seamen. We finally reached the conclusion that the differences which appeared from time to time as to the details of the bill could scarcely be adjusted between the parties by agreement among themselves, and we despaired of satisfying completely the various interests. The result was that we endeavored to frame a bill which would serve the public, serve the interests of the seamen, and the interests of the shipowners as well, so far as that could possibly be done.

The bill which the committee reported to the Senate, which was amended in the Senate afterwards and finally passed, is identical with Senate bill 136. As the Senator from Ohio [Mr. BURTON] has explained, that bill failed by reason of the lack of the President's approval. But the bill as it originally came from the other House was reintroduced at this session as Senate bill No. 4. Another bill was introduced by the Senator from Ohio. Those three bills were referred to the Committee on Commerce, and by that committee referred to a subcommittee, composed, I believe, of the same Senators as composed the former subcommittee. The subcommittee reported back to the full committee Senate bill 136. Finally the Commerce Committee authorized the report of Senate bill 136 as its best judgment in the premises. Although there were different views upon details each member was left at liberty to favor such amendments to Senate bill 136 as might, in his judgment, improve it upon its final consideration.

Senate bill 136 is not a bill framed in the interest of the shipowners; it is not a bill framed in the interest of the seamen; it is a bill framed primarily in the interest of the great public, as we understood it, and a bill which at the same time endeavored to do no injury to any great industry or enterprise; no harm to the shipowners particularly; no injury certainly to the seamen. Its purpose was to accomplish what we set out to accomplish and what there was need of accomplishing.

The three main purposes were: First, to give freedom to seamen and improve their condition; second, to promote safety of life at sea; third, to equalize the wage cost of operating vessels, foreign and domestic, taking cargoes or passengers from ports of the United States. It is very generally acknowledged that the bill will accomplish those three purposes. In my judgment Senate bill 136 will accomplish those three purposes.

The proposed amendment, it is claimed, will improve Senate bill 136 and relieve all doubt or question as to accomplishing

these three great purposes. I will allude a little later on to some features in that connection which incline me to favor some provisions of the proposed substitute. Then there are some features in the proposed substitute that rather leave me believing that Senate bill 136 is the better, the safer, and the wiser measure.

First, Senate bill 136 permits seamen on foreign vessels to leave their vessels in ports of the United States; that was one great thing to be worked out; second, it permits seamen to draw one-half of the pay due them in any port where the vessel lies or delivers cargo, making this section applicable to foreign vessels while they are within the jurisdiction of our laws; and third, it provides a specific standard in a limited number of the deck crew as to skill and the knowledge of the language spoken by the officers, and makes this applicable to foreign vessels while in ports of the United States; in other words, it recognizes that skill is necessary to safety at sea, and that it is just as necessary for vessels under foreign flags as for domestic vessels. It therefore provides that the crew shall be of the same qualifications and shall be hired under the same conditions in ports of the United States. I question very much if the proposed amendment will go much further in that direction or secure those principles more completely than does Senate bill 136. In some respects it may, and in so far as it does I approve of the proposed substitute.

It is intended to change existing laws which the development of shipping has made antiquated or obsolete; it is intended to bring maritime laws up to date, to have such laws keep pace with the progress of water transportation.

The efforts of the committee were directed toward serving the best interests of the public, the seamen, and the shipowners as well, as I have stated. The public interest, we believe, lies in the direction of encouraging, advancing, and building up our mercantile marine. If we can make seafaring life more inviting, it would be worth while. If we can say to American youth, "Here is open to you an occupation reasonably remunerative, in which just and humane treatment will be accorded you; decent and healthy accommodations will be furnished; necessary supplies will be wholesome and adequate; your rights as men will be respected," we will be doing the proper thing and rendering a service to the public. It would seem we could not too strongly or firmly take a stand in favor of those things. If it be contended that the men who go to sea already in large part enjoy those things, then no one can complain that we provide for them in the law; if it be contended that such a law would work a hardship on those who employ the men, I submit that the employer should find a way to be relieved of such hardship other than by taking it out on the men. I do not believe it will be seriously asserted that sympathy for such a position can justly be invoked.

Another feature wherein the public is concerned is the provision for efficiency in the crew, particularly in the case of trouble at sea.

Still another provision of public concern is that with reference to the rating of the men, insuring skill in the handling of lifeboats. Section 12 of the proposed substitute corresponds to sections 14 and 15 of Senate bill 136. I think, if the friends of the proposed substitute will be entirely frank, they will admit that the provisions in section 12 of the proposed substitute requiring that 75 per cent of the crew in each department shall understand the orders of the officer is not so much intended to promote safety at sea as it is to affect wages and to secure the employment of other than Asiatic seamen on the Pacific.

As to safety by reason of knowing the language of the officers, I am not so much impressed with the provisions in Senate bill 136 as I am with the provisions of the proposed substitute. In the proposed substitute 75 per cent of the crew in each department are required to understand "the orders of the officers"; in Senate bill 136, 75 per cent of the crew are required to understand the orders of the officer, and a certain portion of the crew must be able to understand the precise language of the officer giving the command, unless there are sufficient interpreters among the crew who can interpret the language of the command to those speaking another tongue. The emphasis on understanding the language seems to me not so material or important as some seem inclined to think. The fact is, as we know, that our railway trains are operated by signals and signs, and not by orders or commands. Recently I witnessed a cavalry drill where 2,000 men were engaged, and not an audible command was given throughout all the maneuvers. Everything was done by signals and signs, and even the horses seemed to understand them. I believe it was the famous Hannibal who gave all his commands by signs; and it seems to me that a commanding officer on a vessel can very well communicate to the crew and to the men who are to do things in emergencies or otherwise what he desires to be done without it being necessary that the men who are to do the things should understand the language employed by the officer in command; in other words, those commands may be given in large part by signals, by signs, by movements, and perhaps by bells and whistles and that sort of thing; so that it is not so important that the crew should understand the language of the officer giving the command as some seem to think.

It would be an advantage, doubtless, in cases of disaster to have every member of the crew understand the orders of the officers. We may well concede, too, that we would feel much safer in taking a lifeboat handled by men who had three years' experience at sea than one handled by men who had one year's experience or less.

There is much in the contention of the Senator from Ohio [Mr. BURTON] that skill in handling a lifeboat does not necessarily result from service at sea. That skill may be possessed by men who have served a much less time at sea than three years, and yet it seems to me that it would be well to fix some sort of standard whereby the people who are transported on the immense vessels of to-day may be in the hands, in case of disaster, of seamen who are not novices and who are to some extent at least skilled in their work. That standard is fixed by the substitute, which requires three years' service at sea to constitute an able seaman, and provides that there shall be at least two able seamen to each lifeboat.

As to the shipowners, if those requirements should lessen the profits of the shipowners I would greatly prefer to have them charge more for the service they render than to dispense with the requirements. The cost of labor on a vessel is but a small percentage of the total fixed charges of the vessel. If wages should be increased, it would mean but a small addition, relatively, to the operating expenses, and under the circumstances better material would be had and the increase of efficiency would more than offset the increase of wages.

As to the seamen, the talk of slavery is rather far-fetched. We have abolished in our coasting trade arrest or imprisonment for breach of contract. We have the legal right to say to the world that no man shall be liable to arrest and to be restrained of his liberty in our ports because he sees fit to break a contract, onerous or otherwise. At the same time the shipping business is sui generis. We must recognize that it is different from any other business, and it is absolutely necessary that there should be discipline on board the ship, and to some extent this includes the shore.

The public is interested at this point also. The commander of a vessel, big or little, must have absolute authority. The vessel, the people, and the property on board can not be safe without such vested power. Every member of the crew must recognize the lawful authority of the officer in command. It would never do to lose sight of that principle. In enlarging the rights and liberties of the seamen as now recognized there must be no approach to the destruction of proper discipline on board the vessel in port, at sea, in emergencies, or under any circumstances when the relations of the master and the sailor have become established and navigation undertaken.

The right to one-half the earned wages at a stopping place on a voyage would seem to be reasonable. It would not induce a sailor to leave a ship when he was being decently treated and fairly compensated to have the privilege of quitting and collecting only one-half of what he had earned. On the other hand, if the sailor is maltreated, or for sufficient reason he quits the vessel, perhaps in a strange land, he should at least have half the wages he has earned in cash. The forfeiture of the other half would seem to be ample allowance by way of liquidated damages for breach of his contract.

It was strongly urged before the committee that the effect of the provision of section 12 of the proposed substitute would greatly injure Seattle especially and send shipping to our neighbor on the north. It may be well to bear in mind that there are only five American ships regularly in the trans-Pacific trade—the steamers *Mongolia*, *Korea*, *Manchuria*, *Siberia*, and *China*, operated by the Pacific Mail Steamship Co. There is no subsidy, no Government aid, or anything of that sort conceded to them. They compete with three oriental steamship company ships, subsidized by the Japanese Government as follows: One for $1,340,000 gold per year, another for $605,000 gold per year, and the third for $238,000 gold per year. They also compete with the Canadian Steamship Co., subsidized by the British and Canadian Governments at $218,000 gold per year.

Under all the circumstances the committee thought that section 12 of Senate bill 4 should be modified as it has been by sections 14 and 15 of Senate bill 136, and consequently the committee reported the bill in that form. I am inclined to appre-

hend that section 12 of Senate bill 4 is rather drastic and ill-advised in some respects. At the same time I believe sections 14 and 15 of Senate bill 136 as written scarcely come up to the requirements of the situation, particularly as bearing on the standard of efficiency. Take the *Volturno*. Yesterday the Washington Times contained this dispatch:

NEW YORK, *October 21, 1913.*

Cabling from Rotterdam, Capt. Smiltneck said the *Volturno's* distress signals were reported to him at noon on October 9 and that he reached the burning ship at midnight. He said:

"I found the *Carmania* standing by the burning ship with a moderate northwest gale blowing. The *Czar* launched the first lifeboat in command of the chief officer. It returned immediately with 15 survivors. The third mate proceeded with further rescuing, saving in all 102 survivors. The second lifeboat made five trips in all to the burning vessel."

Why, at the very outset, should four out of the six lifeboats of the *Volturno* have been lost in launching? Surely they were not rotten boats. If not, can we escape the conclusion that they were not properly handled and not properly manned?

Undoubtedly the wireless service in that great catastrophe was most excellent. This was sadly lacking in the *Titanic* disaster. As has been stated to-day in the discussion, the wireless service was splendid in the case of the *Volturno*. A wonderful advance has been made in that science. The remarkable genius of man has been able to discover a means of communicating through the air and reaching on the darkest night in mid-ocean other vessels within a radius of 200, 300, or 400 miles.

Mr. Marconi testified on the stand during the *Titanic* investigation that he had been able to transmit wireless messages 8,000 miles, from a point in Ireland to Buenos Aires. I asked him the question, "How long did it take that message to go that distance?" and he said, "Precisely like lightning; just like snapping your fingers." I think Italy has done a most commendable thing in recognizing her gifted son who has made such a vast contribution to humanity and to civilization by making him, as the King recently did, a Senator for life. It is a matter of genuine gratification to us that the Congress of the United States, after the irreparable loss of the *Titanic*, passed a law dealing minutely with radio communication or wireless telegraphy at sea, requiring operators sufficient in number and training to give continuous competent service, and requiring vessels to be well equipped with both apparatus and operators. We passed a law, also, providing a manning scale for officers and regulating their hours of labor. This bill or a bill similar to this—in fact, this identical bill, Senate bill 136—to provide for a skilled crew and for improved conditions of the men was passed, but did not become a law, as has been heretofore mentioned. Congress has been giving quite energetic attention to maritime matters, and I have observed no disposition to prevent or obstruct legislation on these subjects.

In the case of the *Volturno* vessels fairly swarmed about the burning ship in time to rescue the passengers and crew. There was no need of what some people claimed when we were investigating the *Titanic* disaster, that possibly the only remedy or means of averting these terrible catastrophes would be to have these great passenger carriers go in pairs across the ocean, one following the other, so that if anything happened to one the other would be close at hand and could give relief. That remedy is now unnecessary, rendered so by the use of wireless telegraphy, the Marconi system.

Now we come to the more numerous, though but little less important, equipment of the vessel—the men under the officers. I am in favor of doing the fair and just thing by them, not only for their sake—though that would be enough reason—but because the public and the owners of the vessels themselves ought to have it done. I would build up our merchant marine; and it seems to me that while good ships are needed, they would be wholly insufficient to that end unless they could have capable and efficient men to operate them. Cheap, picked-up derelicts, without spirit or ambition, with the hope only of keeping body and soul together, lounging about wharves and dives, are not dependable seamen; they certainly do not harmonize with the magnificence and the luxury of modern passenger-carrying ships. They are not in accord with the furnishings and equipment of such vessels. There are needed on board such ships, and there ought to be available, help of a standard corresponding to the importance of the enterprise.

Likewise, the freighters ought to be able to obtain, and should have, trustworthy, reliable, capable men, who would find in the employment suitable reward. The answer is: Raise the standard of efficiency; provide for such hours of work, such terms of compensation, such conditions of service as will attract material of the right kind. Give the American boy a chance at the business of the sea.

I would much prefer an increase in freight and passenger rates on the water, if that would necessarily follow the change, to existing laws and conditions. However, my information is that the steamship companies are making splendid profits, large dividends, and are exceedingly prosperous. These ocean carrier companies seem to go to any limit in pursuing the goddess of luxury and in yielding to the demon of speed. Let them give a little more consideration to the human beings they must employ, without whom their ships would rot at the docks. This human help, to be of the fit sort, must have the right kind of treatment. To broaden the field from which it can be gathered there must be some inducement held out—not a hopeless, helpless future. There must be a fair remuneration and a living environment, not merely sustenance combined with hardship.

This riffraff, these derelicts that are picked up and used and put into positions of responsibility on these vessels, also set the rate of wages; they fix the standard of wages; and consequently, again, that system is most demoralizing, and to be deprecated.

I speak, then, for the men whose labors and skill are employed on the ships, as well as for the public who use the ships; and in doing that I speak also, I believe, for those who build, own, and operate the ships. I speak for a merchant marine of dignity, capacity, and strength commensurate with the position of the greatest commercial Nation of the world. England may take first place in the naval world; Germany may take first place in the military world; but America takes first place in the commercial world. As peace lasts longer than war, the latter is the most important place to take; and it means that a nation in such a position can dictate both in peace and in war, using only the weapon of trade, and will not likely need any other.

Mr. President, I have recited the three main purposes of the pending bill. I believe the bill will accomplish the purposes desired. The proposed substitute may better do that. In some respects it removes some limitations and qualifications contained in the bill as reported; but they are not tremendously important, it seems to me. Some of these affect shipping on the Great Lakes. I think it fair to say that the evidence before the committee was to the effect that there was less ground of complaint by seamen on the Great Lakes than in either coast or foreign shipping. The fact that conditions on the Lakes are now so satisfactory would be scarcely sufficient argument against providing for the future, however.

Section 18 of the proposed substitute, the concluding section, I believe to be unnecessary, and in fact confusing. Section 15 covers the repeal of section 5280 of the Revised Statutes so far as desired, and it seems to me the matter had better be left there.

From the provisions of section 12 as to the number of lifeboats it seems to me an exception should be made as to shipping on rivers and in harbors. There is no need of stacking on a steamer going down a river, for instance, more lifeboats than she could conveniently take care of, or loading down the upper deck with lifeboats, when perhaps she is generally only a few hundred feet from shore. I think, therefore, that exception ought to be made.

The provision in the substitute for at least two men of the rating of able seaman I do not like as well as the provision on that subject in Senate bill 136. However, I am not disposed to quarrel with the substitute in that regard.

I may say, in conclusion, that much of the argument of the Senator from Ohio [Mr. BURTON] is unanswerable. His splendid and able discussion of the subject warrants the most serious consideration, and he thoroughly understands it. At the same time, why should we now begin to reason about whether or not we should act upon this bill at this time? Granted that its passage would have the effect of repealing in the manner the treaties provide for treaties with foreign nations; granted that an international conference is soon to be held in London on the great subject of safety at sea, and that at this conference the United States will be fully represented; granted that the conference results from our own invitation; granted that Germany, France, the Netherlands, Spain, England, and other maritime powers have signified their preference that we should delay action upon this bill until that conference shall have reached a conclusion, we have already decided to take up this matter now. We have decided to dispose of it, and it is useless to argue the question as to whether or not a vote ought to be postponed. Therefore I shall take no time in considering that matter.

The subject is not a new one. We are dealing with a question we have dealt with before. We actually passed this bill—Senate bill 136—through the Senate of the United States; the

action of the Senate was concurred in by the House, and the bill would have become a law if it had received the signature of the President. That is the proposition now before the Senate, so that it is not new.

It seems to me we should not be in any wise showing a lack of consideration to other Governments if the Senate should take a stand which would signify its views on these rather pressing questions. The bill involves to some extent some of the matters with which the international conference will deal. I admit that it does. The international conference, I believe, will take up this question of the number of lifeboats, and the equipment of lifeboats, and will take up other questions, such as the qualifications of the men; but there are matters involved here which will not be considered by the conference. The most important features of the bill are matters which are not to be taken up by the conference.

It seems to me that under all the conditions, in view of the present situation regarding the seaman and regarding the interest of the merchant marine of our country, and the need of promoting safety to human life, we ought not longer to delay action on this important measure.

Mr. LEWIS. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has charge of the bill, and I desire his presence. He said he would return at once. It is his intention to have a vote to-night, if possible, and I think other Senators would like to dispose of the matter. For that reason I would rather not occupy the floor if a vote can be had. I do not wish to consume the time of the Senate. I do not think it is necessary since the very able utterance and exposition of the Senator from Florida [Mr. FLETCHER]. I was about to add that I believe the Senator from Ohio [Mr. BURTON] desires to make some further observations on another phase of the matter.

Mr. BURTON. I have a considerable amount of material on which I should like to speak. I should prefer to proceed to-morrow, but if there is insistence I suppose I can go ahead to-day.

Mr. WILLIAMS. Mr. President, it is within a few minutes of 5 o'clock, I see, and the Senator from Ohio says he would prefer to speak to-morrow. I do not think there will be more than one or two other speeches to be made upon the subject, and the voting will not begin until 4 o'clock. I suggest that we might go into executive session for a few minutes, and then adjourn until to-morrow at 12 o'clock.

Mr. BACON. If the suggestion of the Senator from Mississippi is in accord with the wishes of those who are in charge of the bill, I will move an executive session; but I will not do so unless they so desire.

Mr. LEWIS. The Senator from Wisconsin is on his way, and I should like to have a moment of delay if it does not inconvenience anybody. I suggest that the matter rest until he gets here. He will be here in a moment.

Mr. WILLIAMS. I do not see why. The Senator from Wisconsin has spoken, has he not?

Mr. KERN. But he may have something else to say. He will be here in a moment.

Mr. FLETCHER. I think the Senator from Wisconsin will have some proposition to make looking to an amendment to his proposed substitute somewhat in line with what I have referred to. If so, he perhaps ought to do so before a vote is taken on his substitute. I know he has an impression that it would be well to modify some of the provisions of the proposed substitute. If he does that, I think it ought to be done before the substitute is voted upon.

Mr. WILLIAMS. Nothing is to be voted on before 4 o'clock to-morrow.

Mr. FLETCHER. The unanimous-consent agreement, as I understand, provides that a vote is to be taken not later than 4 o'clock to-morrow.

Mr. WILLIAMS. I understand that; but my suggestion was that we should adjourn until 12 o'clock to-morrow. Then the Senator from Wisconsin could be here, of course, and could offer the amendments to his substitute, and the Senator from Ohio could finish his address.

Mr. FLETCHER. So far as I am concerned, that is agreeable to me.

Mr. WILLIAMS. I do not know that anybody else wants to speak, unless the Senator from Wisconsin wants to make a surrejoinder. Then the voting would begin at 4 o'clock.

Mr. FLETCHER. Can the Senator from Ohio tell us about how much time he will likely want?

Mr. BURTON. I do not think more than an hour; perhaps an hour. If there should be questions, it might be a longer time than that.

Mr. LEWIS. I will ask the Senator from Ohio, if I may be permitted, whether it is his intention to have his observations concluded in the Committee of the Whole, or to wait until the bill is in the Senate?

Mr. BURTON. I should prefer that they be concluded in Committee of the Whole.

At this point Mr. LA FOLLETTE entered the Chamber.

Mr. BACON. Mr. President, some reference was made to what might be the desire of the Senator from Wisconsin as to whether or not it is to conclude the consideration of the bill to-night. I wish to state very frankly to the Senator the reason for my inquiry.

I regard this as an extremely important bill. It is one that affects our relations with every maritime nation, and very seriously affects our treaty obligations. Of course we can abrogate them. I do not mean that they are insurmountable. I think, however, that in the case of a bill of this importance, with its far-reaching consequences, when a notice has been given which is tantamount to saying that a vote will be taken at 4 o'clock to-morrow, it would hardly be advisable to take it with a very small attendance of Senators this afternoon. I myself should prefer that the bill should go over until to-morrow for that reason.

Mr. LA FOLLETTE. Mr. President, of course I am very desirous of meeting the personal wishes of Senators; but I think that by the terms of the unanimous-consent agreement Senators had as much right to expect that the vote would occur before 4 o'clock to-morrow as they had to expect that it would occur at that time. The unanimous-consent agreement in terms says that the vote upon the passage of the bill and all pending amendments shall be taken not later than 4 o'clock on Thursday, the 23d day of October.

I desire to be perfectly frank with the Senate. I realize that there is a disposition to prevent the passage of the bill at this time.

Mr. BACON. The Senator certainly does not address that remark to me?

Mr. LA FOLLETTE. I do not, and I do not think the Senator had any right to assume that it had a personal application to him.

Mr. BACON. Only the right that the Senator was replying directly to my suggestion without doing me the honor to state to whom he referred.

Mr. LA FOLLETTE. The Senator from Georgia has not heretofore taken any part in the debate on the bill. I did not have the Senator from Georgia in mind at all.

If the Senate is to be put to the test of furnishing a quorum to pass this bill, I think it quite important that we should understand it as early as possible, so that we may have as much time as can be provided to secure a quorum. It is for that reason, and that reason only, that I should be disposed to press the Senate to consider the proposed substitute in Committee of the Whole to-night and to vote upon it. I should be very glad to get that stage of the parliamentary proceedings behind us if we could. Of course, under the rules of the Senate we have an opportunity to offer amendments and to debate the whole proposition after the bill gets into the Senate.

Mr. BACON. Does the Senator propose to go only as far as voting in Committee of the Whole to-night?

Mr. LA FOLLETTE. That would depend somewhat upon the attitude on that question of the opposition to legislation at this time. If there should be no demand for a quorum at this hour in moving out of the Committee of the Whole and into the Senate and to one stage nearer the passage of the bill, I think that ought to be weighed somewhat in considering what it is best to do.

I believe the passage of this bill at this time is the most important work in which the Senate of the United States will engage at this extra session of Congress. Probably not all Senators will agree with me in that. Other legislation deals with business interests. This legislation deals with the liberty of 130,000 American citizens and with the safety of life of all the people of our country and of other countries who cross the ocean in so far as they are to be affected by it. I can not conceive of anything more important than addressing ourselves seriously to the perfection of this legislation and to advancing it as rapidly as possible toward a place on the statute books.

Just one word further on the subject of the way in which the bill affects our relations with foreign governments. Provision is made here for the President to give notice to foreign powers. There is not in the provisions of the substitute—and I ask the attention of the Senator from Georgia to this part of my remarks—anything like so harsh an interference, if it be termed an interference, with foreign vessels as in the bill which was

reported from the committee and in the bill which was reported by the Senator from Ohio [Mr. BURTON] in the last Congress.

Mr. BACON. As the Senator has done me the honor to ask for my special attention to that remark, I wish to say very frankly that it would take me much longer than to-morrow to make the investigation of this bill which I should like to have the opportunity to make and which I should feel under obligations to make if I were on the committee or had been especially active in connection with the proposed legislation. I have not, however; and I am not making that remark with a view of any suggestion for its postponement beyond the time when it was anticipated that we would be called upon to vote upon it. I did think I would have to-night and to-morrow for the purpose of looking through the bill to see whether or not there were any amendments which I thought it important to offer, solely upon the one feature which was suggested in the remark I made before.

Neither the Senator from Wisconsin nor any other Senator on this floor is more impressed than I am with the importance of measures which shall increase the safety of ocean travel or shall further safeguard the lives of those who go upon the great deep. I have had frequent opportunity to see the necessity for such measures personally, in addition to such information as we all have about things which none of us have personally seen but of which we know. Nor does the Senator from Wisconsin or any other Senator go further than I do, in addition to the desire for these safeguards of human life, in the desire for all those things which will ameliorate and better the conditions of sailors who have to spend their lives in this hazardous, dangerous occupation, and who, when in that occupation, are so completely removed from the guardianship and care which the law ordinarily throws around people in their avocations upon land, and who in that occupation are to such great degree subjected to the arbitrary and unlimited authority of those who then have them in command. I fully appreciate all that. I am fully alive to the necessity of it and fully anxious to do all we can properly do in this matter.

But, Mr. President, it is an extremely serious thing when we undertake to legislate as to conditions which are not directly under our jurisdiction but which relate particularly to the jurisdiction of other countries over their own affairs, over their own ships, and over their own nationals, as they may be called in diplomatic language, people of their nationality, subjects and citizens of other nations. I say it is a very serious thing when we undertake to take care not only of our own but when we undertake to say that which according to the general law of nations is left to the people themselves who have the authority and the responsibility. That is a general principle of international law.

Not only so, Mr. President, but when we ourselves have gone further and in solemn treaty stipulations provided that we will do so, I say it is a most serious proposition. I confess I am not in a position to discuss it, and I do not expect to discuss it, because I would not undertake to discuss a matter so serious as this without a degree of preparation which I have not had the opportunity now to make. But I do think it is important that we should look carefully through this proposed legislation, and without sacrificing any of the great purposes which are influencing those who are active in it, and whose motives and purposes must be applauded, and which I do applaud, I want to see whether or not, without sacrificing those, we can keep ourselves in the limits of what has heretofore been recognized as a rule of international law and within the limit of our solemn treaty obligations.

Mr. President, we have enough of present and anticipated friction now with foreign nations upon several questions. If we can adopt legislation here which will advance and promote the great purposes which are in view and at the same time not further increase the probability of friction between this Nation and other nations, I think it is important that we should do it.

Mr. FLETCHER. Will the Senator allow me to make one suggestion?

Mr. BACON. Certainly.

Mr. FLETCHER. The proposition of this bill is not in any wise to restrict the liberty of any foreign citizen. The proposition is here that a foreign citizen or a national—a citizen of any country—coming to our shores shall be a free man, and our courts shall not be open to deprive him of his liberty. I do not presume that foreign governments could blame us for that.

Mr. BACON. The Senator will recognize that that is only one of a great many propositions in the bill. If that were the only one, the bill might stand without the slightest objection, but there are a great many other provisions which do conflict with our treaty stipulations.

Mr. President, in view of our great responsibility and in view of our great interests which are involved in our relations with other nations, I submit to the Senate whether it is not of the utmost importance that the most careful scrutiny should be had as to each of these propositions.

Mr. President, I applaud the generous heart of the Senator from Wisconsin [Mr. LA FOLLETTE], which always responds to every appeal that is made in the interest of humanity and the uplift of those who are not capable of taking care of themselves. We all know that that is one of the principal characteristics of the honorable Senator. There has never been a controversy in the Senate or a measure proposed in the Senate where that issue was involved that the Senator from Wisconsin was not always found, not only by his vote but his voice, most manfully contending for those who needed protection and who were not able to take care of themselves. I applaud him in this instance, because we know the purpose which he has. I sympathize with him most fully. But, Mr. President, it is a matter of extreme solemnity, it is a matter of great importance, it is one involving great consequences when in these three volumes of treaties with other nations, as we have them, and throughout those treaties with every important nation in the world there are provisions which this bill antagonizes and in a degree overrides.

Mr. President, recognizing to the fullest the high purpose of those who desire this legislation, sympathizing with it to the fullest, desiring the accomplishment to the fullest that can be done with safety, ought we not to pause when such a momentous proposition is presented to us as that which this bill does present?

I may be trespassing too far upon the time of the Senator. I do not know whether he has the floor or I. We were both upon it. I recognize his courtesy, of course, if he has the floor.

I know, Mr. President, that there is scarcely any question which could be presented for the consideration of the Senate in the discussion of which there could be involved a greater amount of true, genuine, unaffected sentiment and sympathy, and in which the great interest of human life could be presented so directly and so fully as in the propositions which are before us in this bill and the purposes which are at the bottom of everything that is in the bill. There can be nothing to appeal to human sentiment and human sympathy greater than that which affects human life unless it be that other thing which is involved in the bill, which the Senator from Florida [Mr. FLETCHER] suggests, and that is human liberty. Here we have a bill which must command the sympathy of every man who listens and who is called upon to act because it affects human life and affects human liberty. The fact that it does appeal to every generous heart is a fact which should make us the more cautious that in yielding to that which thus appeals so strongly we may not do something else which may be a great evil.

Mr. President, I do not hesitate to say that with my other occupations I would want several weeks to consider this bill, and if I had no other occupation I would want several days to study the bill to see the effect which it will have upon our relations with foreign countries, and I do not think they are to be disregarded. The world has gotten smaller. We have gotten closer to foreign nations. We are in more direct and intimate communication with them every day. The issues affecting our relations are more vital than they were in former days when the world was larger, when it took a month to cross the ocean, and when it took that long to get a message across the ocean.

I know, Mr. President, that something has been said about the fact that we have entered into an agreement with foreign nations to have a conference on this subject in a convention which meets in London next month, a conference which is so important that it is a little matter of pride between the United States and Great Britain as to which one it was that extended the invitation. Each of them claim to have extended the invitation. While I recognize that that might lay upon us an obligation not to attempt to anticipate it, still I do not regard that as a vital argument or one which imposes an insuperable barrier to our proceedings, because, in the first place, I do not suppose it is anticipated that this bill can become a law, if it should pass the Senate, before that conference meets. It would simply be the action of the Senate and would indicate the views of the Senate, and if those views were subsequently not in exact harmony with the action of the conference in London, whether it were a bill simply which had passed the Senate or whether it were a bill which had passed the other House and received the sanction of the President, there would be ample opportunity for us, if we saw proper, to conform our legislation to the suggestions of that conference. So I do not think that is an insuperable obstacle, although I rather think it is but proper deference that we should await its action. So it is not with that view, Mr. President, that I am troubled.

Mr. President, it is a serious thing to abrogate a treaty with another nation. It is a serious thing after we have entered

into a solemn treaty obligation with another nation to set that aside without consultation or notice to the other nation. It is bad enough with men in their private, personal relations, entering into contractual or other obligations that are mutual, for one man to set up and without notice to the other one or conferring with him arbitrarily tear up a paper and throw it away. But it is an infinitely more serious matter when nations representing great peoples have entered into treaty obligations, some of which have lasted nearly a hundred years, and which have in them no stipulation that a certain notice shall be given before abrogated because no anticipation is had that there will be an abrogation—it is a most solemn thing, I say, without notice to one of those nations or without asking them to confer about it or to agree with us about it, to exercise the power which we undoubtedly have by legislative act to destroy that treaty.

Mr. President, it has got to be a very extreme case before I will do it. I have voted for the abrogation of but one treaty by statutory enactment, and that was the case of the Russian treaty, and there had been for a long time negotiations between this Government and the Russian Government over the points at issue, on account of which we did abrogate it. But in this instance we have not called on a nation to meet with us and confer as to the questions whether or not we will destroy these treaties. There is not a single one of them to whom we have done the courtesy to say that we propose to abrogate a treaty.

Mr. President, I venture the assertion that there is not a Senator on this floor who will stand in his place to-day and say how many nations there are with whom we have treaties which will be abrogated by this bill if it is passed and specify what nations they are. If a Senator will stand in his place and admit that he has made the investigation and does know, I will most cordially withdraw the suggestion. Is there a Senator here who can stand in his place in the Senate and state how many treaties there are that this Government has with foreign nations with which this proposed bill will conflict and treaties which, if this bill is passed, will be abrogated? If there is no Senator here who can do that, are we proceeding with the care, with the caution, with the deliberation which should characterize us when we deal with such a solemn subject and with such far-reaching responsibility?

Mr. BRANDEGEE. If the Senator is in possession of the information, I am interested to know the number of treaties that would be affected by the bill.

Mr. BACON. I am very frank to say to the Senator from Connecticut that I am not in possession of it. I did propose to ascertain, if I had the opportunity until to-morrow, possibly. I have the book here which I intended to look through. I did not anticipate this matter would come up this afternoon; but I will say very frankly to the Senator that, without having made the investigation, I am of the opinion that it will affect our treaty with every important maritime nation of the earth.

Mr. STONE. In what way?

Mr. BACON. By directly doing what the treaties say we shall not do. That is a reply to a sotto voce inquiry from the Senator from Missouri as to what way. I will give the Senator one illustration. I confess I have not examined this bill in detail, because I knew it had been before the Committee on Commerce, a committee composed of as able Senators as are to be found in this Chamber, and I supposed, of course, that all these matters had been carefully examined into. Doubtless they have been; but the committee have not reached the conclusion which I had anticipated that they would as to some matters. If some Senator will ask me how, I will give him one illustration. I will give him one that I find in looking at the bill on the surface. It is a principle of international law, recognized as a principle of international law, not only recognized generally as a principle of international law but recognized and laid down in the decisions of our Supreme Court, that as to everything in regard to the internal affairs of a foreign ship, excepting only those things which concern our peace and good order in our own harbors; as to all else foreign nations are to make the laws which shall govern and regulate those affairs in those ships.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BACON. I do.

Mr. LA FOLLETTE. Of course I hesitate to take issue with the Senator from Georgia on that statement, but I hold in my hand One hundred and ninetieth Supreme Court Reports, Patterson against Bark *Eudora*, from which, with the permission of the Senator, I will read.

Mr. BACON. I am familiar with the decision in that case, and I think when the Senator reads it it will be found that I am correct.

Mr. LA FOLLETTE. I will read just a portion of a paragraph:

> It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade it subjects itself to the law of the place to which it goes, unless by treaty or otherwise the two countries have come to some different understanding or agreement.

Mr. BACON. Yes; that is to be taken into account, Mr. President.

Mr. LA FOLLETTE. That is to be taken into account, of course, but excepting that a foreign vessel in an American port——

Mr. BACON. Is the Senator reading now?

Mr. LA FOLLETTE. No; I am not. I am stating what I conceive to be the principle which controls a foreign vessel within an American port and subject to the laws of our own country.

Mr. President, it is a curious thing in this debate that the point is made against the provision in the proposed substitute which seeks only to control conditions upon a foreign vessel at the hour when that vessel departs from an American port, and that the Senator from Ohio [Mr. BURTON], a member of the Committee on Foreign Relations, who makes that criticism of the proposed substitute, himself reported a bill at the last Congress which provided regulations for foreign vessels, not only as they should leave our ports, but assumed to control the internal management of those vessels at sea after they had passed beyond the jurisdiction of the United States. If the Senator from Georgia will pardon me, I want to turn to the provisions of the bill reported by the Senator from Ohio.

Mr. BACON. The Senator from Wisconsin will pardon me. I am not entering into a general discussion of this bill; I am answering the inquiry of the Senator from Missouri [Mr. STONE]. I had not cited the illustration in full, and I am not professing to discuss all the provisions of the bill.

Mr. LA FOLLETTE. Then I shall defer what I have to say in criticism of the point which is raised by the Senator from Ohio.

Mr. BACON. I have disclaimed having such familiarity with the subject as would justify my attempting to discuss it at large. I do not, however, wish to interrupt the Senator from Wisconsin if he prefers to go on.

Mr. LA FOLLETTE. I had just as soon make my statement at another time.

Mr. BACON. Mr. President, there are a great many things in this bill of which I approve. I repeat, the purpose of it I most heartily approve, to wit, the double purpose of safeguarding the lives of people at sea and also, so far as possible, ameliorating and improving the condition of sailors. When the Senator comes to deal with our own ships I will go, I presume, as far as he will in the support of measures which will protect the sailors on our ships and ameliorate and improve their condition. I was responding to the inquiry of the Senator from Missouri, and I stated as a proposition of international law—and I am not fearful as to the correctness of that statement—that nations whose subjects or citizens have ships are to legislate as to all matters concerning the management and control of those ships and have jurisdiction as to all things in regard to those ships when in our own ports, except so far as concerns peace and security and safety. A man can not, for instance, commit a crime upon a foreign ship and escape responsibility to local law nor can he perpetrate a nuisance and escape responsibility to local laws, but as to other matters they have jurisdiction. I have forgotten the volume in which the case is reported and I am not sure whether the particular case which I had in mind was the case the Senator was going to read, but if so it goes on to state the proposition which I did have in mind and which I am endeavoring to state. There is no trouble about producing the authority, though I think it is One hundred and twentieth United States Reports.

Mr. LEWIS. There is a case in One hundred and nineteenth United States, the court discussing that legal phase, which is possibly the case the Senator from Georgia has in mind.

Mr. STERLING. Mr. President, will the Senator from Georgia permit me to make a suggestion?

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

Mr. BACON. Yes.

Mr. STERLING. I think the case the Senator from Georgia refers to is the Wildenhus case, reported in One hundred and twentieth United States Reports, at page 1.

Mr. BACON. No. 120 is the number of the volume, if I recollect correctly, in which the proposition is stated by our Supreme Court; but, Mr. President, that is but preliminary to what I was going to say.

We have a right to pass a law which is in conflict with international law if we see fit to do so. International law has but one tribunal for its enforcement, and that is the tribunal of arms. Whenever a nation sees proper to enact legislation which is in conflict with international law it has the right to do so, and if it has the power to maintain it it can make it good. There is no question about that.

Mr. LEWIS. Mr. President——

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

Mr. BACON. I do.

Mr. LEWIS. There is a feature in this bill that has given me a little disturbance, to which I wish to invite the attention of the Senator from Georgia at this time, so that I may have his very able legal opinion. The Senator from Ohio [Mr. BURTON], for whose legal opinion I likewise express great admiration and deference, asserted, if I did not misunderstand him, that the provision in this bill that gave to the Federal courts jurisdiction of differences arising between the seamen and the captain and the owner was itself in conflict with our treaties, wherein it was provided that the consuls of the different countries should have jurisdiction of the disputes between the seamen and the master. I ask the distinguished Senator from Georgia does he assume that a provision of law that gave to the Federal courts jurisdiction of a transaction involving commerce in our own ports would be a violation of the treaty between this country and another that had merely provided that a consul should have jurisdiction of a similar dispute?

Mr. BACON. Mr. President, it is not necessary for me to go into that question to illustrate the attitude which I am taking here to-day. I am not pretending to discuss the features of this bill, and I again say that I am trying to reply to an inquiry made of me by the Senator from Missouri, which I have not yet done, and which I shall be very glad to do if I have the opportunity to finish.

I wish to say to the learned Senator from Illinois [Mr. LEWIS] that the question which he propounds is one that I would want to look into very closely. That may not be one, but there are instances in which, under international law and under the decisions of our Supreme Court, foreign nations would have the right to legislate and have their legislation made effective as to what should occur, what should be done, and what should not be done, upon a ship which this bill when passed will abrogate and destroy.

I was going on to say that not every provision in it by any means—and the provision suggested by the learned Senator from Illinois may be one which does not fall within that category—but there are those provisions which do fall within it, and not only those which fall within the natural obligations of international law, but, what is more particularly important, fall within the distinct contractual obligations of this Government with others in treaty stipulations. Those are the ones that I particularly have trouble about, for, I repeat, we have the right to pass a law which shall be in conflict with a general principle of international law if we see fit to do so, and we do not have to call the attention of the balance of the world to it when we do it; but when we pass a law which shall abrogate the provisions of a treaty solemnly entered into it is another matter.

Then, I say, Mr. President, before we do it we ought to call the attention of the nation with which we have such treaty stipulations and ask her to confer with us to see whether or not we can agree upon a change. I say it is not in accord with custom, and not in accord with good policy, to say nothing as to what might be required by proper deference and proper respect; it is not in accord with custom or good policy when we have a treaty with another nation, more particularly when we have treaties with a dozen nations or more, to pass an act of Congress which shall abrogate that treaty without having invited the attention of the other nation to it and asked that nation to agree to change the treaty. That is what this bill does.

I said, Mr. President, that there were treaty obligations. I will read one of them. I am not sure but that under the favored-nation clause, even if no similar provision is found in any treaty with any other maritime nation, every other nation has the right to the same benefit. Article 13 of the treaty of 1871 between the United States and Germany, made immediately after the formation of the present German Empire, is in this language:

Consuls general, consuls, vice consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port.

Mr. LEWIS. Mr. President, it is that to which I wish to invite the distinguished Senator's attention. I contend——

Mr. BACON. Will the Senator not permit me to read the provision through?

Mr. LEWIS. From the pleasant manner in which the Senator had come to a period and rested for breath I thought he had concluded.

Mr. BACON. I am very much obliged to the learned Senator for his complimentary remark as to my manner, which is not always calculated to evoke commendation of that kind. I think the Senator is overpolite. Mr. President, I will finish the reading:

Neither any court or authority shall, on any pretext, interfere in these differences except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the consuls, when they may ask it, in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held during the whole time of their stay in the port at the disposal of the consuls. Their release shall be granted only at the request of the consuls, made in writing.

Now, Mr. President, that may be something that we should abrogate. I am not standing here for the purpose of defending that.

Mr. LEWIS. What I wish to ask the Senator——

Mr. BACON. If the Senator will pardon me, I must state my position before I am utterly unhorsed by the argument of the Senator from Illinois, which I anticipate with reasonable probability.

Mr. LEWIS. This is not a quadruped undertaking, I assure the Senator.

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

Mr. BACON. I do, if the Senator desires.

Mr. LEWIS. No; I only wanted to get the Senator's point of view.

Mr. BACON. What I want to say, Mr. President, is this: That may be an altogether improper stipulation; that may be a stipulation which does injustice to ourselves; that may be a stipulation which does injustice to the crews of foreign vessels. I am not here for the purpose of defending it; that is not what I am on my feet to say; but what I am here to say is that we have agreed to it solemnly and for over 40 years it has been the supreme law of this land; for over 40 years it has been our agreement with the Empire of Germany, or, rather, with the German Empire—there is no such thing as the Empire of Germany—for over 40 years that has been our agreement with the German Empire. I have not had the time to examine the matter to see whether there are similar stipulations in our treaties with other great maritime nations, but if there are not, as I have said before, I am not prepared now to say that under the favored-nation clause all the other nations with whom we have treaties containing such a clause may not have the benefit of the stipulation referred to. I do not wish to undertake to say, without further investigation, that that is so.

I repeat, I did not read that for the purpose of saying what it ought to be; I simply read it for the purpose of showing that it is what it is. That is our agreement. It may be that it ought to be changed; but, if so, Mr. President, comity between nations, proper regard for our treaty obligations, and proper regard for our friendly relations with the Government with which we have made a stipulation of that kind requires that, when we propose to change it, we should ask that nation to agree with us upon the change—not ask it with the idea that if she does not agree we are still to be bound by it if we do not agree with her about it, but ask it in the hope that there may be such modification as we think ought to be made; ask it, if you please, with a purpose to disregard it and to legislate as we see proper if there should be such disagreement.

The point I make, Mr. President, is that it is not consistent with usage, it is not consistent with good policy, when we have a treaty obligation with a foreign nation, one of the great friendly nations with which we have great commercial intercourse, with which we have very much in common, with which we wish to maintain and continue friendly relations—I say it is not consistent, Mr. President, with usage or with good policy for us to pass a law which would abrogate it, which this bill will do, without showing proper deference to the country with which we have heretofore solemnly made that agreement.

Mr. BRANDEGEE. Mr. President——

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

Mr. BACON. I do.

Mr. BRANDEGEE. I assume the Senator means—and I ask for my own information if he does mean—that even where a convention contains in terms the provision that it may be abrogated in whole or in part upon the giving of a certain number of days' notice by either party, even in that case the diplomatic usage is that there should be an attempt to modify it by agreement before notice of abrogation is given?

Mr. BACON. Undoubtedly; whether there is a stipulation for notice or no stipulation for notice, the usage among nations in this modern day, to say nothing of the past, when possibly they took advantage of each other without as much regard for the amenities of life as is now prevalent, is when a nation has a treaty with another nation which it is desired to change to invite that nation to a conference with a view to agreement upon a change, and to take drastic action in changing it over the wish of the other nation only after such opportunity for mutual agreement.

Mr. LEWIS. Mr. President——

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

Mr. BACON. I do.

Mr. LEWIS. The able Senator from Georgia has misapprehended the object of my interrogation. At no time was it to take issue with him as to whether or not the provision is wise, or whether or not our abrogating a treaty by this measure of legislation, if such we are doing, is expedient. It was this:

I stated the confusion in my own mind caused by the assertion made from so reliable a source as the Senator from Ohio, and now again from the Senator from Georgia. Since the treaty of 1871 discloses a condition of premise such as I have heretofore explained, that we did have a treaty which provided that disputes between the seaman and the master or owner respecting wages, and similar conflicts, should be disposed of by the consul, and since it is now contended by the Senator from Ohio, and apparently by the Senator from Georgia, that the provisions of this bill would conflict with it, I wish to ask the Senator from Georgia whether, in his judgment, as a matter of law, the Government of Germany has not regarded that provision as obsolete, in view of the fact that we have since then frequently enacted laws which allow a lien upon that same vessel in any port to be foreclosed in the Federal courts for the recovery of those very same wages?

Mr. BACON. All that may be true, but it does not at all conflict with the proposition I make. It may be true that it does amount to a modification, and to that extent an invasion of the treaty. I am not prepared to say, though, whether that was ever done without having had a conference with the German Government as to whether they would be willing for it to be done.

Every Senator here knows, however, that we have had no conference with the German Government, or with any other Government having a like provision, as to whether or not they would consent to its change. Every Senator here knows that we are not proposing to take this drastic action, because we have been unable to agree with a foreign Government. Every Senator here knows that we are proceeding in utter disregard of the fact that we have entered into this solemn stipulation, and that we are proposing, in disregard of usage and in disregard of good policy, to abrogate solemn treaties without a word to the nations with which we have made them.

Mr. President, when I rose I had no idea of discussing this question this afternoon. I have no doubt there are a great many other things in this very far-reaching bill which require careful consideration. I very much wish this matter had been called to the attention of the Senate in a way to challenge our attention and to impress upon us the importance of careful investigation.

Matters which concern our own internal policy we can proceed with as hastily as we please, though we ought to give careful consideration to everything; but it is a matter of supreme importance, when we propose legislation which is to affect our relations with other countries, that we shall proceed in a way which will satisfy us and satisfy the world that we have given careful consideration to that which we propose to do; that we have weighed the consequences, and that we have observed the amenities which are thought properly to control in international intercourse.

Mr. CUMMINS. Mr. President——

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

Mr. BACON. I do.

Mr. CUMMINS. It is granted, I take it, that the legislation here proposed is within the power and jurisdiction of Congress. I have been very much impressed with the very forcible statement of the Senator from Georgia that we must do nothing that will create friction or disaffection between ourselves and other countries. We have an agreement with Germany concerning this subject. We do not want any agreement with Germany in the future with regard to it if Congress is in favor of the provisions of this bill. In other words, we want to legislate upon it ourselves and to adopt our own rule with regard to it.

Mr. BACON. Will the Senator permit me right there to see if I understand him correctly? Does the Senator mean that we would prefer to enact this legislation as our own individual separate act, abrogating the feature I have read of a treaty existing between this country and Germany, rather than have Germany consent to the changes that are to be made?

Mr. CUMMINS. I did not say anything about abrogating the treaty. I did say that the theory and policy of this bill is that we intend to impose this rule without regard to the consent of any other nation. Practically speaking, of course, that means without any effort to secure another agreement, because the Senator from Georgia very well knows that in all human probability we could not secure an agreement in the terms of our bill with every country in the world which desires to enter our ports for commercial purposes.

Mr. BACON. I do not think the assumption is justified that we can not agree with other nations about that.

Mr. CUMMINS. The treaties are not the same now, and I assume that any effort to make a uniform agreement with all the countries of the world, if not entirely unavailing, would very greatly prolong the settlement of the matter. But assume, now, that Congress desires to establish this policy; Congress can not give notice to Germany; Congress can not take up the matter of negotiation with Germany.

Mr. BACON. Congress can very easily adopt a method by which it can be done.

Mr. CUMMINS. Suppose the President of the United States were not in harmony with the policy here proposed? Suppose he were satisfied with the treaties as they now are?

Mr. BACON. Why does the Senator suppose that?

Mr. CUMMINS. Simply because it is within the range of human probability; that is all.

Mr. BACON. I doubt it.

Mr. CUMMINS. I am not assuming that the President of the United States at this moment is not in harmony with it, but I am trying to examine our power as well as the propriety of our action.

In the first place, we have the constitutional authority to legislate upon the subject. In the second place, we have no way—indeed, no legislative branch of a government has any way—of dealing diplomatically, in a contractual way, with any other country in the world. We desire now to establish this policy. We can not direct the President of the United States to enter into a negotiation with Germany for a change of our treaties. We can, of course, request the President of the United States to do it. It still lies with him to enter upon the negotiation or to refuse to do so.

What have we done here? I notice, of course, the passage at arms over on the other side of the Chamber; but nevertheless——

Mr. BACON. I simply made a side remark.

Mr. CUMMINS. But I believe the spirit in which I am speaking is a national spirit and an American spirit.

Mr. BACON. Certainly nothing I have said or done would indicate the contrary. Nobody has questioned the Senator's patriotism or his national feeling or his generous impulses or his logical acumen.

Mr. CUMMINS. I drew my own conclusions from what happened. In this bill we have not been unmindful of our relations with Germany or with any other country. We have recognized that these treaties are in existence. We have provided that these provisions, in so far as they conflict with any treaty, promises, or agreements, shall not take effect for a period of one year. We have asked the President of the United States to give the notice that is required to terminate in an orderly and respectful way such provisions or agreements as are in conflict with the legislation. There is nothing here, it seems to me, at which any foreign nation can take umbrage. We are simply exercising our undoubted power, establishing a policy that we have a right to establish, and asking that these agreements which may lie in the way shall be disposed of in the manner

provided in the agreements themselves. What is there here to create friction?

Mr. BACON. Mr. President, I will suggest to the Senator, if he rose to ask me a question, that he give it to me. It is hardly fair to inject this speech in the middle of my remarks.

Mr. BURTON. Mr. President, will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I accept that criticism, Mr. President. We all do that.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. BACON. If the Senator desires to ask me a question, I shall be glad to have him do so, and give me an opportunity to answer it.

Mr. CUMMINS. I have not yet reached the question.

Mr. BACON. Then I withdraw the suggestion.

Mr. BURTON. If the Senator from Iowa will yield to me——

Mr. CUMMINS. I have no right to yield to the Senator from Ohio. The Senator from Georgia has the floor.

Mr. BURTON. If the Senator from Georgia will allow me to make a suggestion to the Senator from Iowa, the part of this bill providing for notice of abrogation refers only to provisions relating to desertion.

Mr. BACON. I must insist that I be allowed to conclude.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor.

Mr. BURTON. The language is:

> That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion—

And so forth.

Mr. BACON. I wish the Senator from Ohio would pardon me. I was nearly through; I lacked but a minute of being through when the Senator from Iowa desired to ask me a question, for which he has laid the foundation with some degree of care, and I simply desire to have it.

Mr. CUMMINS. I was laying the foundation for this question: I have called attention to the fact that we are exercising a power given to us by the Constitution; that we have a right to establish this policy——

Mr. BACON. Nobody controverts that.

Mr. CUMMINS. And that the treaty-making power is not with Congress. Part of it may be with the Senate, but it is not with Congress. Therefore when we provide in the very measure which is in conflict with the treaty that the President of the United States shall take up the subject with the foreign country and shall, in accordance with the terms of the agreement itself, bring the conflicting provisions to an end, does the Senator from Georgia think such a course could by any possibility give just offense to any country on the face of the earth?

Mr. BACON. Is that the Senator's question?

Mr. CUMMINS. That is the question.

Mr. BACON. Mr. President, I do not think it would give such offense as would be recognized as a casus belli, to use the Latin I learned when I was a schoolboy; but I have no doubt whatever that it would give umbrage and would be considered a proceeding not in accord with the courteous usage and procedure usually characteristic of the intercourse between nations.

Mr. President, the Senator's whole proposition is simply this: In response to the suggestion that notice ought to be given, he assumes, in the first place, that if such notice were given the foreign Government—the German Government in the particular case in question here now—would not agree with us, and therefore we should not stop to negotiate with it. I think that is an assumption which is not justified. I think it is an assumption, even if the Senator has great confidence in it, to act upon which would be in utter disregard of the usual methods of international intercourse.

The next suggestion of the learned Senator is that we can not communicate with Germany or with any other foreign nation. When it is pointed out that we have the simple method of communicating with foreign Governments through the President of the United States, the reply of the Senator is another assumption—that the President of the United States might not be in harmony with our view and might not make the communication.

It seems to me it is hardly worth while to answer suggestions of that kind further than to state the propositions themselves.

I was about to conclude, and I had before me the book I had in mind when I said to the Senator from Wisconsin that I was familiar with the case. I thought he was going to read from One hundred and twentieth United States, with which I am familiar, in which a proposition is laid down from which I will now read a paragraph to the Senate. It is in what is known as Wildenhus's case. I read, from page 12 of volume 120 of the United States Supreme Court Reports, an opinion delivered by Chief Justice Waite:

> From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulation of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her and did not involve the peace or dignity of the country or the tranquillity of the port should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests of its commerce should require. But if crimes are committed on board of a character to disturb the peace and tranquillity of the country to which the vessel has been brought, the offenders have never by comity or usage been entitled to any exemption from the operation of the local laws for their punishment, if the local tribunals see fit to assert their authority. Such being the general public law on this subject, treaties and conventions have been entered into by nations having commercial intercourse the purpose of which was to settle and define the rights and duties of the contracting parties with respect to each other in these particulars, and thus prevent the inconvenience that might arise from attempts to exercise conflicting jurisdictions.

And so forth.

That, Mr. President, states the general proposition, and that is what is found in the treaty.

Mr. LA FOLLETTE. Will the Senator give me the reference to that case?

Mr. BACON. Yes; One hundred and twentieth United States, page 12.

Mr. President, I do not know that I will have another word to say on this subject, and I do not myself propose to call the roll for the purpose of embarrassing the question of the passage of the bill. I have done my part. For myself I can not vote for it; and in saying I can not vote for it I repeat that the Senator from Wisconsin does not go further than I do in the desire to safeguard human life at sea and to make all proper and legitimate provision which can be made to that end. The Senator from Wisconsin does not go further than I do in the desire to ameliorate and improve the condition of sailors.

But I can not shut my eyes, Mr. President, to the fact that this proposed legislation is not in harmony with our general policy in proposing thus arbitrarily and drastically to set aside the provisions of treaties by a legislative enactment without ever having entered into conference with the other nations with which we have made such treaties.

I repeat, Mr. President, I thought it was my duty as a Senator to say this much. I do not suppose this is to be the end of this legislation. It has to be considered elsewhere. With this statement I am perfectly content to leave it. I have no doubt there are very many provisions in the bill which it is extremely desirable to have enacted. There are many of which I would approve, but I do disapprove and can not give my support to measures which propose by legislation to abrogate a treaty solemnly made without an invitation to the nation with which we have made such a treaty to confer with us as to the changes. It will be time enough when we have conferred with them to make the changes if we think they ought to be made.

The reply to that is that while we wait human life is in danger. Then I say confine the bill to those provisions. Confine the bill to the provisions which do not conflict with our treaties and the Senator will have no dissent as to its enactment.

Mr. President, I repeat, as I said before, but I want to say it in this connection, when it comes to the question of legislating as to our own shipping and our own seamen, I will go as far as the Senator from Illinois [Mr. LEWIS] in joining with him as to legislation affecting them. If after we have done it, as we have done it in the past and as nations usually do, after we have attempted to agree with foreign nations as to changes in treaties which we have already made with them, I am not prepared to say if they will not agree with us that I may not still go with the Senator in the measure which he proposes; but I am not willing by legislative action to abrogate, not only one treaty, but a dozen treaties with every prominent maritime nation of the earth, arbitrarily abrogating provisions as to which we have heretofore given our solemn consent without saying one word to those nations before we undertake so to do.

I repeat, I do not know that I shall say another word; it is not my purpose to avail myself of any opportunity which may be presented to defeat the bill in any way, but I do think that the views which I have expressed should at least receive the consideration of the Senate.

Mr. WILLIAMS. Mr. President, I am inclined to think that a good deal of this discussion is somewhat a tempest in a teapot. I do not understand that the bill undertakes to abrogate a solemn treaty by a legislative enactment. I understand that the bill undertakes to do the only thing that the legislative branch

of the Government can do in connection with the abrogation of a treaty, when the legislative branch is engaged in the business of passing legislation which conflicts with existing treaties, and that is to provide that if there be a conflict between the legislation and the existing treaty the President is requested to give notice of abrogation in the terms of the treaty, whatever it may be.

I understand that if that is not clear enough it will be made clear enough by an amendment proposed to be offered by the Senator from Wisconsin. Undoubtedly it ought to go a little further, and it ought to provide that any provision of the bill in conflict with any provision of any treaty shall not go into effect until the termination of the period of the notice of abrogation to be given by the Executive. But I did not rise chiefly for that purpose. I rose chiefly for the purpose of disputing——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Will the Senator pardon an interruption just at that point?

Mr. WILLIAMS. Yes.

Mr. LA FOLLETTE. When I first offered Senate bill No. 4 it did not contain the last three sections regarding treaties which are now in the substitute as I have offered it. It did contain a provision that was broad in its terms with respect to notice and covered every possible case. But the Senator from Florida [Mr. FLETCHER], who reported the bill from the Committee on Commerce, in addressing the Senate laid special stress upon the attention which the committee had given to the treatment of the foreign treaties in the last three sections of the committee bill. He said repeatedly in his first address upon the bill that he thought everybody conceded that those sections of the bill S. 136 as reported made a better disposition of the treaty matter than did the substitute as I had proposed it; and, without giving that careful reading to it which I have since done, convinced that as the committee reported it, the report being joined in by the Senator from Ohio [Mr. BURTON], who has attacked that provision now, that it was not quite as broad as it was in the form in which I had originally introduced it, I took the last three sections of the bill as reported from the committee of which the Senator from Ohio is a member without any dissent from him, dealing with the treaties, and attached it to my bill in place of the section which I had on that subject, and I offered it as a substitute. In looking it over and having had my attention called to it by the Senator from Mississippi, I find that in order to cover all treaties it was limited, as the committee reported it, just to desertion treaties which the provisions of this bill concerning desertions might affect. I will offer at the proper time an amendment broadening it so as to provide that the President shall extend the notice to all countries.

Mr. WILLIAMS. And, furthermore, time ought to be given so that it shall not go into effect until after the period of notice of abrogation.

Mr. BACON. Mr. President, I simply wish to say that I am necessitated to leave the Chamber, and I did not wish in a debate in which I have taken part to absent myself without making the statement that I am compelled to go.

Mr. WILLIAMS. It is not at all necessary for the Senator to listen to what I am about to say.

Mr. BACON. I am not speaking of the Senator's speech in particular; I am speaking of all. I would stay if there were going to be a roll call, but I know there will be none. If there were one, I should certainly vote against the bill.

Mr. WILLIAMS. Of course the Senator knows he does not owe any apology to the Senate for leaving the Chamber, as the Senator is one of the most constant attendants in the Chamber I have known, and he would not leave unless he had good reasons; and the Senate would not expect him to make any excuse at all.

Mr. President, I rose for the purpose of saying that the Senator from Georgia [Mr. BACON] is totally mistaken in his apprehension of the Wildenhus case, and he is totally mistaken in his laying down of the general principle of international law, because the general principle is precisely the contrary. The general principle of international law, in the absence of a treaty or of a convention, is that every ship in the harbor of a nation is subject in every respect to the laws of that nation, and it is only when a treaty stipulation to the contrary exists that international law puts a different color upon it. In that case the coloring of the law comes not from a general principle of international law, but from the specific expression of the treaty or convention.

The Wildenhus case was decided upon the express language of a treaty with Belgium. That is not all. I say that even the treaties do not go as far as the Senator from Georgia seems to think. They go only to the discipline of the ship and the internal affairs of the ship; that is all. We have a treaty with France, I believe, in which the treaty goes a bit further. It says that all matters of wages concerning the party on the ship shall be sent to the consular court for its decision.

In order to establish what I have said about the general principles of international law it is well enough to let the Senate understand this case. It is the case of Wildenhus, who was a sailor upon a Belgian ship. He had a quarrel with another sailor by the name of Fijens, and during the quarrel he killed Fijens. He was arrested by the New Jersey authorities upon the charge of felonious homicide. The Belgian consul came into court and contended that under the treaty with the United States that matter ought to be cognizable by the Belgian consular court or by the Belgian authority. Of course the consul would not have tried the man; he would have sent him home to be tried, on the ground that the affray occurred upon the ship. Now, mark it, not only on the ground that it occurred upon the ship, but it occurred below decks upon the ship. Yet the court decided that, notwithstanding the treaty and notwithstanding the fact that homicide occurred upon the ship and below deck upon the ship, the plea of the Belgian consul was not well founded and the man must be tried by the New Jersey authorities upon the charge of felonious homicide. That case went to the Supreme Court and the Supreme Court affirmed it; and that is this case.

Now, let us see upon what ground the Supreme Court affirmed it.

The plea was:

> That the said affray occurred and ended wholly below the deck of the said steamship and that the tranquillity of the said port of Jersey City was in no wise disturbed or endangered thereby.
>
> * * * * * * *
>
> The claim of the consul was that by the law of nations and the provisions of the treaty the offense with which Wildenhus was charged is "solely cognizable by the authority of the laws of the Kingdom of Belgium," and that the State of New Jersey was without jurisdiction in the premises. The circuit court refused to deliver the prisoners to the consul and remanded them to the custody of the jailer. (28 Fed. Rep., 924.) To reverse that decision this appeal was taken.

Now, what is the language of the court? Chief Justice Waite, as the distinguished Senator from Georgia said, announced it. Here it is. Now, mark the general principle of law and then mark its exception. He said:

> It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade it subjects itself to the law of the place to which it goes—

That language is quoted in the case that was read by the Senator from Wisconsin [Mr. LA FOLLETTE] a moment ago, and is reaffirmed—

> unless by treaty—

Now, mark you—

> unless by treaty or otherwise the two countries have come to some different understanding or agreement, for, as was said by Chief Justice Marshall in The Exchange, 7 Cranch, 116, 144, "it would be obviously inconvenient and dangerous to society and would subject the laws to continual infraction and the Government to degradation if such * * * merchants"—

That means merchant vessels; it is used in the technical sense—

> "did not owe temporary and local allegiance and were not amenable to the jurisdiction of the country."

Now follows the exception:

> From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering—

With what?—

> with the internal discipline of the ship—

What else?—

> and the general regulation of the rights and duties of the officers and crew toward the vessel or among themselves.

Now, mark it—

> And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board—

Not something off board at all; they never had gone that far; and in this case, which is the very case at bar, a thing done on board was held to be an exception. What sort of thing was done on board then? Mark you—

> and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquillity of the port should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests of is commerce should require.

Now, then, further—

> Such being—

He uses this principle again. He says:

> Such being the general public law on this subject, treaties and conventions have been entered into by nations having commercial inter-

course, the purpose of which was to settle and define the rights and duties of the contracting parties with respect to each other in these particulars, and thus prevent the inconvenience that might arise from attempts to exercise conflicting jurisdictions.

What was the treaty with Belgium? Here is the language of it:

The consuls or vice consuls—

That is, of each national in the ports of the other—

shall exercise police over all—

Mark the language—"police over." Every lawyer understands what "police" means—

over all the vessels of their respective nations—

That is, the police power upon board—

and shall have on board the said vessels all power and jurisdiction in civil matters in all the disputes which may there arise—

In civil matters—

they shall have an entire inspection over the said vessels—

"Inspection over." It can not be exercised out of the vessel—

over the said vessels, their crew, and the changes and substitutions there to be made, for which purpose they may go on board the said vessels whenever they may judge it necessary.

Without a treaty a consul has no right to go upon the vessel of his own country if you do not want him to. Then follows this language:

Well understood—

That is a sort of French law phrase, evidently translated literally from the French by somebody. It is a sort of equivalent to our "provided, however" law phrase.

Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Here is something about the case of the *Sally* and the *Newton*, which was decided, I believe, by Chief Justice Marshall pretty much upon the same general principle as this, but I will not refer to it now.

The treaty with France goes a little further, and undoubtedly this provision saying that the sailors shall be paid a certain proportion of their wages in port does violate not the general principle of international law at all but the specific provision of this treaty. It says:

The respective consuls general, consuls, vice consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception—

This is the broadest of all of them, and here it adds:

particularly in reference to the adjustment of wages and the execution of contracts.

Undoubtedly, then, that provision of this bill which gives us the right to make a foreign vessel in an American port pay one-half of the wages due might be an infringement of this provision of the treaty, which says:

Particularly in reference to the adjustment of wages and the execution of contracts.

I find in no other treaty language as strong as that. The language of the Belgian treaty is about the general run of them. The language of the German treaty was read by the Senator from Georgia a moment ago, and it does not specify wages, if my recollection serves me correctly.

Mr. President, the point, however, after all, is this: Here we have human liberty to protect by an American law; we have human rights to protect; we have human life to safeguard by regulations of prevention as well as of efficiency. We undertake to do it. If we hamper our own ships in our own ports by certain provisions and do not make those provisions apply to the ships of other countries in those same ports, to the extent of the hampering regulation are we discriminating against our own merchant marine and enabling other nations, more reckless of human life or of human safety or of human liberty than we are, to compete against us successfully and to build up their merchant marine to the comparative destruction of ours.

We undertake, in spite of the treaty, to do this great work; and when we undertake to do it, we undertake to do it in the way in which the legislative body can act. The only way in which it can act is to insert in the proposed law that, in so far as it conflicts with any treaty provision, we request the President to give notice of abrogation according to the terms of that treaty, and that the provisions of this act conflicting with such treaty shall not take effect until after the expiration of the period of the notice of abrogation.

The general principle of international law is precisely the contrary of what was apprehended by the Senator from Georgia. It is only when specific international law comes into operation—to wit, the express language of treaties or conventions—that international law decides a case upon that side. In this very instance it is a case of the specific provisions of a treaty.

Mr. LA FOLLETTE. I ask for a vote, Mr. President, on the pending substitute, if there is no further argument.

Mr. BURTON. Mr. President, I desire to be heard before the vote is taken. I can proceed, if necessary, to-night, but I do not really like the idea, when I know everyone is impatient and going away, that I should go ahead. I do not mind the personal sacrifice, but it does not seem quite right to insist that I go on to-night.

Mr. LA FOLLETTE. I supposed the Senator had concluded his argument.

Mr. BURTON. I have not. I wish to make some further observations.

Mr. LA FOLLETTE. There has been no reply to anything the Senator has said.

Mr. BURTON. I have not quite concluded.

Mr. LA FOLLETTE. I supposed the Senator had concluded. If he would like to go on this evening, I am perfectly willing that we should continue the session until the Senator concludes.

Mr. BURTON. I should prefer very much not to go on this evening. If necessary, however, I will proceed.

Mr. STONE. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield to the Senator from Missouri.

Mr. STONE. I should like to have some——

Mr. BURTON. I will say further that there are some amendments that I may wish to prepare to the pending bill.

Mr. LA FOLLETTE. In order to meet the views of various Senators, and as we have been in protracted session since 12 o'clock, I suggest to the Senator from Indiana that the Senate adjourn to meet at 11 o'clock to-morrow morning.

Mr. KERN. I was about to make that motion. I move that when the Senate adjourns it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

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 eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, October 23, 1913, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 22, 1913.

GOVERNOR OF PORTO RICO.

Arthur Yager, to be governor of Porto Rico.

NAVAL OFFICER OF CUSTOMS.

John B. Nash to be naval officer of customs in the district of Massachusetts.

SURVEYOR OF CUSTOMS.

Joseph A. Maynard to be surveyor of customs in the district of Massachusetts.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Scott Baker to be captain.

CAVALRY ARM.

First Lieut. Philip Mowry to be captain.
Second Lieut. Thurman H. Bane to be first lieutenant.
Second Lieut. Augustine W. Robins to be first lieutenant.
Second Lieut. William D. Geary to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. David McC. McKell to be captain.
Second Lieut. John H. Hood to be first lieutenant.

CORPS OF ENGINEERS.

Lieut. Col. William C. Langfitt to be colonel.
Maj. Edgar Jadwin to be lieutenant colonel.
Capt. Paul Stanley Bond to be major.
First Lieut. Edmund L. Daley to be captain.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Albert James Myer, jr.
George Payne Nickerson.
Robert Ogden Annin.
Daniel Gordon Morrissett.

Edwin Smith Blackwell, jr.
Augustin Mitchell Prentiss.
Ralph Hospital
Theodore Barnes, jr.
Casey Hewitt Hayes.
Harvey Buckingham Steele Burwell.
Chapman Grant.
Roger Sherman Blaine Hartz.
Charles Bellows Hazeltine.
Eugene McSwyney Owen.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Henry Waters Kennard.
Samuel Lile.
Frederick Charles Huff.
Charles Joseph Whalen.
Dunlap Pearce Penhallow.
Russell La Fayette Cecil.
Samuel Broders Moore.
Malvern Bryan Clopton.

POSTMASTERS.

CALIFORNIA.

Charles W. Fay, San Francisco.

ILLINOIS.

David L. Wright, Effingham.

LOUISIANA.

W. T. Pegues, Mansfield.

OREGON.

Dean S. McWilliams, Halsey.

SOUTH DAKOTA.

Mart Coffman, Dallas.
L. E. Corey, Lake Andes.

WEST VIRGINIA.

Jessie Craver, Boomer.
Mary E. Davin, Montgomery.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 22, 1913.*

The House met at 12 o'clock noon.

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

O Thou, who art ever with us to uphold, sustain, and guide in every noble resolve and worthy purpose, be with us now that we may not forget that "righteousness exalteth a nation while sin is a reproach to any people"; that we may know Thy will and strive to do it in the full consciousness that right is might and will prevail. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1673. An act authorizing the Secretary of the Interior to grant further extensions of time within which to comply with the law and make proof on desert-land entries in the counties of Grant and Franklin, State of Washington.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolutions:

H. J. Res. 125. Joint resolution authorizing the President to appoint delegates to attend the Seventh International Congress of the World's Purity Federation to be held in the city of Minneapolis, State of Minnesota, November 7 to 12, 1913; and

H. J. Res. 134. Joint resolution for the appoinment of a joint committee from House and Senate to attend Congress Hall celebration in Philadelphia in October, 1913.

CALENDAR WEDNESDAY.

The SPEAKER. The Clerk will call the committees.

Mr. HARDWICK. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Georgia moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. Why not do business for one day, anyhow?

The yeas and nays were ordered.

The question was taken; and there were—yeas 73, nays 39, answered "present" 12, not voting 304, as follows:

YEAS—73.

Abercrombie	Doughton	Keating	Russell
Aiken	Estopinal	Kirkpatrick	Sabath
Aswell	Evans	Lee, Ga.	Sherley
Barkley	Fergusson	Lee, Pa.	Sims
Beakes	Flood, Va.	Linthicum	Sisson
Beall, Tex.	Foster	Lloyd	Stephens, Miss.
Bell, Ga.	Garrett, Tex.	McAndrews	Stone
Brockson	George	McCoy	Stout
Brumbaugh	Gray	McDermott	Stringer
Buchanan, Ill.	Hamlin	Maguire, Nebr.	Tavenner
Buchanan, Tex.	Hay	Oldfield	Ten Eyck
Byrns, Tenn.	Hayden	Page	Thomas
Candler, Miss.	Helm	Pepper	Underwood
Chandler, N. Y.	Hensley	Peters, Mass.	Walker
Church	Hughes, Ga.	Phelan	Watkins
Cox	Hull	Raker	Young, Tex.
Deitrick	Humphreys, Miss.	Rauch	
Dent	Jacoway	Reilly, Conn.	
Doremus	Johnson, Ky.	Rothermel	

NAYS—39.

Anderson	Falconer	Kindel	Nelson
Austin	Fess	Lafferty	Patton, Pa.
Avis	Fowler	La Follette	Powers
Barton	Frear	Lindbergh	Rogers
Bell, Cal.	Greene, Vt.	Lindquist	Sinnott
Campbell	Hawley	MacDonald	Smith, Idaho
Cooper	Johnson, Utah	Manahan	Smith, Minn.
Donovan	Johnson, Wash.	Mann	Steenerson
Dyer	Kennedy, Iowa	Mapes	Towner
Edmonds	Kiess, Pa.	Moore	

ANSWERED "PRESENT"—12.

Adamson	Donohoe	Morrison	Smith, J. M. C.
Cary	Hamilton, Mich.	Sherwood	Talbott, Md.
Crisp	Hardwick	Slayden	Woods

NOT VOTING—304.

Adair	Davenport	Hayes	Montague
Ainey	Davis	Heflin	Moon
Alexander	Decker	Helgesen	Morgan, La.
Allen	Dershem	Helvering	Morgan, Okla.
Ansberry	Dickinson	Henry	Morin
Anthony	Dies	Hill	Moss, Ind.
Ashbrook	Difenderfer	Hinds	Moss, W. Va.
Bailey	Dillon	Hinebaugh	Mott
Baker	Dixon	Hobson	Murdock
Baltz	Dooling	Holland	Murray, Mass.
Barchfeld	Doolittle	Houston	Murray, Okla.
Barnhart	Driscoll	Howard	Neeley
Bartholdt	Dunn	Howell	Nolan, J. I.
Bartlett	Dupré	Hoxworth	Norton
Bathrick	Eagan	Hughes, W. Va.	O'Brien
Blackmon	Eagle	Hulings	Oglesby
Booher	Edwards	Humphrey, Wash.	O'Hair
Borchers	Elder	Igoe	O'Leary
Borland	Esch	Johnson, S. C.	O'Shaunessy
Bowdle	Fairchild	Jones	Padgett
Bremner	Faison	Kahn	Palmer
Britten	Farr	Keister	Parker
Brodbeck	Ferris	Kelley, Mich.	Patten, N. Y.
Broussard	Fields	Kelly, Pa.	Payne
Brown, N. Y.	Finley	Kennedy, Conn.	Peters, Me.
Brown, W. Va.	Fitzgerald	Kennedy, R. I.	Peterson
Browne, Wis.	FitzHenry	Kent	Platt
Browning	Floyd, Ark.	Kettner	Plumley
Bruckner	Fordney	Key, Ohio	Porter
Bryan	Francis	Kinkaid, Nebr.	Post
Bulkley	French	Kinkead, N. J.	Pou
Burgess	Gallagher	Kitchin	Prouty
Burke, Pa.	Gard	Knowland, J. R.	Quin
Burke, S. Dak.	Gardner	Konop	Ragsdale
Burke, Wis.	Garner	Korbly	Rainey
Burnett	Garrett, Tenn.	Kreider	Rayburn
Butler	Gerry	Langham	Reed
Byrnes, S. C.	Gillett	Langley	Reilly, Wis.
Calder	Gilmore	Lazaro	Richardson
Callaway	Gittins	L'Engle	Riordan
Cantrill	Glass	Lenroot	Roberts, Mass.
Caraway	Godwin, N. C.	Lesher	Roberts, Nev.
Carew	Goeke	Lever	Rouse
Carlin	Goldfogle	Levy	Rubey
Carr	Good	Lewis, Md.	Rucker
Carter	Goodwin, Ark.	Lewis, Pa.	Rupley
Casey	Gordon	Lieb	Saunders
Clancy	Gorman	Lobeck	Scott
Clark, Fla.	Goulden	Logue	Scully
Claypool	Graham, Ill.	Lonergan	Seldomridge
Clayton	Graham, Pa.	McClellan	Sells
Cline	Green, Iowa	McGillicuddy	Shackleford
Collier	Greene, Mass.	McGuire, Okla.	Sharp
Connelly, Kans.	Gregg	McKellar	Shreve
Connolly, Iowa	Griest	McKenzie	Slemp
Conry	Griffin	McLaughlin	Sloan
Copley	Gudger	Madden	Small
Covington	Guernsey	Mahan	Smith, Md.
Cramton	Hamill	Maher	Smith, N. Y.
Crosser	Hamilton, N. Y.	Martin	Smith, Saml. W.
Cullop	Hammond	Merritt	Smith, Tex.
Curley	Hardy	Metz	Sparkman
Curry	Harrison	Miller	Stafford
Dale	Hart	Mitchell	Stanley
Danforth	Haugen	Mondell	Stedman